

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

THURSDAY, OCTOBER 22, 2009

1) Call to Order

The President called the October 22, 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

Absent: Manager Jon Spence

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 October 22, 2009 regular Board meeting agenda. Motion to approve the agenda was made by Manager Anderson and seconded by Manager Lynch. 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 September 24, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the September 24, 2009 regular Board meeting minutes was made by Manager Moe and seconded by Manager Anderson. 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.

Administrator Anhorn then mentioned that the Board had previously inquired about expanding the District's BMP cost-share program to include larger community/municipal/commercial projects. Discussion centered on the District's 50% match with a \$2,000 maximum for projects through the program, and how it did not provide much incentive for larger, very beneficial projects. Anhorn distributed a memo (a copy of which is incorporated by reference and annexed within) presenting an option of dividing the

current program into two areas; one for individual landowners (a continuance of the existing program with a stated cost-share maximum for the District), and a community/municipality/commercial option that had no stated District maximum cost-share amount. The actual District portion of the community BMP grant would be determined by the Board itself depending on the overall benefit of the project.

The Board held discussion on the presented options and need for larger projects in urban areas where more stormwater treatment could be managed. The Board did not feel totally comfortable not putting some sort of maximum cost-share on the community/municipality/commercial option however. Mention was made that the smaller residential option, nearly identical to the District's current cost-share program, may be best served by increasing the maximum District outlay to \$3,000 (as opposed to the current maximum of \$2,000).

The Board then discussed potential issues resulting from a community/municipality/commercial option where the larger projects, as compared to the current smaller BMP cost-share projects that are mentioned in the current Watershed Management Plan, could be considered capital projects and may not sufficiently be mentioned in the current Plan. The Board questioned and discussed what actually constituted a capital project, was it cost, size, or something else. They questioned if such an expansion in the BMP cost-share program would require the current Plan to be amended and discussed the option of including needed verbiage in the upcoming Plan update, but also thought that may be too long of a wait and thought it may be worthwhile to amend the current Plan.

The Board asked the Administrator to bring potential options, needs, and maximum limits of expanding the current BMP cost-share program to include a community/municipality/commercial option back to the November Board meeting for further discussion.

b) Permits and Reviews

Administrator Anhorn mentioned that while there were no new permit application submitted since the September Board meeting, there had been some pre-application discussions with various entities, and some inquiries into other ongoing project within the watershed including:

i. Mining operations

Administrator Anhorn mentioned recent inquiries into the need for current mining operations with conditional use permits (CUP) from their local governing units, to obtain a District permit (stormwater or erosion control). Anhorn mentioned that he discussed the situation with the District attorney and that it was their opinion that District rules as written do not require mining operations to get a District permit for activities covered under an LGU's CUP. If the mining operation were to add, for example, a building with an impervious parking lot, they would likely need a permit for that construction. Chuck Holtman presented options, including amending the District rules, if the Board felt strongly about requiring permits for such activities.

Administrator Anhorn stated that his poll of metro watershed showed that only one watershed district required a permit for mining operations and they had it specifically call out as a trigger in their rules. The others thought land uses such as mining were best handled through the CUP process. Administrator Anhorn further mentioned that he has had discussions with the administrator for Chisago City that if they chose to re-do the mining operation CUP, that the District would like to be included in review of the site and requirements.

The Board held discussion on specifics on mining operations and if the movement of gravel/soil would trigger the certain of the District rule applicabilities.

Chuck Holtman mentioned that without specifically stating mining as applicability in the District rules, the CUP is generally the primary vehicle for public oversight of the ongoing operations such as mining. The District rules as currently written are geared more toward temporary land disturbances. The Board asked if mining could not be considered a temporary operation as well.

The Board discussed current permit requirements of mining operations and where District permitting would fit in and if it would actually be a duplication of current requirements.

The Board asked the Administrator to bring examples of other District language in their rules where mining operations are required to obtain District permits, to provide information on what would be accomplished, and review what would be required to amend the District rules if the Board felt it necessary.

ii. LGU banking (Forest Lake road projects)

Administrator Anhorn and Lisa Tilman presented an overview of recent meetings and memos from Forest Lake City Engineer discussing the District's water quality, rate and volume requirements and potential deficiencies of the City/County HWY61/Broadway (CSAH2) roundabout and 12th Street SW projects as they are currently designed. Copies of the memos are incorporated by reference and annexed within.

Administrator Anhorn and Engineer Tilman stated that while both projects will meet District water quality requirements on site, for various reasons, neither (as currently designed) will meet rate standards (as compared to pre-development conditions) on site. The roundabout site will actually result in 0.27 acres less of impervious surface (compared to existing), so will result in less rate and volume than existing, but due to soils (some potentially contaminated soils, MNDOT design requirements, and location of existing utilities), will be unable to meet pre-development conditions required by the District Rules due to exposing the underlying soils during construction. Anhorn mentioned that looking ahead; the City/County will likely ask for a variance on rate requirement from site and look to get volume control in "regional facility" as part of the upcoming Broadway/35W project to be handled at 8th Street and Broadway (the current compost site).

Administrator Anhorn then mentioned that the most recent design/calculations for the 12th Street SW site reveal that District rate or volume control requirements will also not be met on site due to soils and site constraints. And, because the proposed will result in an increase of impervious over existing, will result in increased rate and volume from the site over existing. Anhorn stated that the City/County is interested in getting eventual Board approval to take care of the needed rate and volume requirements as part of the "regional facility" at 8th and Broadway.

Administrator Anhorn stated that the City Engineers are currently continuing to look for additional rate and volume control on each site (get as much as they can) and went through the likely anticipated construction start date for each of the projects; Hwy61/Broadway roundabout to be started in 2010, the 12th Street SW project 2010-2011, and as it stands, the Broadway/35W project scheduled for 2011-2012. Therefore, anticipated permit application submittal for the HW61/Broadway roundabout is December 2009/January 2010, and March 2010/April 2010 for the 12th Street SW project. Anhorn said that he has requested that that the City and County come to an upcoming Board meeting (potentially in December) to present the projects, show how they are interconnected, how they plan on meeting our requirements, and where they are asking for a variance(s), where they are asking for rate and volume needs to be handled, and where the proposed is actually better than existing.

Administrator Anhorn further mentioned that if the Board does approve their request for the needed volume (and potential rate) requirements to be handled at the regional facility to be constructed at a later date, that we would require some sort of legal agreement with the City/County on where, when, how much, etc..., as well as a stormwater maintenance agreement on the facility.

The Board asked the Administrator where the City was on mapping its stormwater infrastructure of the area. The Administrator stated that while he was unsure where the City was in the process, he was aware that they were still working on it, and would need to know the contributing infrastructure within the project areas in order to determine existing and required stormwater needs. The Board further stated that in their consideration of the consolidation of the projects stormwater rate and volume needs to the facilities constructed as part of the Broadway/35W projects, they would need to understand the stormwater infrastructure of the entire area in order to determine capacity. Chuck Holtman mentioned that one option the Board had would be in the crafting of the legal agreement with the City/County on the stormwater management of the projects, they could require the additional technical information in order to take action.

Administrator Anhorn stated that he would ask the City where they were in their mapping of the stormwater infrastructure and bring the information back to the November meeting and ask the City engineers to include specifics of the area drainage in their submittals.

c) Grant Application Updates

Administrator Anhorn provided a memo updating the Board on current grant opportunities and grant applications the District was researching or submitting to help reduce local tax payer costs associated with the District's 2010 monitoring, the update of its watershed management plan, the installation of three fish barriers on Bone and Moody lakes, as well as a regional stormwater facility (a copy of which is incorporated by reference and annexed within). Anhorn stated that he has received approval from the City of Scandia to construct a barrier on City owned property on the north inlet to Bone, from Washington County to construct a barrier on County right-of-way for the Bone Lake outlet, and in Chisago Lakes Township right-of-way for the barrier to be constructed on the north inlet to Moody Lake.

Administrator Anhorn then stated that as part of the MPCA Water Quality Management Grant through the American Recovery and Reinvestment Act grant application (for the update of the District's watershed management plan); the application is required to include an adopted resolution authorizing the administrator to execute the grant agreement if the District's application is chosen.

Following discussion Manager Lynch offered the following resolution and moved its adoption, seconded by Manager Anderson:

WHEREAS the Comfort Lake – Forest Lake Watershed District, has applied for a grant from the Minnesota Pollution Control Agency (MPCA) under its *American Recovery and Reinvestment Act - Water Quality Management Planning* grant program;

WHEREAS the Comfort Lake – Forest Lake Watershed District is committed to implementing the proposed project as described in the grant application, if MPCA funding is received; and

WHEREAS MPCA requires that the Comfort Lake – Forest Lake Watershed District enter into grant agreement with MPCA that identifies the terms and conditions of the funding award:

THEREFORE BE IT RESOLVED that the Board of Managers of the Comfort Lake – Forest Lake Watershed District hereby agrees to enter into a grant agreement and sign a grant agreement with the MPCA, and authorizes and directs Randy Anhorn, Administrator/Limnologist, to be the authorized representative for this grant, to enter into and sign a grant agreement on behalf of the Comfort Lake - Forest Lake Watershed District, and to act as the Project Manager, to carry out the

project specified therein and to comply with all of the terms, conditions, and provisions of the grant agreement on its behalf of governing or organization.

Upon vote, the motion carried with four (4) ayes, zero (0) nays with one (1) Manager absent:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Jackie A. Anderson	X		
Richard P. Damchik	X		
John T. Lynch	X		
Wayne S. Moe	X		
Jon W. Spence			X

The Chair declared the resolution adopted.

d) Watershed Management Plan Update

i. Review of 2001 Plan goals and objectives

Administrator Anhorn presented a memo reviewing goals and objectives listed in the District 2001 first generation watershed management plan, as well as summarizing which of the objectives have and have not been met in order to measure outcome and determine gaps. A copy of the memo is incorporated by reference and annexed within. Anhorn stated that by reviewing accomplishments as well as objectives that were not met, new goals and objectives can begin to be determined.

The Board thought the presented memo did a good job reviewing the goals and objectives accomplished and would be a good reference for upcoming meetings/workshops for the Plan update process. The Board further discussed the areas where some of the 2001 objectives were not fully met and discussed work by a North American Wetland Engineering on influences of stormwater on wetland complexes.

7) Old Business

Nothing on the agenda.

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:

- Met with landowner (fourth time) to discuss FL44 wetland restoration/cattle exclusion project. Will be forwarding another design showing fencing, buffer, and detailing grazing plan.
- Upcoming meeting with landowner (third time) to discuss NBL12 wetland restoration/cattle exclusion project.

- Met with Jeff Riedemann (commercial fisherman) o discuss rough fish removal for Moody and Bone lakes.
- Met with Jeff Gorton (DNR) and Lisa Tilman to discuss low velocity fish barriers and potential grants.
- Met with Jay Riggs (WCD) to coordinate and discuss work plans and opportunities for 2010.
- Pollution exemptions in the LMCIT and what that means to dredging of District-owned stormwater facilities.
- Nominated Forest Lake dead-end street projects for MAWD project of the year.
- One new BMP cost-share program site visits since last meeting (Hosanna Lutheran Church).
- Conducted permit site inspections
- Contacted Chisago Lakes Twp, City of Scandia and Washington County and attend recent Council/Board meeting to answer questions and seek permission to construct fish barriers on Bone and Moody lakes.
- Finished 236th and 237th vegetative swales and began 4th Str SE (to be finished in spring 2010).
- Continue to have a few phone and in-person meetings to discuss potential upcoming projects w/in the watershed and answer potential permit needs.
- Continue to conduct discharge monitoring at Comfort and Forest Lake outlets.
- Final pickup of volunteer lake samples and equipment as 2009 sample season comes to a close
- Will be taking Annual Leave on November 12 and 13th

Administrator Anhorn discussed a recent meeting he had with Archie Ducharme and the DNR about the channeling of the Sunrise which is putting his pole barn in peril. The meeting was to preliminarily discuss the possibility of re-dredging the channel bank to its original configuration (slightly further west). The DNR indicated that they did not have a problem with Mr. Ducharme's request provided that the proper permits were obtained, and stated that the best method would be to dredge the re-routed channel, with connection to the current channel, in the winter, and allowing the newly dredged channel to fully vegetate prior to connecting and filling the old channel in.

Administrator Anhorn reminded the Board that he would be attending a November 10, 2009 workshop, along with other watershed district administrators, with the Washington County Commissioners to present the watershed districts' 2010 budgets and levies to them.

Administrator Anhorn reminded the Board of the upcoming 39th Annual Minnesota Association of Watershed District (MAWD) meeting and trade show to be held at Arrowwood Conference Center in Alexandria on December 3-5, 2009. He said that he had registration information if any of the Managers were interested (registration due November 20, 2009) , and as in past years, rooms are at a premium.

i) 2009 Work Plan & Projects Update

Administrator Anhorn provided the Managers with a copy of the 2009 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 October 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/permit application reviews, and provided an update where they were on the process to finalize the draft TMDL report which could then be put out for public comment. Ms Tilman also mentioned that Little Comfort Lake (included in the TMDL) was not listed as impaired in the most recent 2010 list (due to lack of

supporting data). Ms Tilman also provided update on the FL44 project and recent meetings with the Administrator to research and complete grant applications.

c) Washington Conservation District (WCD)

Administrator Anhorn presented a memo from Erik Anderson detailing recent monitoring activities within the District as well as their working with the Administrator on a MPCA SWAG grant application.

d) Smith Partners

Mr. Holtman mentioned that he had nothing additional 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 totaling \$15,076.71 for October 2009.

Motion was made by Manager Anderson to approve the October 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 --

Nothing to Report

Manager Damchik--

Nothing to Report

Manager Lynch --

Manager Lynch presented an October 7th Star Tribune article on stormwater and raingardens.

Manager Moe --

Manager Moe inquired about the use of aeration systems in ponds and their influence on algal growth. Discussion followed on aeration system reducing anoxic conditions and potential resulting release of phosphorus from the bottom sediments as well as system set up to continually move water to reduce algal growth.

11) Adjournment

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

Wayne S. Moe, Secretary