

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

**THURSDAY, SEPTEMBER 25, 2008**

**1) Call to Order**

The President called the September 25, 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, Secretary John Lynch, Manager Wayne Moe  
Staff: Randy Anhorn (CLFLWD), Chuck Holtman (Smith Partners), Lisa Tilman (EOR)  
Other: Beryl Halldorson

**2) Administration of Oath – John T. Lynch**

Administrator Anhorn administrated the oath of office to John T. Lynch.

**3) Administration of Oath – Jon W. Spence**

Administrator Anhorn administrated the oath of office to Jon W. Spence.

**4) Open the Regular Meeting**

The President opened the regular Board meeting.

**5) Reading and Approval of Agenda**

The President called for the reading and approval of the September 25, 2008 regular Board meeting agenda. The motion to approve the agenda was made by Manager Damchik and seconded by Manager Moe. Upon vote, the motion passed unanimously.

**6) Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the August 28, 2008 regular Board meeting. The motion to approve the August 28, 2008 regular Board meeting minutes as presented was made by Manager Damchik and seconded by Manager Moe. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the September 4, 2008 2009 Budget Public Hearing. The motion to approve the September 4, 2008; 2009 budget public hearing minutes with edits was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed unanimously.

7) **Public Open Forum**

Beryl Halldorson thanked the Board of Managers for their hard work over the past year.

8) **New Business**

*a) BMP cost-share program*

Administrator Anhorn presented an update on recent BMP cost-share site visits and mentioned that he met with St. Croix Valley Landscaping at the District-approved Trandal shoreline and Oehler raingarden projects in order to provide estimates to the property owners. Anhorn stated that he was going to be meeting with Dale Oehler the following afternoon to have the program contracts signed and that the project should be started shortly.

Administrator Anhorn then mentioned that the District-approved Kumerow shoreline project was expected to be finished within the next week and that he would be doing a walk through to assure that the project was complete prior to bringing the property owner's receipts to the Board. Anhorn also stated that he would bring pictures to the next Board meeting.

*b) Annual audit engagement letter*

Administrator Anhorn presented a letter of engagement from HLB Tautges Redpath for the District's 2008 annual audit (a copy of which is incorporated by reference and annexed within). Anhorn stated that the letter is similar to that signed in 2007 and that the cost for the audit is expected to increase to \$7,100.

Manager Anderson stated that because the District changed to Peachtree accounting software, she thought the time it took for HLB Tautges Redpath to do the District's audit should be reduced. For this reason, Manager Anderson questioned the slight increase in the anticipated cost for the audit and requested that the administrator track the amount of time it takes HLB Tautges Redpath to complete the audit as compared to past years.

Following Board discussion, motion was made by Manager Moe to have the administrator sign the HLB Tautges Redpath letter of engagement for the District's 2008 annual audit. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

*c) Washington County Board meeting – Watershed Budgets*

Administrator Anhorn mentioned that on top of sending in the District's levy certifications to the counties prior to the September 15, 2008 deadline, he forwarded requested information on the District's budget and budget breakdown to the Washington County Board. Anhorn stated that one aspect the County Commissioners were interested in was the percentage of each District's total budget was for administrative items (staff costs (those not linked to a project or program), consultant costs (those not linked to a project or program), and office costs). Anhorn stated that the District's administrative percentage in 2009 is proposed to be 11 percent as compared to 35 percent in 2008.

Administrator Anhorn pasted out copies of the compiled information on watershed budget information for watershed in Washington County (as requested by the Washington County Board). A copy of the compiled information is incorporated by reference and annexed within. The Board discussed District's budget and levy increase as compared to the other County watersheds, and how the increase represents

the Districts new designation and move into its project implementation phase in order to address water impairments.

Administrator Anhorn said that the County Commissioners would like the Districts to present their budgets to them at their October 7, 2008 Board meeting. Anhorn asked if a District Board member from Washington County would like to attend the County Board meeting with him.

Following discussion Manager Lynch said that he would attend the meeting with the administrator.

The Board then discussed the need for a manager from Chisago County going to a Chisago County Board meeting to present the District's budget and plans for 2009. Manager Anderson asked the administrator to seek input from Commissioner Montzka for when would be a good time for Manager Anderson and Spence to present the District's 2009 work plan to the Chisago County Board.

9) **Old Business**

a) *Draft Rules Update*

i) *Discussion on permit program*

Administrator Anhorn mentioned that at the last meeting the Board scheduled the Rules public hearing for the beginning of their regularly scheduled Board meeting on November 20, 2008. Since that time, Anhorn stated, Lisa Tilman and Chuck Holtman both mentioned that it may be more beneficial to hold the public hearing earlier as part of the rules 45-day review as opposed to after the review period.

The Board discussed the benefits of re-scheduling the public hearing. Manager Anderson and Manager Spence mentioned that they were going to be unable to make the Board's regularly scheduled Board meeting on October 23, 2008.

The Board also discussed the possibility of moving the November Board meeting up and include a public hearing on the proposed Rules in order to include walk-in comment in addition to receiving written comments as part of the 45-day comment period. Following discussion, the Board decided that they could move the November 20, 2008 Board meeting up to November 13, 2008 and include the public hearing on the proposed rules. The Board then discussed the need to schedule a Manager's workshop to define the District's resulting permit program. Following discussion, the Board decided that they could schedule the Manager workshop to define its permit program for Thursday, November 20, 2008.

Following discussion, motion was made by Manager Anderson to move the Board's regular scheduled November meeting to Thursday, November, 13, 2008 in the Forest Lake Council Chambers, and to hold the District's public hearing on its proposed rules at 6:30 prior to the Board meeting. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

Then Manager Damchik made motion to schedule a permitting workshop for Thursday, November 20, 2008 in the Forest Lake Council Chambers at 6:00 p.m. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

Lisa Tilman then passed out copies of an outline and flow chart presenting a possible permit process (a copy of which is incorporated by reference and annexed within).

Ms. Tilman walked the Board through the permit process outline and flowchart as well as presenting drafts of the permit application, exhibit checklist for completeness, and an example of staff's permit review/comment memo to the Board (a copy of each is incorporated by reference and annexed within). The Board held discussion on the difference between a complete permit application and a complete application that does not meet all of the District's standards. The Board also discussed the importance of the 15-day timeframe to determine if the permit application is complete and 60-day review period to ensure that the application meets District standards. The Board determined that if progress was being made on an application, and the review deadline date is nearing, staff has the ability to ask for an extension.

The Board discussed the fees and upfront escrow payment (above the \$10 application fee allowed by State Statutes) prior to actually doing any review. Staff presented fee schedules of neighboring watershed districts that also ask for upfront escrow payment. While the Board determined that the District should collect upfront escrow fees, they asked legal counsel to make sure that the permit escrow fee process language (detailing escrow and financial assurance fee collection) is appropriate and legally binding. The Board stated that they would further discuss and determine actual fees at a scheduled permit program workshop.

The Board also mentioned that they did not want fees and requirements to be a burden on smaller projects undertaken by individual landowners (i.e. the need for professional surveys for shoreline restoration projects). Staff mentioned that the Rules state that "professional engineer, landscape architect registered in the State of Minnesota, or other qualified professional experienced in the field of shoreline and stream restoration" (such as WCD staff technicians) can be used on bioengineering projects such as shoreline restorations, however other projects such as streambank stabilizations would need more than likely require a design by an engineer or landscape architect registered by the State. The Board held initial discussion on potential solutions, and determined that they would continue the discussion at upcoming meetings and workshops.

The Board then held discussion on the enforcement process and the possibility of setting up MOUs with the municipalities to work together in inspecting sites and enforcing standards. Manager Anderson also mentioned the possibility of working with the Washington Conservation District and/or EOR on site inspections.

The Board then discussed the permit approval process once an application makes it in front of the Board, and the potential of permits being approved with conditions. The Board stated that, although they reserve the right to approve permits with administrative conditions, they did not want to start the program out with the possibility of permits being approved conditionally. The Board held discussion on the possibility of having administrative permits in which staff could approve as opposed to specific permits in which the Board would have to approve. The Board stated that they would further discuss administrative permits vs. permits which would have to go in front of the Board at a scheduled permit program workshop.

Administrator Anhorn then passed out a memo detailing other remaining needs/schedules/guidance documents that are required or would be useful to implement the regulatory program including.

- Application
- Fee schedule
- Financial assurance schedule
- Financial assurance template (letter of credit, bond)

- Stormwater facility maintenance declaration/agreement templates
- Guidance document to applicants describing permit review process
- Internal enforcement procedure guidelines
- Resolution delegating permit authority to administrator
- Resolution establishing stormwater impact fund payment basis
- Stormwater volume credit sale form

The Board held discussion on the presented item memo and drafts (a copy of each is annexed and incorporated by reference).

Following specific discussion on the financial assurance templates and letter of credit, the Board decided by consensus that legal counsel should hold the letters of credit, and District staff should be responsible for tracking their expiration.

Administrator Anhorn asked the Board to review the provided Permit Guidance/Information handbook detailing the District's Rules/standards and process with further discussion to be held at the upcoming October 23, 2008 and November 13, 2008 regular Board meetings and November 20, 2008 workshop.

## **10) 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
  - "Not too late in the season to rethink lawn care methods" August 28, 2008- FL Times.
- Continued to work with DNR, Great River Greening (GRG) and the City of Forest Lake on the shoreland restoration project sites on Forest Lake (initial designs for the Forest Lake Sites are available, and the City has approved the designs and the projects are projected to start yet this fall).
- Working with GRG and Comfort Lakes Association on submitting a LCCMR grant for public access erosion and stormwater problem investigation and Comfort Lake public access retrofit project. Have also had continual conversations with Great River Greening and the DNR on preliminary designs and cost estimates for the Comfort Lake public access retro-fit.
- Conducted five additional site visits for the District's BMP cost-share program.
  - a) 1 in Shields Lake watershed
  - b) 2 on Bone Lake
- Received notice of the District's Plan revision being approved by BWSR on August, 28, 2008.
  - a) The Plan has since been sent out to Counties, each municipality and each review agency.
- Sent in the District's levy certification prior to the September, 2008 deadline.
- Review grants received and continuation of grant research to subsidize 2009 monitoring costs, and help fund the District's two wetland restoration/cattle exclusion projects.
- Have made initial contact with landowners for NBL12 and FL44 projects.

Administrator Anhorn provided information on the upcoming *Minnesota Water Resources Conference* to be held on October 27-28 at the St. Paul RiverCenter the one day cost for the two day conference is

\$155.00, while the two day cost is \$225.00 if registered before October 13th. Anhorn said he is presently trying to rearrange his schedule in order to at least make it to one day of the conference if the Board would ok the expenditure. The Board stated that they had previously provided the administrator a budget for such things and authority to manage and decide use of those funds; and if he was able to go to the conference and felt it beneficial to the District, he should go.

*i) 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)*

Lisa Tilman mentioned that they would be sending out a draft of the TMDL study report to the administrator/limnologist and MPCA project manager for initial review. Following the review, a stakeholder meeting would be scheduled.

*c) Washington Conservation District (WCD)*

No Report

*d) Smith Partners*

Chuck Holtman stated that he had nothing to add.

**9) Report of Treasurer**

*a) Approval of Bills*

Manager Spence discussed the Treasurer's Report and bills for September 2008.

Motion was made by Manager Damchik to pay the bills as presented. Manager Lynch seconded. Upon vote, the motion passed unanimously.

*b) Approval of Treasurer's Report*

Motion was made by Manager Damchik to approve the September 2008 Treasurer's Report. Manager Lynch seconded. Upon vote, the motion passed unanimously.

**10) Reports of Officers and Manager**

**Manager Anderson –**

Nothing to report

**Manager Damchik –**

Nothing to report  
**Manager Lynch –**

Nothing to report

**Manager Moe-**

Manager Moe passed around an article on a recent \$440,000 grant for remedial activity on the Vermillion River in Dakota County.

**Manager Spence –**

Nothing to report

**13) Adjournment**

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

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John T. Lynch, Secretary