

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

THURSDAY, APRIL 22, 2010

1) Call to Order

The President called the April 22, 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, Vice President Jackie Anderson, Secretary Wayne Moe, Manager Spence

Absent: Treasurer John Lynch

Staff: Randy Anhorn (CLFLWD), Chuck Holtman (Smith Partners) Lisa Tilman (EOR)

Other: Erik Anderson (WCD), Steve Schmaltz (Forest Lake Association), Linda Nanko-Yeager (Wyoming City Councilmember)

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 April 22, 2010 regular Board meeting agenda. Administrator Anhorn stated that there should be a couple items included under permits (240th Street Culver Replacement in Chisago City and Permit Number 09-007--North Lakes Academy) and action to name an interim Treasurer. Motion to approve the agenda with additions 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 March 25, 2010 regular Board meeting. Following discussion on the draft minutes, motion to approve the March 25, 2010 regular Board meeting minutes with edits was made by Manager Anderson and seconded by Manager Moe. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the April 14, 2010 Manager's Plan workshop. Following discussion on the draft minutes, motion to table the approval of the April 14, 2010 Manager's Plan workshop 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. Anhorn mentioned that he has had or has scheduled a total of 12 BMP cost-share site visits between April 16 and May 3, 2010. He expects numerous applications coming in for review at the May and June Board meetings

b) Permits and Reviews

i. 240th Street Culvert Replacement (10-001)

Administrator Anhorn and Lisa Tilman presented the recent review of the Chisago City 240th Street Culvert Replacement permit application (10-001) for rule 6.0 (water course and basin crossing). Ms. Tilman presented her review of the permit application (a copy is annexed and incorporated by reference). Ms. Tilman mentioned that the existing culvert is in disrepair with a small sink hole in the gravel road and it is anticipated to only take one day to repair and the proper erosion control measures will be incorporated. Ms. Tilman further mentioned that the size of the new culvert would be smaller than that modeled as part of the District's H & H model because the project will not exceed capacity in the model and that proper water quality control measures will be used, that staff recommends the approval of the application with the condition that they survey and submit the existing culvert invert elevations and as-built culvert invert elevations in order to verify that the culvert was placed at the same elevation as the current culvert.

Following discussion Manager Anderson moved, and Manager Moe seconded, to approve Permit # 10-001 as recommended by staff, with conditions that the applicant survey and submit the existing culvert invert elevations and as-built culvert invert elevations in order to verify that the culvert was placed at the same elevation as the current culvert, that the applicant submit a maintenance agreement, and that proper stabilization methods are used on disturbed areas. The motion carried unanimously.

Adminstrator Anhorn then reminded that Board about permit 09-007 (North Lakes Academy) where the permit was approved contingent on the stormwater maintenance declaration being recorded with Chisago County and District receiving the required financial assurance. Anhorn stated that due to Board extension, North Lakes Academy had until April 22, 2010 to meet the conditions, and upon recent correspondence with the applicant, it was indicated that the project has been shelved. Anhorn said that while the project may still go forward in the future, he has informed the applicant that the current approval will be revoked due and the remaining unused Field Inspection Fee Deposit of \$1,690.69, will be returned. Anhorn stated that if and when they plan on re-initiating the project, the applicant will have to restart the application process from the beginning including the submittal of a permit fee and the needed Field Inspection Fee Deposit.

c) Annual Audit

Administrator Anhorn presented the recently completed 2009 Annual Audit conducted by HLB Tautges Redpath. Anhorn stated that while the audit found no real issues, there was one (1) finding—“**The Oversight of Financial Statement Preparation**”. This is similar to that found in the 2006, 2007 and 2008 audits. HLB Tautges Redpath states that this will be a finding in the vast majority of watershed audits and their recommendation, is to remain aware of the situation, however, due to the increased cost, make a choice to make no changes to current procedures.

Following Board discussion, Manager Moe moved to accept the Annual Audit with documentation of management responses concurred in by the Auditor and approve the mailing of the Annual Audit to

required agencies, unless a Manager communicates his or her objection before April 30, 2010. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

Administrator Anhorn then mentioned that one thing that did come out of the audit is that HLB Tautges Redpath suggested closing out the Survey and Data Acquisition Fund (which will be unlikely used in the future due to the District's 103B designation) and create a Program and Project Implementation Fund to go along with the already created General Fund. Anhorn stated that the General Fund would be used for basic administrative budgetary needs and the Program and Project Implementation Fund would be used for just that, programs and projects to manage the District's resources. Anhorn said he met with the District's Accountant and the recommendation is to, as of January 1, 2010 transfer \$578,525, currently in the General Fund, into the newly created Program and Project Implementation Fund. This would leave \$127,609 in the General Fund.

Following discussion, Manager Moe made motion to, as of December 31, 2009, close out the District's Data and Survey Acquisition Fund, create a new Program and Project Implementation Fund to manage the District's resources, and to transfer \$578,525 from the General Fund into the newly formed Program and Project Implementation Fund. The motion was seconded by Manager Anderson. Upon vote, the motion passed unanimously.

7) Old Business

a) Chisago County Petition Update

Administrator Anhorn stated that he had been working with Chuck Holtman and Chisago County staff on draft language for a petition from Chisago County to the District to undertake a project to address water quality and quantity issues from the drainage area to the Sunrise River between the City of Forest Lake and Comfort Lake. Anhorn presented the draft language (a copy is annexed and incorporated by reference).

Anhorn further mentioned that he recently met with Chisago County Environment staff to discuss draft language and of interest was item IX "Project Abandonment" where it mentions that the County is responsible for all costs and expenses (engineer's report) that may be incurred by activities described in this petition in the event the project is dismissed, no construction contract is let, or the County withdraws its project petition. While County staff is comfortable with the County being responsible for costs if the County decides to pull the petition, it would feel more comfortable if the District was responsible for costs if the District itself decides to no undertake the project. Therefore, while it is standard petition language and could be left in, Chisago County staff would like a District motion stating that if District ultimately accepts petition, but after engineer's report decides not to undertake project, that District would pay for engineer's report. However, if Chisago County pulls petition, the County would be responsible for engineer's report.

The Board provided staff some editorial comments on the presented draft and asked for the charges to be incorporated prior to forwarding on to Chisago County Staff,

Anhorn stated that once the County is comfortable with the petition, they will bring it to a County Board meeting for approval (likely in mid- to late-May), and then submit to the District for inclusion on either the District's May or June Board meeting.

Following discussion, Manager Anderson made motion that if the District accepts the County petition to address water quality and quantity issues stemming from the drainage area to the Sunrise River between the City of Forest Lake and Comfort Lake, Chisago County would be responsible for costs incurred if the County decides to pull the project, while the District would be responsible for costs incurred if the project

is not undertaken for any other reason. Manager Moe seconded the motion. Upon vote, the motion passed unanimously.

The Board also stated that they would re-enforce this idea behind the motion as part of the resolution accepting County petition when it comes before the Board.

b) MOU with RCWD on 12th Street project

Chuck Holtman and Administrator Anhorn presented the draft Memorandum of Understanding (MOU) (a copy is annexed and incorporated by reference), between CLFLWD and Rice Creek Watershed District (RCWD) indicating that runoff from the RCWD political boundary that actually flows into CLFLWD as part of the 12th Street SW project in the City of Forest Lake will be handled under the CLFLWD permit process under CLFLWD rules and standards, and that the areas within the political boundaries of CLFLWD that actually flow to RCWD will be handled under RWCDS permit process

Following discussion, motion was made by Manager Moe and seconded by Manager Spence to approve and sign the MOU. Upon vote, the motion passed unanimously.

d) Shared GPS unit purchase with the City of Forest Lake

Administrator Anhorn presented a memo from the City of Forest Lake formally requesting partnership with District in the co-purchase of a Trimble GeoXH GPS unit (a copy is annexed and incorporated by reference). The City is requesting \$3,200 from the District as part of the shared purchase (total price of the unit is \$10,861.17). This would result in the City covering just over 70% of the cost of the unit. Since the City will likely be using the unit more than the District, they thought that they should be covering the majority of the cost. Anhorn mentioned that the Managers had favorably discussed this at their February 25, 2010 Board meeting, and at the time thought the shared purchase of a GPS unit would provide a benefit and directed the Administrator to come back to the Board once the City has an actual cost and provide information the availability of District funds for such a purchase.

Administrator Anhorn then provided a memo detailing the funds available in the District's 2010 budget for the purchase of monitoring equipment (a copy is annexed and incorporated by reference) and recommendation that the Board approve the availability of \$3,200 for the co-purchase of the Trimble GeoXH GPS unit with the City of Forest Lake from available funds in the District's 2010 budget for the purchase of needed monitoring equipment.

Following discussion, Manager Anderson made motion to provide \$3,200 to the joint purchase of the Trimble GeoXH GPS unit with the City of Forest Lake. The motion was seconded by Manager Moe. Upon vote, the motion carried unanimously.

e) Annual Report

Administrator Anhorn presented a finalized version of the 2009 Annual Report to the Board (a copy is annexed and incorporated by reference). Anhorn mentioned that the Report is due to the various state agencies by April 30, 2010, and that he will be sending it out next week

Manager Anderson mentioned that it would be worthwhile to include graphics/photos in the report in the future to highlight activities the District undertook during the year.

Following Board discussion, Manager Anderson made motion for the Administrator to send the District's 2009 Annual Report to the required state agencies. The motion was seconded by Manager Moe. Upon vote, the motion carried unanimously.

e) Watershed Management Plan Update

Lisa Tilman presented a memo updating the goal objectives as reflected from discussions at the Manager's April 14, 2010 Manager's workshop (a copy is annexed and incorporated by reference).

The Board like what Ms. Tilman put together and provided specific comments on the following:

- Add a definition of what is meant by aquatic invasive species
- Add an objective to the wetland section on identifying high quality wetland and promote their use for educational purposes.
- Add an objective to the groundwater section on the coordination and cooperation with each counties groundwater plan.
- Add an objective to the education section about the District maintaining and updating its website
- Add mention of counties to the roles section

Staff then stated that following discussion and edits on the objectives, they will be brought to the upcoming TAC/CAC stakeholder meeting for their comments.

Staff then discussed potential methods of measure success and stated that at the April 14, 2010 Manager's Workshop the Manager's favored the measuring method used in the first Plan, where success was measured by the number of actions (objectives) accomplished. Therefore, at some time a success measurement (i.e. low, medium, or high) will have to be linked to the specific number of actions accomplished for each goal.

Administrator Anhorn stated that staff had scheduled a TAC/CAC Stakeholder meeting for May 19, 2010 from 1:00 to 3:30 p.m. at the Forest Lake City Hall. On the agenda for the May 19, 2010 TAC/CAC Stakeholder meeting is:

- Present Board's thoughts on goals/policies/objectives for 2011-2021 Plan
- Discuss thoughts and options on measuring success of goals/objectives
- Seek TAC/CAC comments and thoughts

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:

- Held *Planting for Clean Water* workshop on April 13, 2010. Roughly 15-18 people attended and almost all have called for a site visit.
- Set up booth at the April 10th Forest Lake Home Show
- Presentation at the March 30, 2010 Forest Lake Association Annual Meeting
- Continue to work on grant contract agreements
- Working on compiling permit needs for fish barrier projects

- Continue to work with Mr. Holtman on Cooperative Agreement with City of Forest Lake on how stormwater will be managed between the three road projects
- Working with Chuck Holtman on encroachment agreements/easements as part of fish barrier projects
- Delivering lake monitoring equipment and providing training to volunteers for the District's 2010 lake monitoring season.
- Ongoing Moody Lake bullhead removal
- Have finished and submitted work plan on eLink for BWSR CWF grant for wetland restoration/cattle exclusion projects.
- Upcoming MAWD summer tour
- Working with Chuck Holtman on contract language for added grazing plan /buffer establishment (in addition to NRCS) as a part of the two wetland restoration/cattle exclusion projects.
- Recent permit activities and site inspections

Manager Anderson mentioned that it would be beneficial if the District continual take photos and videos throughout the process of the two (2) wetland restoration/cattle exclusion projects in order to dramatize the before and after as well as for use in negotiations with landowners of potential future project sites.

Administrator Anhorn mentioned that the bullhead removal on Moody Lake had recently started and will likely last into next week. Anhorn said that the trap nets were initially set on Sunday April 18th and check on Wednesday, April 21st. 2010. Roughly 1,500-2,000 pounds of small bullheads were taken out with a few Dogfish. Anhorn said that there were also some panfish that were released, but no northern pike, bass, or walleye. This is a good first haul for such a small lake, and the nets were reset with an anticipated checking over the weekend or early next week. The nets will continue to be reset until no more bullheads are pulled. Anhorn said that the result should be a clearer lake with the potential for a vastly improved fishery.

Manager Anderson asked the Administrator to forward photos, description, and purpose of the project to the Chisago County Press to see if they were interested in the story for inclusion in an upcoming edition.

b) Emmons and Olivier Resources (EOR)

Lisa Tilman presented the April, 2010 engineer's report (a copy is annexed and incorporated by reference). Ms. Tilman had previously provided an update during the meeting on recent progress in the Plan update process as well as permit # 10-001.

c) Washington Conservation District (WCD)

Administrator Anhorn mentioned that Erik Anderson (WCD) had planned on attending to pass out the final 2009 monitoring reports; however he is and has been out of the office sick the last few days. WCD did, however, deliver the reports today to be passed out to the Managers. Anhorn said that he will be posting the reports on the District website, and if the Manager's had any specific questions for Mr. Anderson, he will be available at an upcoming meeting. Anhorn also mentioned that WCD had all the monitoring equipment installed for the 2010 monitoring season.

d) Smith Partners

Chuck Holtman provided highlights of recently passed legislation shortening the review and approval process for watershed management plans in the seven county metro area.

9) **Report of Treasurer**

a) ***Approval of Bills***

In Treasurer Lynch's absence Administrator Anhorn discussed the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills totaling \$31,785.96 for April, 2010.

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

Administrator Anhorn then mentioned that as shown in the April Treasurer's Report, the District's savings at Central Bank were getting to the point where the Board should transfer \$100,000 from savings at First State Bank of Wyoming to Central Bank. The transfer, along with existing funds and anticipated ACH debit installments for recently received grants would maintain the account under the FDIC insured limit of \$250,000.

Following discussion, Manager Anderson made motion to transfer \$100,000 from the District's savings account at First State bank of Wyoming to the District's savings account at Central Bank. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

Administrator Anhorn then mentioned that Treasurer Lynch is not expected back for another three (3) to four (4) weeks and in recent conversations with Treasurer Lynch, he indicated that although he plans on continuing his duties as Treasurer, it may be best that in the short-term to appoint an interim Treasurer until he is able to resume his duties. Anhorn further mentioned that Manager Spence has agreed to undertake the duties as Treasurer on an interim basis until Manager Lynch is able to return.

Following discussion, Manager Anderson made motion to appoint Manager Spence as Treasurer on an interim basis until Manager Lynch is able to resume his duties. The motion was seconded by Manager Damchik. Upon vote, the motion passed unanimously.

Manager Anderson stated that she thought that because of the importance of the Treasurer position, that it may be wise to elect a Vice Treasurer. Chuck Holtman mentioned that because the specific officers of the District are spelled out in the District's by-laws, the by-laws would need to be changed prior to being able to elect a Vice President.

Following discussion, Manager Anderson made motion to look into changing the District's by-laws to include the office of Vice Treasurer. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

10) **Reports of Officers and Manager**

Manager Anderson–

Manager Anderson mentioned that the carp were very active (jumping) on Comfort Lake and that it was an interesting event to watch.

Manager Damchik–

Nothing to report

Manager Moe –

Manager inquired about how pesticides used by the Metropolitan Mosquito Control Agency may affect zooplankton populations on receiving waterbodies.

Manager Spence –

Manager Spence mentioned that on a recent boat ride around Comfort Lake, he saw the Trandal site (which received District cost-share funds for a shoreline buffer and drainage swale) and that the site looked very nice.

11) Adjournment

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

Wayne S. Moe, Secretary