

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

THURSDAY, MAY 28, 2009

1) Call to Order

The President called the May 28, 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, Manager Jon Spence

Absent:

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

Other: 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 May 28, 2009 regular Board meeting agenda, which included the meeting going to closed session for the scheduled performance review of Administrator Anhorn. Motion to approve the agenda was made by Manager Lynch and seconded by Manager Moe. 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 April 23, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the April 23, 2009 regular Board meeting minutes with edits was made by Manager Anderson and seconded by Manager Spence. 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. Administrator Anhorn then presented an application for District cost-share funds for the Milbrett property located on Forest Lake (Lake 3) at 9480 North Jewel Lane (a copy of which is incorporated by reference and annexed within). The Milbretts hope to incorporate a native shoreline buffer to help stabilize the shoreline and reduce runoff along their lakefront.

Administrator Anhorn went through a description of the property, project design, estimate costs, and resulting project rankings from WCD staff, the District Administrator, and Manager Lynch and Manager Moe. Anhorn further provided an overview of the project ranking and funding process and stated that the compiled rankings resulted in the recommendation of the ranking group to provide cost-share funds for the project.

After Board discussion, motion was made by Manager Anderson to approve the application and provide cost-share funds not to exceed \$2,000 for the Milbrett shoreline stabilization/buffer project. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously

Administrator Anhorn then presented a second application for District cost-share funds. The second application was for the Mahler property located on Forest Lake (Lake 3) at 8839 North Shore Trail (a copy of which is incorporated by reference and annexed within). The Mahlers hope to incorporate a native buffer above and in their existing rip-rapped shoreline to help stabilize the area and reduce runoff from entering the lake.

Administrator Anhorn then went through a description of the property, project design, estimate costs, and resulting project rankings from WCD staff, the District Administrator, and Manager Lynch and Manager Moe. Anhorn further provided an overview of the project ranking and funding process and stated that the compiled rankings resulted in the recommendation of the ranking group to provide cost-share funds for the project.

After Board discussion, motion was made by Manager Anderson to approve the application and provide cost-share funds not to exceed \$2,000 for the Mahler shoreline buffer project. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously

Administrator Anhorn stated that the May 16, 2009 "hands on" informational workshop at the Forest Lake Shoreline Native Garden sites was well attended with over 75 volunteers attending and helping plant the three gardens as well as learning how they will reduce runoff and reduce pollutants to the lake.

b) League of MN Cities Insurance Quote

Administrator Anhorn stated that he and the District's independent insurance broker had been working for over a year to get a cost estimate for insurance through the League of Minnesota Cities (LMC). Anhorn presented a memo which presented the resulting insurance quote including the need to become a member of the LMC (a copy of the memo is annexed and incorporated by reference). Anhorn stated that not only were the LMC insurance and annual dues less expensive than the District's current insurance, but there were benefits to being a LMC member and that because the coverage package is designed for local units of government (in fact, numerous watershed districts were members and insured through the LMC), actually is a better fit for District needs as opposed to current coverage. Anhorn went through the slight differences of the insurances and presented some additional legal benefits of being a member of the LMC. Anhorn stated that staff, including the independent insurance broker and legal counsel recommend that the District become a member of the LMC and switch its insurance from its current coverage by Western National Insurance and MN Joint Underwriting Association to that present by the LMC.

Following discussion, motion was made by Manager Lynch and seconded by Manager Anderson for the District to become members of the LMC. Upon vote, the motion passed unanimously.

Manager Lynch then made motion for the District to switch its insurance coverage to that presented by the LMC. The motion was seconded by Manager Anderson. Upon vote, the motion passed unanimously.

Administrator Anhorn then mentioned that the District's worker compensation insurance recently increased from roughly \$350 to over \$1,000 and that he was currently seeking an estimate on workers compensation insurance through the LMC as well. Anhorn stated that if the quotes are similar, that switching to the LMC workers compensation insurance in order to have all the District's insurance with the LMC would make sense. Following discussion, the Board stated that if the workers compensation quotes were similar, or if the LMC quote was less, the Administrator should initiate the switch to the LMC workers compensation insurance

c) Phone Contract/Policy

Administrator Anhorn presented a memo to the Board detailing the end of the District's 2-year governmental contract with Verizon for cell phone services (a copy of the memo is annexed and incorporated by reference). Anhorn presented options the Board could take to maintain current costs, while enhancing accessibility (email accessibility) and usability (Windows software) through the Administrator purchasing his own Smartphone. The Board felt that the upgrade would be beneficial for the District providing improved work capabilities and accessibility, and due to the Administrator's workload was needed. The Board thought that it would be beneficial to the District and would reduce District costs by piggybacking on the Administrator's plan as compared to the District signing up for a comparable plan on its own. Following discussion, the Board, felt that because the District would be gaining benefits over its current plan, that a 50-50 split with the Administrator on the broadened plan would be most fair for both. Anhorn stated that the upgraded plan would be \$110.00 month (not including taxes) which would result in the District paying \$55.00, plus 50% of the taxes a month, and would include an increase in minutes and unlimited email/data and wifi/web capabilities. The Board further directed the Administrator to continually monitor the monthly invoices in order to maintain a fair split for both.

Following discussion, motion was made by Manager Anderson and seconded by Manager Moe to discontinue the District's current Verizon contract/plan and simply reimburse the Administrator 50% of the cost of the upgraded package for the business portion of the Administrator's own Smartphone (also through Verizon). Upon vote, the motion passed unanimously.

d) Watershed Management Plan Update Needs

Administrator Anhorn discussed the District's need to update its 10-year watershed management plan by late-2011. Anhorn stated that in order to prepare the plan with proper collaboration with the District's citizen and technical advisory committees and inclusion of other information such as the development of methods for a stormwater utility, the process should start as early as January 2010. Anhorn present suggested time line including the development and posting of a Request of Qualifications (RoQ) for a consultant to help the District prepare its updated plan and passed out a draft RoQ (and draft evaluation/ranking forms) to the Board (a copy is annexed and incorporated by reference).

Following his going through the draft, Anhorn asked the Board to review the draft and bring back comments and questions to the June Board meeting. The Board discussed initial thoughts on what would be needed in a new plan and felt that the next Plan would surely concentrate more on planning due to the amount of data and modeling results available, and the completion of the District's recent capital implementation plans.

In discussing the posting of the RoQ, the Board discussed the merits and benefits of having the District engineer (EOR) undertake the task without going through the RoQ process. The Board felt that it would reduce time and associated costs of educating a new consultant as opposed to simply working with the firm they already have a relationship with.

The Board directed the Administrator to contact Smith Partners to determine if there was a legal requirement for the Board to post a RoQ for the task, and if so, was it dependant on estimated cost of the plan update.

e) Permits and Reviews

a. Chisago County CR 99 review

Administrator Anhorn and Lisa Tilman presented the most recent review of the Chisago County CR 99 project. A copy of the county submittals and most recent EOR review is annexed and incorporated by reference.

Lisa Tilman went through the outstanding issues that still needed to be resolved and recommended that the Board continue to request that Chisago County complying with the remaining outstanding issues/questions.

Following discussion on the Chisago County CR 99 project and review, the Board, by consensus, directed staff to request that Chisago County continue to work with staff to resolve outstanding issues/questions

Administrator Anhorn then provided an update on other projects that have either stated conceptual meetings, or are nearing that point in the near future

7) Old Business

a) Rules/Permit Program

i) Resolution adopting Stormwater Impact Fund Implementation Plan

Administrator Anhorn mentioned that as discussed at the Board's April 2009 meeting, following the adoption of the District's Stormwater Impact Fund Fee, the District needed to prepare a Stormwater Impact Fund Implementation Plan. A draft of the Plan was prepared and discussed and edits suggested at the April Board meeting. Anhorn brought the final Stormwater Impact Fund Implementation Plan back to the Board for official approval and adoption (review is annexed and incorporated by reference). Following discussion the following resolution to adopt the presented Stormwater Impact Fund Implementation Plan was made by Manager Anderson and seconded by Manager Moe.

RESOLUTION 09-05-01

RESOLUTION ADOPTING STORMWATER IMPACT FUND IMPLEMENTATION PLAN

WHEREAS the Comfort Lake – Forest Lake Watershed District (“District”), a governmental subdivision with powers set forth in Minnesota Statutes Chapters 103B and 103D, is authorized to act to achieve the purposes set forth in those chapters for the protection, conservation and beneficial use of the waters and resources of the watershed; and

WHEREAS the Comfort Lake – Forest Lake Watershed District (“District”) has permitting requirements duly adopted pursuant to Minnesota Statutes Sections 103D.335 and 103D.341, and adopted District Rules on December 18, 2008, effective February 1, 2009; and

WHEREAS District Rule 2.5.1 includes sequencing alternatives to meet the District's stormwater volume standard, including a Stormwater Impact Fund; and

WHEREAS the District adopted Resolution 09-03-01 on March 27, 2009, implementing the Stormwater Facilities Fund Policy and setting the Impact Fund fee schedule; and

WHEREAS District Rule 2.5.1(c) requires the development and adoption of a Stormwater Impact Fund Implementation Plan meant to provide direction to how and where the District will allocate collected Funds; and

BE IT RESOLVED that the Board of Managers of the Comfort Lake – Forest Lake Watershed District adopts the Stormwater Impact Fund Implementation Plan in accordance of District Rule 2.5.1(c)(ii).

Upon vote, the motion carried with five (5) ayes and zero (0) nays as follows:

	<u>AYE</u>	<u>NAY</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

The Board then discussed and approved the presented Stormwater Volume Management Standard checklist as presented.

b) Performance review

i) Adjournment to Closed Session

Motion was made by Manager Damchik, and seconded by Manager Moe to adjourn the regular meeting to closed session for the purpose of the District’s employee performance review of Administrator Anhorn. Upon vote, the motion passed unanimously

ii) Reconvene to open session to report actions taken in closed session

President Damchik reconvened the regular meeting and reported that no reportable action was taken during closed session while the Board discussed and evaluated the performance of Administrator Anhorn over the past two years.

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.
- Finished all the trainings of the volunteer lake monitors.

- Sent in the final Annual Report to the required entities.
- Provided tour around the watershed for Chuck Holtman
- Have been collecting discharge data from the Comfort and Forest lake outlet sites in order to reduce monitoring costs to the District.
- In order to do whole lake curly-leaf pondweed treatment a more in-depth lake vegetation survey would need to be completed on the lake to be treated. In order to accomplish this, Anhorn is working with DNR to complete point-intercept aquatic vegetation surveys on Bone, Comfort and Forest Lakes. Administrator Anhorn has already completed a point-intercept on School Lake and will be completing one on Moody this year.
- Invoices from City of Forest Lake for operation of Shields Lake electric fish barrier (2008 and 2009)
- Permit site inspections.
- Provided an update on legislative issues of interest to the watershed.

Administrator Anhorn mentioned that at a recent cleaning of the trash rack on Forest Lake outlet structure, City staff reported that the trash rack was rusting through and needs to either be replaced or alternative set-up constructed. City staff suggested simply replacing the current trash rack with a deposit area below made of additional rock. City staff would still clean the collected debris from the site. Either way, City staff would be able to either construct a new trash rack (if the existing support area is in good shape), or remove eroding trash rack and construct new collection area. The City would then bill the costs back to the watershed. Anhorn asked for Board direction on if the trash rack should be replaced, or if a new set-up should be designed.

The Board directed the Administrator to work with the City to have the trash rack re-done as it currently is, and then to bill the work back to the District. The Board also directed the Administrator to seek advice as to the best materials to use in redoing the rack in order to prolong its lifespan.

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 May, 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)

While a WCD representative was not at the meeting, Administrator Anhorn passed out copies of the WCD final 2008 water quality monitoring report prepared by WCD.

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 May 2009.

Motion was made by Manager Spence to approve the May 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 --

No Report

Manager Damchik –

Manager Damchik mentioned that as of last Friday (May 22nd), the water was no longer flowing over the Forest Lake Outlet Dam.

Manager Lynch –

Manager Lynch provided an overview of the MN Waters Lakes and Rivers conference he recently attended (including passing out information that he had collected at the conference).

Manager Moe -

Manager Moe stated that Bone Lake was already experiencing a slight algal bloom.

Manager Spence –

Manager Spence mentioned that he, Manager Anderson and Administrator Anhorn had recently provided an annual update of District activities to the Chisago County Commissioners.

11) Adjournment

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

Wayne S. Moe, Secretary