

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

THURSDAY, JUNE 24, 2010

1) Call to Order

The President called the June 24, 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, Treasurer John Lynch, Secretary Wayne Moe, Vice Treasurer Spence

Absent:

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

Other: Phil Elkin and Paul Hornby (Bonestroo & Associates), 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 June 24, 2010 regular Board meeting agenda. Following discussion, motion to approve the agenda with the change of moving discussion on the hire of a new Administrator to the end of 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 27, 2010 Regular Board meeting. Following discussion on the draft minutes, motion to approve the May 27, 2010 Regular Board meeting minutes with edits was made by Manager Moe and seconded by Manager Spence. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the June 8, 2010 Special Meeting. Following discussion on the draft minutes, motion to approve the June 8, 2010 special meeting minutes with edits was made by Manager Spence and seconded by Manager Lynch. Upon vote, the motion passed unanimously.

The President called for the reading and approval of the minutes of the June 22, 2010 Special Meeting of District Staffing. Following discussion on the draft minutes, motion to approve the June 22, 2010 special meeting minutes was made by Manager Anderson and seconded by Manager Moe. 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 stated that they had recently received one (1) cost-share reimbursement request and three (3) cost-share funding requests to be discussed.

i. Bocklund BMP Cost-Share Reimbursement

Administrator Anhorn stated that he had recently completed a walk through of the finished Bocklund raingarden project located at 5712 261st Street, Wyoming and said that the project was completed to the project's Board-approved specifications. Anhorn further presented photos of the completed project and mentioned that he would take more photos of the area next summer when everything would be in bloom. Anhorn also stated that signage would be incorporated once the signs are completed.

Administrator Anhorn then presented a reimbursement request for the Bocklund project (a copy of the request is annexed and incorporated by reference). Anhorn stated that the submitted receipts for materials for the project equaled \$204.84 of which \$102.42 is reimbursable through the District's program (the total minus the cost for moving the in-ground irrigation system). Anhorn further stated that Ms. Bocklund constructed the raingarden by herself. Ms. Bocklund's volunteer labor for the project totaled 48.75 hours. As part of the District's cost-share program the District is to reimburse the landowner for ½ of their accumulated volunteer labor costs calculated at a rate of \$12/hr. Therefore the District's cost-share portion for labor equals ½ (24.375 * 12), or \$292.50.

Administrator Anhorn said that by adding the District's materials and labor cost-share amount, the reimbursement request submitted by Ms. Bocklund would be for \$394.92 (\$102.84 + \$292.50). However, it is the policy of the District's cost-share program that the landowner can not be paid more than their out of pocket expense, which was \$204.84. Therefore, the District's BMP cost-share portion for the Bocklund raingarden is \$204.84 (the entire cost of materials, which is less than 50% of the entire cost of the project).

Following Board discussion on the project and reimbursement request, motion was made by Manager Anderson to reimburse Ms. Bocklund \$204.84 for the District's BMP incentive cost-share portion of the Board approved raingarden project. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

ii. Haider Shoreline Restoration Application

Administrator Anhorn then presented an application for District cost-share funds for the Haider property located at 21885 Iden Ave Ct N in Forest Lake (a copy of which is incorporated by reference and annexed within). The Haiders hope to incorporate a shoreland buffer along their shoreline, which in its current condition is primarily mowed Kentucky bluegrass and provides little to slow runoff to the lake.

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 Moe to approve the application and provide cost-share funds not to exceed \$3,000 for the Haider shoreline buffer project. The motion was seconded by Manager Anderson. Upon vote, the motion passed unanimously.

iii. Stoiber Raingarden/Drainage Swale Application

Administrator Anhorn then presented an application for District cost-share funds for the Stoiber property located on Forest Lake at 8559 North Shore Trail (a copy of which is incorporated by reference and annexed within). The Stoibers hope to incorporate a drainage swale and raingarden on the property (the area experiences the ponding of water in the front yard from runoff of the surrounding streets, and the runoff flows untreated to the lake.

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 Lynch to approve the application and provide cost-share funds not to exceed \$3,000 for the Stoiber raingarden/drainage swale project. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

iv. McEvoy Shoreline Restoration Application

Administrator Anhorn then presented an application for District cost-share funds for the McEvoy property located on Comfort Lake at 25814 E Comfort Dr in Wyoming (a copy of which is incorporated by reference and annexed within). The McEvoy's hope to incorporate a native 85' x 15' shoreline buffer along the lakeshore above the existing riprap, which in its current condition is primarily mowed Kentucky bluegrass and reed canary and provides little to slow runoff to the lake.

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 Moe to approve the application and provide cost-share funds not to exceed \$3,000 for the McEvoy shoreline buffer/vegetative swale project. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously.

b) Permits and Reviews

i. Hwy 61/Broadway Ave. (10-003)

Administrator Anhorn and Lisa Tilman presented the recent review of the Hwy 61/Broadway Ave. Roundabout permit application (10-003) for rule 2.0 (stormwater management) and 3.0 (erosion control). In addition to the permit application is the applicant's variance request for meeting the sites stormwater volume standard at an off-site stormwater management facility to be constructed in 2011 at 8th Street in Forest Lake as part of the Broadway Ave. reconstruction project. The variance request included a letter of agreement from Washington County assuring that the 8th Street facility would be constructed to take care of the needed capacity from the Roundabout project as well as provide an anticipated timeline for its construction.

The Board held discussion on the variance request. The Board asked what would happen if the Broadway Ave project did not go forward and the 8th Street facility was not built. Chuck Holtman stated that because the County letter states that the facility will be completed by July 1, 2011, the District could put that condition in the permit, and if the facility was not completed by July 1, 2011, the permit 10-003 would be in non-compliance and the District would then work with the City to find alternative areas for getting the needed volume control.

Following discussion on the applicant's variance request, Manager Moe moved, and Manager Lynch seconded, to approve the variance request as recommended by staff. Upon vote the motion passed 3-2.

Ms. Tilman presented her review of the permit application (a copy is annexed and incorporated by reference). Staff recommended the approval of the permit with the condition that the County submit an inspection schedule and maintenance plan for the water quality facilities, that a maintenance agreement between Washington County and the City of Forest Lake for the 8th Street facility be forwarded to the District, and that a monitoring plan and eventual report showing results of monitoring, be forwarded to the District to assure that the water quality units do in fact meet the Districts, 50% phosphorus removal as required.

Following Chuck Holtman's discussion on adding a condition to the permit reiterating that the 8th Street facility was to be completed by July 1, 2011, Mr. Holtman provided the following: "volume control meeting paragraph 2.4.1(b), at the 8th Street facility per the June 17, 2010 letter from the Washington County engineer, or as otherwise arranged between the permittee and the CLFLWD, will be in place and functioning by July 1, 2011."

The Board held discussion on the review including if and where stormwater volume and quality controls alternatives were researched and asked questions on the proposed water quality devices.

Following discussion Manager Lynch moved, and Manager Moe seconded, to approve Permit # 10-003 with conditions as recommended by staff in report as well as addition conditions discussed. Upon vote, the motion passed 4-1

ii.. Runk Single Family Residential (10-004)

Administrator Anhorn and Lisa Tilman presented the recent review of the Runk Single Family Residential permit application (10-004) for rule 3.0 (erosion control) and 4.0 (lake, stream, and wetland buffer requirements). Administrator Anhorn stated that in review of the application, that staff sought direction from the Board in the interpretation of the rule 4.0 where 4.2 (b) states the rule is triggered if the land is subject to land disturbance for the new primary use for which (i) a rezoning or (ii) a land use variance for lot hard surface percentage or structure setback from a water resource has been approved. Anhorn said that while the Board's ultimate decision would impact Permit 10-004, in order to not hold the project up, he is requesting that the Board take action on the application tonight as if it did trigger the buffer standard, and that staff would prepare documentation from which the Board can act on, resulting in a District policy to direct the review and needs of future applications.

Ms. Tilman presented her review of the permit application (a copy is annexed and incorporated by reference). Staff recommended the approval of the permit with the condition that the buffer location and limitations be recorded with Washington County and that permanent signage be installed at the buffer's upland edge. Mr. Holtman stated that in order to address the issue on if the project does or does not trigger the buffer rule and as not to hold the project up, an additional condition could be:

"The declaration required under 4.2.2 need not be recorded before land disturbance, but must be recorded by August 1, 2010. After permit issuance and prior to recordation, the land subject to the buffer

nevertheless will remain subject to all applicable restrictions and protections of Rule 4.0. The buffer area will be staked and fenced in the field at any time that land disturbance is occurring.”

That way if it is determined that similar projects that do receive a variance, to indeed trigger the standard, when the Runk project could go forth as is. If however, it is determined that the project does not meet the District’s definition of a new primary use, then the Board (by motion) would drop the buffer requirement from the Runk permit and return already collected fees.

Following discussion Manager Anderson moved, and Manager Lynch seconded, to approve Permit # 10-004 with conditions as recommended by staff, The motion carried unanimously.

7) **Old Business**

a) Chisago County Petition Update

Administrator Anhorn provided an update on where the County was on submitting a petition 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 stated that he is under the understanding that the petition will go before the Chisago County Commissioners in mid-July and if approved will then be forwarded to the District for inclusion at either the July or August Board meeting. Anhorn further stated that it may be beneficial if either Manager Anderson or Manager Spence were able to attend the County meeting to assure the Commissioners that the District would cover all up front costs for analysis of the problem and determination of resulting remedial project(s), unless the County itself actually pulls petition.

b) Watershed Management Plan Updates

Lisa Tilman presented a recently updated draft of the Plan’s Issues & Goals and Implementation sections and provided highlights (a copy of the presented is incorporated by reference and annexed within). Ms. Tilman went the draft Issues and Goals section which contained subsections 1-8 including:

1. Floodplain
2. Lakes
3. Streams
4. Wetlands
5. Upland Resources
6. Groundwater
7. Public Education
8. Interagency Communication

Lisa Tilman then went through the Implementation section which included sections on Programs, Projects and Measuring compliance (progress).

The Board held discussion on possible additions to the sections presented including:

- Partnerships with University’s in the continuance of research
- Mention that the District would update modeling when needed (i.e., if the District experienced large changes)

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:

- Continue to work with Chisago County on petition
- Continue to meet with landowners as part of NBL12 and FL44 projects. It is still too wet to install the cattle exclusion fencing
- Working on compiling permit and easements needs for fish barrier projects
- Worked with Chuck Holtman and City of Forest Lake and Washington County on Agreement letter for making up Roundabout Stormwater requirements as part of Broadway Ave project in 8th Street Stormwater Facility
- Working with Chuck Holtman on encroachment agreements/easements as part of fish barrier projects
- Working on Diagnostic study as part of Little Comfort Lake Watershed Loading Assessment project.
- 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
- Answered questions from four finalists on District and role of Administrator prior to their interviews.
- Recent permit activities and site inspections

Administrator Anhorn reminded the Board the July 15, 2010 would be his last day of employment at the District and thanked the Board for allowing him the opportunity to serve them and the District over the past three-and-a-half years. Anhorn stated that the Board should feel proud for all they had accomplished and that they have a great plan, consulting staff, and group of applicants for the Administrator position in place to continue to make progress in the management and improvement of the District's water resources.

The Board thanked Mr. Anhorn for his service over the past three-and-a-half years.

b) Emmons and Olivier Resources (EOR)

Lisa Tilman presented the June, 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, the FL44 assessment report, fish barrier design, and permits number 10-003 and 10-004.

c) Washington Conservation District (WCD)

Erik Anderson stated that he had no report.

d) Smith Partners

Chuck Holtman stated that he had nothing to add.

9) **Report of Treasurer**

a) ***Approval of Bills***

The Treasurer discussed the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills totaling \$22,536.10 for June, 2010.

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

Administrator Anhorn then mentioned that at the Board's April meeting the Board made motion to transfer \$578,525 from the General Fund into the newly formed Program and Project Implementation Fund. Anhorn wanted the Board to be aware that the amount at that time was calculated on the cash basis, and that for audit and accrual basis purposes, the actual amount is \$18,806.63 less (or round to \$18,807). Therefore the correct January 1, 2010 Program and Project Implementation Fund balance for audit purposes is \$559,718.

The Board held discussion on the differences between cash and accrual basis accounting and acknowledged the differences. Following discussion, the Manager Spence made motion to approve the Program and Project Implementation Fund balance of \$559,718 as the 2009 year end amount shown on an accrual basis. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

10) **Reports of Officers and Manager**

Manager Anderson–

Manager Anderson provided highlights from a recent DNR netting excursion on Comfort Lake, including the catch and release of a 44 inch muskie.

Manager Damchik–

Nothing to report

Manager Lynch –

Manager Lynch mentioned that he had saved the recent StarTrib articles on issues confronting lakes in the state, as well as the recent National Geographic which highlight water.

Manager Moe –

Nothing to report

Manager Spence –

Nothing to report

11) **Update on Administrator Position Posting/Interviews**

The Board held discussion the results of the June 22, 2010 interviews of the four (4) finalists for the Administrator position. The Board stated their good fortune of having four highly qualified candidates.

Each of the Managers provided preliminary thoughts on who they thought the best hire would be and for what reason(s).

Following discussion, it was the consensus of the Board to offer the District's Administrator position to Mr. Doug Thomas. The Board then discussed potential starting salary, benefits and other issues.

The Board appointed Manager Anderson and Manager Spence to contact Mr. Thomas, and set up a process to meet with Mr. Thomas and negotiate an employment agreement. The Board would then set a special meeting for 5 PM, Thursday July 1, 2010 at the Forest Lake City Hall in order to bring the negotiated agreement back to the full Board to be ratified.

The Board then discussed alternatives if Mr. Thomas does not accept the position, and then discussed, (and asked Chuck Holtman about the need for) the preparation of an official employment agreement.

12) Adjournment

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

Wayne S. Moe, Secretary