

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

THURSDAY, MARCH 27, 2008

1) Call to Order

The Vice President called the March 27, 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: Vice President Richard Damchik, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn, Cecilio Olivier and Lisa Tilman (EOR)

Other: Beryl Halldorson,

2) Open the Regular Meeting

The Vice President opened the Regular Board Meeting.

3) Reading and Approval of Agenda

The Vice President called for the reading and approval of the March 27, 2008 regular Board meeting agenda. The motion to approve the agenda with the addition of a discussion on Comfort Lake Associations request for modeling services from EOR under the New Business section was made by was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed unanimously.

4) Reading and Approval of Minutes

The Vice President called for the reading and approval of the minutes of the February 28, 2008 regular Board meeting. Administrator Anhorn mentioned because of the absence of President Anderson, the President had forwarded a few edits to the February 28, 2008 minutes. Manager Moe also added an edit. Manager Spence made motion to approve the February 28, 2008 regular Board meeting minutes with presented edits. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

5) Public Open Forum

Nothing Presented

6) New Business

a) Annual Audit

Administrator Anhorn stated that as part of the recent Annual Audit, the Board will need to discuss how it will handle the annual leave payout of the District employees. Anhorn said that HLB Tautges Redpath needs to know the District policy in order to determine what debt the District owes for the

Administrator's carried over annual leave (96 hours) and the resulting District policy will be amended to in the District's Financial Internal Control Manual. The Board held discussion on the District's current accumulated annual leave schedule, carryover maximum, and potential carryover payout options upon employment separation.

Following discussion on the policies of other watershed districts, Manager Spence made motion for the Administrator to create a policy stating that the accumulated annual leave (up to the District set maximum) of a full-time District employee shall be paid out at the employee's current wage. Manager Moe seconded the motion. Upon vote, the motion passed unanimously.

b) Retroactive authorization for accountant payroll responsibilities

At the request of the District Accountant, Administrator Anhorn presented a letter that the Accountant thought the Managers should sign, retroactively authorizing the Accountant to set up electronic transfers for the District's payroll. The Board discussed already addressed this issue in 2007 when they had authorized the District's accountant to do the District's payroll. Following further discussion, the Board decided that in order to provided documentation for the Accountant's records, they would sign a letter retroactively authorizing the Accountant to set up electronic transfers for the District's payroll.

c) Comfort Lake Association Outlet Weir and Lake Level Modeling Request

Manager Spence stated that the Comfort Lake Association will be working with EOR in order to to run the District's XP-SWMM model on different outlet weir elevations to determine what influence each would have on lake levels at a cost of \$425.00. Manager Spence said that through discussions with Lisa Tilman (EOR) he was informed that without District approval, EOR generally does not work for other entities within a watershed they represent. Manager Spence further mentioned that it was suggested that it may work better if EOR invoices the District for the work, and have the Comfort Lake Association reimburse the District.

After discussion Manager Lynch made motion to request EOR to use the District's XP-SWMM model to model two outlet weir elevation scenarios at a cost not to exceed \$425.00, to be reimbursed to the District by the Comfort Lake Association. Manager Moe seconded the motion. Upon vote, the motion passed three (3) yeas to zero (0) nays with Manager Spence abstaining.

7) Old Business

a) Draft Rules TAC/CAC Meeting and Comments Update

Administrator Anhorn presented the minutes and notes from the District's March 4, 2008 and March 18, 2008 TAC/CAC draft rules review meeting, and a list of items for Board discussion and potential decision from recommendations coming out of the mentioned TAC/CAC meetings (a copy of each is annexed and incorporated by reference). Ms. Tilman walked the Board through the through the TAC/CAC recommendation items needing Board decision/discussion in order to provide direction to staff on areas to edit the current draft rules.

Following discussion on each Board decision item presented, the Board decided to accept recommendations on numerous items and directed staff to incorporate the discussed changes including:

- Require electronic submission of exhibits.

- Require applicant to delineate all wetlands on site and conduct function and value assessments on all disturbed wetlands on site.
- Adapt stormwater rule to better define sequencing and add volume trading and cash in-lieu of.
- Eliminate reference to “pre-settlement” conditions in stormwater rule and refer directly to curve numbers (CN) needed for calculations.
- Require an applicant to receive a DNR watercourse and basin crossing permit prior to requesting a District permit.
- Revise procedural section to state that it is our preference, but not requirement, that District approval come before City approval.
- Remove agricultural waste rule and have as addendum to rule and/or include in Watershed Management Plan. Also, work with municipalities with agricultural ordinances and work on education and possible incentive or cost-share program from hobby horse farm (i.e. animal exclusion fencing to keep animals out of wetlands).

The Board also discussed and decided to leave the District’s proposed following rules as they currently are drafted and further discuss the issues at a workshop following the last TAC/CAC meeting and the April 24, 2008 Board meeting;

- Stormwater Management, Rule 2.2 (applicability).
- Floodplain and Drainage Alterations, Rule 7.0.
- Erosion Control Rule, 3.2 (regulation).

The Board further requested that staff come to the April 24, 2008 meeting with a few ideas to incorporate findings from the Districts load allocation model and load reduction needs into the rule process.

Administrator Anhorn went through a revised TAC/CAC meeting schedule including the probable need for workshops to discuss the scope of the District’s permit program (including fees), and issues coming out of TAC/CAC recommendations, as well as the need for legal review, a public hearing and eventual adoption. The Board discussed the schedule and asked for a few revisions, including a joint Board and TAC/CAC workshop. The Board discussed items (some raised through the TAC/CAC process) they felt they would need to discuss further in a workshop:

- Permit Program
- Fees
- Erosion disturbance (Rule 3.2)
- SW applicability (Rule 2.2)

b) Special Legislation Update

Administrator Anhorn stated that the District’s Legislation has been introduced in the House (HF 2824) and Senate (SF 2480) and provided an update on where the District was on its Special Legislation.

Anhorn specifically highlighted recent issues raised by Washington County as to requiring approval of the District’s annual budget. Anhorn also provided an update on recent meetings including a joint meeting with Senators Olseen and Vandever, Representatives Dettmer and Kalin, County Commissioners Hegberg (Washington County) and Montzka (Chisago County), Ray Bohn (MAWD),

John Jaschke and Steve Woods (BWSR) and Anhorn to try to develop language acceptable to all. The resulting language was discussed (A copy of the update is annexed and incorporated by reference).

Anhorn also Chisago County Board meeting that he, Manager Anderson and Manager Spence attended in order to discuss Washington Counties request for county approval of the District's budget and levy.

And finally, the Administrator stated that the District's legislation was included in the Senate Tax Committee's Omnibus bill which is anticipated to be brought to the Senate floor sometime during the week of March 31- April 4. A copy of the final Legislation language is annexed and incorporated by reference. The final Senate language will be used for the District's identical legislation in the House.

c) Plan Amendment/Revision Update

Administrator Anhorn stated that the Watershed Management Plan revision to meet requirements under Minnesota Statute Chapter 103B was submitted to all entities that required a copy by February 13, 2008. Copies were sent to the Cities of Chisago City, Forest Lake, Scandia, Wyoming and Wyoming Township, Chisago and Washington Counties, Chisago and Washington County SWCDs, BWSR, DNR, Metropolitan Council, Minnesota Department of Agriculture, Minnesota Department of Health, Minnesota Department of Transportation, and MPCA. Anhorn went through the review processes and timelines. Anhorn stated that to date, the District has yet to receive any comments (comments are due around April 15, 2008).

d) 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.

8) Report of 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.

Administrator Anhorn highlighted the District's recent meetings he had with local, county, and state representatives, the success of their recent capital improvement plan open house held on January 28, 2008, and the watershed being a booth partner with the City of Forest Lake at the upcoming Forest Lake Home Show on Saturday, March 15, 2008.

Anhorn then stated that the District had recently been notified that the District's DNR Shoreland Vegetation grant, in partnership with Great River Greening and the City of Forest Lake, was successful. The grant will result in shoreland restoration on two properties on Bone Lake (May 2008), and a yet to be determined number of dead-end street sites on Forest Lake.

Administrator Anhorn presented a letter the District recently received from the MN Department of Revenue following up on the District's proposed use of the Chisago County tax-forfeited land the District received in 2004. The State requires updates for their records to see if the parcels are being used as originally proposed. The original deed stated that the parcels would be used for water management projects. Anhorn said that if the parcels were no longer, or never been used for the purpose it was

acquired for, they could be reconveyed to the State. The Board discussed the current and future use(s) of the land as a water resources management tool to improve the water quality of the downstream impaired waterbody, and their continued desire for the land to fulfill water quality and quantity management needs. They Board directed the Administrator to fill out the requested information and send it in to the Department of Revenue.

Administrator Anhorn further stated that he had received a letter from Washington County about transferring two parcels of tax-forfeited land just north of the land the District currently owns in Washington County (a copy is annexed and incorporated by reference).

9) Report of Engineer

a) Emmons and Olivier Resources (EOR)

Lisa Tilman, provided the Board with an engineer's report for March (A copy of the update is annexed and incorporated by reference). Ms. Tilman discussed recent work EOR has undertaken for the District including work on the District's draft Rules, and continued work on the District's TMDL study.

b) Washington Conservation District (WCD)

While Travis Thiel was not in attendance, the Administrator discussed a memo received from WCD stating that through the process of getting the District's monitoring equipment ready for the 2008 monitoring season, it was determined that one of the Districts tributary monitoring sensors was not working. A copy of the WCD memo is annexed and incorporated by reference. While the District does have one spare sensor unit, the WCD was requesting direction from the Board as to the action WCD should take for the repair or replacement of the sensor. Anhorn further stated that the District does have \$1,500.00 budgeted in 2008 for monitoring equipment repair.

The cost to send the sensor to the manufacturer for an evaluation of the problem will cost the CLFLWD \$125.00-\$150.00. In most cases, the sensor need will need to be replaced, as there is little the manufacturer can do to repair any internal problems on this particular piece of equipment. If the board wishes to purchase a new sensor after the evaluation, the cost of the evaluation can be applied toward the cost of a new sensor. The cost for a new sensor is \$1,115.00.

Motion was made by Manager Lynch to have WCD send the sensor unit in for evaluation. The motion was seconded by Manager Moe. Upon vote, the motion passed unanimously.

10) Report of Attorney

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.

11) Report of Treasurer

a) Approval of Bills

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

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

b) Approval of Treasurer's Report

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

12) Reports of Officers and Manager

Manager Anderson –

Not in attendance

Manager Damchik –

Manager Damchik asked about the marina dredging at the Lake House on Forest Lake, and questioned how the DNR could a permit for the project. Manager Damchik stated that the area was a mess.

Manager Lynch –

Manager Lynch provided the Administrator with edits to be made to the District's information brochure.

Manager Moe-

No Report

Manager Spence –

No Report

13) Adjournment

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

John T. Lynch, Secretary