

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

**THURSDAY, AUGUST 2, 2007**

1) **Call to Order**

The President called the August 2, 2007 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, Secretary John Lynch, Treasurer Jon Spence, Manager Wayne Moe

Staff: Randy Anhorn, Joe Bischoff (Wenck & Associates), Dan Fabian (EOR), Cecilio Olivier (EOR), John Thene (Wenck & Assoc.), and Lisa Tilman (EOR)

Others: Charles Holtman, Ray Marshall, Louis Smith

2) **Reading and Approval of Agenda**

The motion to approve the agenda was accepted by consensus

3) **Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the regular meeting of June 28, 2007. Motion was made by Manager Anderson, to approve the June 28, 2007 regular meeting minutes with corrections and seconded by Manager Damchik. Motion carried unanimously.

The President called for the reading and approval of the minutes of the Rules Workshop of June 19, 2007. Motion was made by Manager Lynch to approve the June 19, 2007 Rules Workshop minutes with corrections and seconded by Manager Moe. The motion carried unanimously.

4) **Matters of Public Interest**

Nothing presented

5) **New Business**

**a) Interviews for legal services**

The Board welcomed Louis Smith and Charles Holtman from Smith Partners and Ray Marshall from Lawson, Marshall, McDonald, Galowitz & Wolle, P.A., and thanked both firms for sending in proposals to provide legal services for the District.

The Board excused Mr. Marshall before allowing Mr. Smith and Mr. Holtman present their firm's qualifications and past watershed work experience. Following the presentation by Smith Partners, the Board asked numerous questions. Manager Moe asked if Smith Partners currently represented any District's that have been sued, and how often this happens. Mr. Smith said that District's do get sued, and the job of the attorney is to help the Board keep their eye wide-open knowing the risks of the decisions they make on various subjects (risk management). Manager Spence stated the District's uniqueness (only watershed district transecting metro and non-metro counties), and asked their opinion of changing the District's designation from non-metro to metro (103D to 103B) and if they could help in the process. Mr. Smith stated the change would take legislative action and that Smith Partners has been involved with the legislature on watershed management throughout the state. Manager Anderson questioned the Smith Partners fee structure and asked about the proposed "blended" rate and meeting retainer. After further discussion the Board thanked Mr. Smith and Mr. Holtman for their time and asked them to send Mr. Marshall in as they stepped outside the Council Chambers.

Mr. Marshall presented his firms qualifications and past experiences representing watershed management organizations (including watershed districts). The Board had questions on who would be the primary representative from the firm. Mr. Marshall stated that he would be the primary contact attending the majority of the District's meetings. Manager Moe asked Mr. Marshall which watersheds he councils, and if they were currently involved in any lawsuits. Mr. Marshall said that while there currently is not any active litigation within any of the watersheds he is involved in, it has happened in the past. Manager Spence asked about special assessment projects, and how long the process takes. Mr. Marshall spoke about past experiences with the special assessment process and stated that the process could take over a year. Manager Anderson asked about the firm's rates and if District meetings would be billed on an hourly basis or if there was a retainer option. Mr. Marshall stated that meeting billings would be determined via the presented hourly rate.

After interviewing each of the firms, motion was made by Manager Spence to table the discussion until the August 23, 2007 regularly scheduled Board meeting. The motion was seconded by Manager Moe. The motion carried unanimously.

6) **Old Business**

**a) *Draft Rules***

The Board went through the presented draft rules and provided edits to staff. Staff was directed to makes edits and send out the revised draft prior to the District's August 23, 2007

Board meeting. The Board will then review the draft rules one more time prior to going forward with the next stage in the rule development process (the passing out of the final draft to members of the District's local communities and advisory committees and the initiation of the technical and citizen advisory committee TAC/CAC meeting process).

***b) 2007 Work Plan & Projects Update***

Administrator Anhorn provided the Managers with a copy of the 2007 proposed work plan with progress updates on each of the items listed. A copy of the update is annexed and incorporated by reference. Mr. Anhorn stated that the lake and stream monitoring, water quality (load allocation) modeling and design services, and rules and regulation development projects are ongoing. Additionally, Anhorn mentioned that he and Travis Thiel (WCD) were starting to look at the 2008 monitoring needs and budget as well as looking for grants to help subsidize the District's 2008 monitoring.

Anhorn also gave an update on the District's draft rules and mentioned that after Board approval, the next stage will be for staff to start the TAC/CAC meeting process in order to present rules and receive comment back from the local communities and other state and local stakeholders. Administrator Anhorn stated that the District successfully hosted its first free nitrate testing clinic on Saturday, June 30, 2007 from 9-11 a.m. at the Scandia Community Center. Roughly 120 samples were processed in 2 hours.

Mr. Anhorn further stated that the District's website went live on July 2, 2007. The domain for the site is clflwd.org.

And finally, Anhorn stated he and a WCD representative recently met with three shoreland homeowners on Bone Lake interested in creating a more native shoreline and bluff. Since the meeting the homeowners were hooked up with Great River Greening to help design and provide cost-share for the project. It seems that they are still in need of additional funds in order to be able to afford the project. Anhorn will potentially be helping the shoreland owners apply for a DNR "Shoreline Vegetation Grant."

7) **2008 Budget**

The Board held preliminary discussion on the District's 2008 budget. Administrator Anhorn presented a spreadsheet tracking the District's projected budget for the second half of 2007 through the end of 2008. Anhorn pointed out the projected budgetary constraints in June 2008 prior to the District receiving the first half of the Counties 2008 settlements in early July.

The Board then discussed funding mechanisms for future projects, and given the timeframe, their ability to include such projects in the 2008 budget.

The Board decided to schedule a Budget workshop to further discuss expectations and possibilities for 2008. The Board picked Tuesday, August 21, 2007 at 6:00 by consensus. The meeting will be held in the lower level of the City of Forest Lake City Offices.

8) **Report of Administrator**

Administrator Anhorn presented an Administrator's report memo (a copy of each report 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 a recent meeting with the City of Forest Lake, The District and Wenck & Associates to discuss the City's stormsewer infrastructure, and a recent meeting with the City, McComas Frank Roos Associates (MFRA), and District Staff to discuss latest revisions to the Wal-Mart project (in response to the District's July 16, 2007 to the Forest Lake City Council). Anhorn further discussed recent correspondences and meetings presented in the Administrator's report.

9) **Report of Engineer**

*a) Emmons and Olivier Resources (EOR):*

Dan Fabian discussed the recent meeting with Administrator Anhorn, the City of Forest Lake and MFRA on the Wal-Mart revision/stormwater calculations. Mr. Fabian mentioned that while they had not received the full set of plans to review, it seemed as though they are working to address the issues raised by the District.

*b) Washington Conservation District (WCD)*

Administrator Anhorn provided information on the collaborated effort between WCD and District staff to prepare a 2008 monitoring plan and budget. Anhorn also stated that they were preparing a proposal for Surface Water Assessment Program Grant from the MPCA.

Anhorn further provided information on recent vandalism at the District's Comfort Lake outlet monitoring site. There have been two recent vandalism incidents at the site where the cable from the sites data logger to the flow sensor was sliced. The set-up is simply monitoring discharge in order to refine the site's rating curve. Anhorn said that because the data logger stops collecting data as soon as the cable is cut, they know that the vandalism took place between 2:45 and 3:00 a.m. each time. Anhorn further mentioned that he has contacted the Chisago County Sheriffs Department and is looking into other methods to identify the culprit and find a more secure way to collect the needed data.

*c) Wenck & Associates*

The Board discussed issues raised at the water quality modeling workshop held earlier in the day. Manager Anderson mentioned that she was uncomfortable with the number of alum projects preliminarily listed in the overall project list. Manager Anderson asked EOR to take a look at each lake's project lists and see if there are alternatives to the excessive use of alum in order to reduce loading. Anderson further asked Wenck & Associates to provide information as to the cost of diatom cores to determine pre-settlement conditions of lakes. Manager Lynch also asked Wenck & Associates to re-look at or expand the use of wetland restoration and/or

modification in order to address loading reduction. Manager Anderson asked for the cost estimate for the diatom cores and an expanded list of potential wetland projects to be sent to Administrator Anhorn by August 14, 2007 (a week prior to the District's scheduled Budget workshop).

**10) Report of Treasurer**

*a) Approval of Bills*

Manager Spence discussed the Treasurer's Report and bills for July 2007.

Motion was made by Manager Damchik to pay the bills as presented. Manager Lynch seconded. Motion carried unanimously.

*b) Approval of Treasurer's Report*

Motion was made by Manager Damchik to approve the July Treasurer's Report. Manager Lynch seconded. Motion carried unanimously.

*c) Discussion on how to handle unemployment insurance for 2008*

The discussion on unemployment insurance for 2008 was tabled until the scheduled Tuesday, August 21, 2007 Budget workshop.

**11) Reports of Officers and Manager**

**Manager Anderson –**

No report

**Manager Damchik –**

No report

**Manager Lynch –**

No report

**Manager Moe-**

No report

**Manager Spence –**

Manager Spence mentioned the recent meeting that he and Administrator Anhorn had with BWSR representatives Les Lemm, Doug Thomas, and Steve Woods to discuss funding mechanism available for the District.

The Board of Managers discussed the need to set a date for a public hearing for their eventual 2008 budget prior to September 15, 2007 yet late enough to provide adequate time for public notice of the hearing. Tuesday, September 11, 2007 at 6:00 was chosen by consensus for the District's 2008 Budget public hearing. The public hearing will be held in the City of Forest Lake's Council Chambers.

**Adjournment**

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

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John T. Lynch, Secretary