

**MINUTES OF 2010 BUDGET PUBLIC HEARING and REGULAR MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT**

THURSDAY, AUGUST 27, 2009

1) Call to Order

The President called the August 27, 2009 2010 budget public hearing and 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, Manager Jon Spence

Absent: Secretary Wayne Moe

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

Other: Jessica Collins-Pilarski (WCD), Jeff Gosiak (Forest Lake Association), Linda Nanko-Yeager (Wyoming City Councilmember), Ken Stone (Kodet Architectural Group)

2) Opening Remarks from the Board President on the 2010 Budget Public Hearing

The President presented a brief history of the process leading to, and resulting amounts of, the proposed 2010 budget and levies.

3) Public Comment

The President asked for public comments on the District's. There were no public comments.

4) Discuss District's 2010 Budget and Levies

Administrator Anhorn presented a proposed budget for 2010. A copy of the proposed budget is annexed and incorporated by reference.

The President called for discussion of the proposed annual budget. The President further reported that the notice of the budget hearing was published in the Chisago County Press and Forest Lake Times newspapers on August 13, 2009 and August 20, 2009. A copy of the Affidavits of Publication are annexed and incorporated by reference.

The Board discussed the amount of the 2010 proposed levy and how the 2010 work plan and budget was an extension of what was discussed and adopted as part of the 2009 budget process. The Board further discussed the proposed work plan and budget and highlighted areas similar to 2009 and areas where there were changes including the initiation of the Watershed Management Plan update, the continuation of two capital projects (NBL12 and FL44 wetland restoration projects), the initiation of two additional capital projects included in the District's CIP (Moody Lake carp removal and alum treatment 2010 and 2011) and baseline and investigative monitoring.

After discussion, the Board made motion on the following resolutions for the 2010 budget and levies.

**RESOLUTION 09-08-01
2010 BUDGET RESOLUTIONS**

Manager Spence made motion to adopt the 2010 budget as distributed, seconded by Manager Lynch. Upon vote, the motion carried with three (3) ayes and zero (0) nays with two (2) absent as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</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 09-08-01 adopted.

**RESOLUTION 09-08-02
RESOLUTION TO CERTIFY 2010 ADMINISTRATIVE FUND LEVY**

Manager Spence offered the following resolution and moved its adoption, seconded by Manager Lynch:

WHEREAS, pursuant to Minnesota Statutes Sections 103B.241, 103D.905 and 103D.915 and other statutory authority, the Board of Managers of the Comfort Lake - Forest Lake Watershed District is authorized to levy an ad valorem tax against all taxable property in the district for various purposes; and

WHEREAS, pursuant to Minnesota Statutes, published notice was duly given by the Board of Managers for a public hearing, which was held on August 27, 2009, whereby the 2010 budget of the Comfort Lake - Forest Lake Watershed District was determined, and the said Board of Managers is legally authorized to levy the tax described below;

THEREFORE BE IT RESOLVED, that a levy of 0.048 percent of taxable market value, not to exceed \$250,000.00, be certified to the Counties of Washington and Chisago in proportion to the net tax capacity of that part of the watershed lying within each county and levied upon all taxable property in the Comfort Lake - Forest Lake Watershed District, for the year 2010, for the purpose of paying the General Fund expenses of the District as provided by Minnesota Statutes Section 103D.905 Subdivision 3.

The question was on the adoption of the above resolution and there were three (3) ayes and zero (0) nays with two (2) absent as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</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 09-08-02 adopted.

**RESOLUTION 09-08-03
RESOLUTION TO CERTIFY
2010 METROPOLITAN SURFACE WATER MANAGEMENT ACT LEVY**

Manager Spence offered the following resolution and moved its adoption, seconded by Manager Lynch:

WHEREAS, pursuant to Minnesota Statutes Sections 103B.241, 103D.905 and 103D.915 and other statutory authority, the Board of Managers of the Comfort Lake - Forest Lake Watershed District is authorized to levy an ad valorem tax against all taxable property in the district for various purposes; and

WHEREAS, pursuant to Minnesota Statutes, published notice was duly given by the Board of Managers for a public hearing, which was held on August 27, 2009, whereby the 2010 budget of the Comfort Lake - Forest Lake Watershed District was determined, and the said Board of Managers is legally authorized to levy the tax described below;

THEREFORE BE IT RESOLVED, that the percentage of taxable market value required to raise the amount of \$497,000 be certified to the Counties of Washington and Chisago in proportion to the net tax capacity of that part of the watershed lying within each county and levied upon all taxable property in the Comfort Lake – Forest Lake Watershed District, for the year 2010.

The question was on the adoption of the above resolution and there were three (3) ayes and zero (0) nays with two (2) absent as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</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 09-08-03 adopted.

RESOLUTION 09-08-04
RESOLUTION TO CERTIFY 2010 LIABILITY INSURANCE LEVY

Manager Spence offered the following resolution and moved its adoption, seconded by Manager Lynch:

WHEREAS, pursuant to Minnesota Statutes Sections 466.06 the Board of Managers of the Comfort Lake - Forest Lake Watershed District is authorized to levy an ad valorem tax against all taxable property in the district for the premium costs for liability insurance; and

WHEREAS, pursuant to Minnesota Statutes, published notice was duly given by the Board of Managers for a public hearing, which was held on August 27, 2009, whereby the 2010 budget of the Comfort Lake - Forest Lake Watershed District was determined, and the said Board of Managers is legally authorized to levy the tax described below;

THEREFORE BE IT RESOLVED, that a levy to raise a sum of \$8,000 to pay the premium costs for liability insurance be certified to the Counties of Washington and Chisago in proportion to the net tax capacity of that part of the watershed lying within each county and levied upon all taxable property in the Comfort Lake - Forest Lake Watershed District, for the year 2010, for the purpose of paying the premium costs of liability insurance as provided by Minnesota Statutes § 466.06.

The question was on the adoption of the above resolution and there were three (3) ayes and zero (0) nays with two (2) absent as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</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 09-08-04 adopted.

The Chair declared resolutions 09-08-02, 09-08-03, and 09-08-04 adopted.

5) Close Public Hearing Portion of the Meeting

The President closed the public hearing portion of the meeting.

6) Open the Regular Meeting

The President opened the regular Board Meeting.

7) Reading and Approval of Agenda

The President called for the reading and approval of the August 27, 2009 regular Board meeting agenda. Administrator Anhorn stated that an issue on the need for a permit application for the North Lakes

Academy project has recently arose with the lapse of the project's preliminary plat approval from the City of Wyoming. Anhorn stated that due to the lapse and the District's December 18, 2009 resolution adopting its rules and initiating its permit program (08-12-01), it was his understanding that the project now would need to get a District permit as opposed to being grandfathered in under the District's past review/comment program. Anhorn further stated that representatives from the project are in the audience and would like to address the Board as to the need for a permit, or continuance under the older review/comment process. Anhorn said that the issue could be added to permit and review portion of the new business section of the agenda. Motion to approve the agenda with mentioned additions was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed unanimously (three (3) ayes and zero (0) nays).

8) Reading and Approval of Minutes

The President called for the reading and approval of the minutes of the July 23, 2009 regular Board meeting. Following discussion on the draft minutes, motion to approve the July 23, 2009 regular Board meeting minutes with edits was made by Manager Spence and seconded by Manager Lynch. Upon vote, the motion passed with two (2) ayes and zero (0) nays Manager Damchik abstaining due to being absent at the July 23, 2009 meeting.

The President then called for the reading and approval of the minutes of the August 5, 2009 2010 work plan and budget workshop meeting. Following discussion on the draft minutes, motion to approve the August 5, 2009 2010 work plan and budget workshop meeting minutes with edits was made by Manager Lynch and seconded by Manager Spence. Upon vote, the motion passed unanimously (three (3) ayes and zero (0) nays).

9) Public Open Forum

Nothing presented

10) 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 there were three applications and one reimbursement request to discuss.

i. Trandal BMP Cost-Share Reimbursement

Administrator Anhorn stated that he had recently completed a walk through of the finished Trandal shoreline restoration/vegetative swale project located at 26108 Kendall Lane, Wyoming (on Comfort Lake) 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 Trandal project (a copy of the request is annexed and incorporated by reference). Anhorn stated that the submitted receipts for labor (including volunteer labor) and materials for the project equaled \$9,421.72 of which \$4,771.00 is reimbursable through the District's program. The District's cost-share portion covers ½ of the labor and material costs of the project, and because ½ of the project's reimbursable amount exceeds the District's maximum of \$2,000.00, the reimbursement request submitted by Mr. Chris Trandal is for \$2,000.00.

Following Board discussion on the project and reimbursement request, motion was made by Manager Spence to reimburse Mr. Trandal \$2,000.00 for the District's BMP incentive cost-share portion of the Board approved shoreline restoration project. The motion was seconded by Manager Lynch. Upon vote, the motion passed unanimously (three (3) ayes and zero (0) nays).

Manager Anderson arrives to the Board meeting.

b) Permits and Reviews

i. North Lakes Academy

Administrator Anhorn stated that as earlier mentioned, an issue on the need for a permit application for the North Lake Academy project has been raised with the lapse of the project's preliminary plat approval from the City of Wyoming. Anhorn stated that due to the lapse and the District's December 18, 2009 resolution adopting its rules and initiating its permit program (08-12-01; a copy of which is annexed and incorporated by reference), it was his understanding that the project now would need to get a District permit as opposed to being grandfathered in under the District's past review/comment program. Anhorn stated that the City's initial preliminary plat approval was contingent on the project meeting District proposed standards even though the District did not have adopted rules at the time. As a result, the District had been reviewing the project plans through out the initial planning/design process and cumulating with last District review letter dated July 7, 2008, which identified various outstanding issues (a copy of the July 7, 2008 letter to the city and project team is annexed and incorporated by reference). Since that last review/comment letter, the project stalled while looking for financing and in the interim the City's preliminary plat approval lapsed and was re-approved on Tuesday, August 25, 2009 with the condition that the project obtain a District permit and/or address any comments received from Comfort Lake – Forest Lake Watershed District.

Anhorn further stated that the standards used in the review are similar to those now included in the District's adopted rules and therefore it does not appear likely that application of the District rules standards would require significant changes to the project. He noted, though, that the District's previous review was at a somewhat conceptual level given the preliminary nature of the development plan. Anhorn said that the question at this point is if the lapse in preliminary plat approval results in the project's need for a District permit or if the project can continue its design process addressing District concerns through the previous review/comment process.

Ken Stone, the project architect spoke as to their desire for the process to continue under the review/comment process. Mr. Stone handed out drawings of the proposed school and detailed the timeline and causes that resulted in the project having its preliminary plat approval lapse and the desire for the project to begin in mid- to late-October. Mr. Stone worried about the District's permit process delaying the project.

The Board held discussion on if the project's lapse in preliminary plat approval and if it should result in the project now needed a District permit, of if due to circumstances and its re-approval by the city the project could continue under the older review/comment process.

The Board discussed the District's rules and resolution 08-12-01 and the District's initial conceptual review basically detailing what more was needed in order to ensure a proper review. The Board was concerned about the initial lack of information and after the initial comment on the submitted information, not hearing anything for the last year. The Board felt that by requiring a permit as opposed to simply going through the review comment process, they would be able to be sure that all District requirements would be met.

Chuck Holtman described the differences and scenarios between having the project continue through the review comment process or now, due to the lapse in the preliminary plat approval, require it to go through the District's permit program. He noted two differences. First, even if the District's standards are the same, under review and comment they would only be advisory, whereas under a permit scenario they would be binding. Second, under a permit scenario North Lakes Academy would be obligated to perform periodic maintenance on stormwater management facilities to provide for ongoing function.

Mr. Holtman advised that the Board's question is to decide what the language of its resolution says. That is, does the exception from the permit requirement for activity that "received ... preliminary plat approval from the local land use authority" before February 1, 2009, apply to any activity that received plat approval at some time in the past even if the approval has lapsed, or only to an activity that received plat approval before the indicated date and where the approval is still effective. Mr. Holtman noted that the purpose of the exception is for property owners that had made a substantial investment in a land development before the effective date of the rules such that it would be unfair to subject them to new criteria that could require significant plan changes. He noted that if the Board decides that the exception applies only to active plat approvals, under other language in the resolution the property owner could request an exception on a project-specific basis under the District's variance procedures, even if the plat approval had lapsed.

Following discussion, Manager Anderson made motion that the resolution requires an active plat approval and that due to the City of Wyoming preliminary plat approval for the North Lakes Academy project lapsing and the new preliminary plat approval being received on August 25, 2009 (after the February 1, 2009 deadline stated in District resolution 08-12-01), the project will have to obtain a District permit(s) as detailed through the Districts rules. The motion was seconded by Manager Lynch. Upon vote, the motion passed unanimously (four (4) ayes and zero (0) nays).

c) Chisago County Children's Water Festival

Administrator Anhorn presented a letter received from Chisago County Water Resource Manager, seeking funds for the 2009 Chisago County Children's Water Festival scheduled for Friday, September 25, 2009 at the Wild Mountain Recreation Area near Taylor's Falls. A copy of the letter is incorporated by reference and annexed within. Anhorn stated, that at the festival, children learn that the quality of our water (including lakes, streams, and groundwater), is determined by what we do on the land.

Anhorn stated that the District provided funds for the event in 2008 and generally the Festival hosts an average of 750 fifth grade students – including all the fifth grade classrooms at Wyoming Elementary School, and expect a similar number of students this year. In addition, over 100 teachers and parent volunteers, as well as more than 50 presenters and event volunteers will assist with the event. Anhorn further mentioned that he will be volunteering this year as well, and said that if the Managers were interested in volunteering as well they can contact him for more information.

Anhorn stated that funding is needed to assist with bussing for the schools, refreshments and lunches for the festival presenters and volunteers, facility rental costs, supplies for activity stations, and a memento for the day (such as a water festival T-shirt) for the children to take home with them. By providing funding, the District will be listed as a co-sponsorship of the event in press releases and the festival program.

The Board discussed the benefits of the event and potential for providing funds. Following discussion, Manager Lynch motioned to provide \$500.00 to the 2009 Chisago County Children's Festival. The motion was seconded by Manager Spence. Upon vote, the motion passed unanimously (four (4) ayes and zero (0) nays).

11) Old Business

a) Mainstreet Bank Savings and Checking Accounts

Administrator Anhorn provided an update to the Board on its accounts currently held at Mainstreet Bank and its recently opened savings account at the First State Bank of Wyoming. Anhorn stated that as directed by the Board at the July Board meeting, Managers Lynch and Moe and himself recently opened an account at the First State Bank of Wyoming and transferred money out of the Mainstreet Bank account in order to diversify the District's holdings. Anhorn stated that its holdings at each Bank are currently under the FDIC insured maximum levels. Anhorn further mentioned that Managers Anderson, Damchik and Spence will need to stop in to First Bank of Wyoming to provide social security number, license, and signature to the Bank's records in order to be a signer for the account.

The Board held discussion on the District's currently holdings at Mainstreet Bank and the need to make sure that all of the District's funds are insured and the District is properly diversified.

Following discussion, Manager Anderson made motion to direct the Administrator and Treasurer to keep the District funds held at Mainstreet Bank below the FDIC insured limit, which is currently \$250,000, and if, following automatic county disbursements, the District's Mainstreet accounts exceed the FDIC limit, to transfer the excess funds to the District's account held at First State Bank of Wyoming. The motion was seconded by Manager Lynch. Upon vote, the motion passed unanimously (four (4) ayes and zero (0) nays).

12) 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:

- Completed Forest Lake "adopt-a-garden" trainings.
- Finally received the new water quality improvement project, buffer and "adopt-a-garden" signage and am in the process of installing signs at various locations.
- Conducted a few permit site inspections.
- Continue to conduct discharge monitoring at Comfort and Forest Lake outlets.
- Went over the various meetings attended since the July meeting.
- Have finished design for (and received approval from the City of Forest Lake on two to three more Forest Lake dead-end street buffer projects to be undertaken in 2009/2010. The sites include a raingarden/native planting garden at 4th Street SE and drainage swales at 236th and 237th Street NE.
- Continue to have a few phone and in-person meetings to discuss potential upcoming projects w/in the watershed and answer potential permit needs.
- Continue to search MPCA grant opportunities (also in partnership with GRG and City of Forest Lake).
- He will be conducting the fall point-intercept macrophyte survey on Moody Lake in mid-September.
- Had a pre-con site visit on the 35W mill/overlay project.
- Provided an update on the volunteer lake monitoring.
- Have set up third meeting with property owners for FL44 and NBL12 wetland restoration/cattle exclusion projects.
- Plan on taking annual leave days on Friday, September 11, 2009.

Administrator Anhorn presented an update of the recently held grazing workshop. Anhorn stated that the workshop was a great success with 45 people in attendance and has resulted in discussion on future workshops. Anhorn said that the District's cost for the event will be \$135.99 (1/2 of the food costs share with Carnelian-Marine-St. Croix Watershed District) and will be invoiced in September.

Administrator Anhorn then presented a draft brochure detailing the District's 2010 budget and levies (copy of the draft is annexed and incorporated by reference). Anhorn stated that the brochure is similar to the 2009 brochure, with updated numbers and charts, and would be used to educate the public on the District's budget and work plan and would be posted on its website and handed out at various events and requests.

i) 2009 Work Plan & Projects Update

Administrator Anhorn provided the Managers with a copy of the 2009 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 August, 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 stating that they had received comments on the submitted TMDL back from the EPA earlier in the day and that there were very few comments mostly centered on a couple figures and providing expanded definition on state standards and water class descriptions. Ms. Tilman also provided an update on the ongoing FL44 fish rearing pond diagnostic study.

The Board also discussed the need for Ms. Tilman and Administrator Anhorn to be keeping up to speed on ongoing and upcoming road projects within the City of Forest Lake.

c) Washington Conservation District (WCD)

No Report

d) Smith Partners

Chuck Holtman stated that he had nothing to add.

13) 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 totaling \$18,509.03 for August 2009 (as detailed in the Treasurer's Report).

Motion was made by Manager Anderson to approve the August 2009 Treasurer's Report and pay the bills as presented. Manager Spence seconded the motion. Upon vote, the motion passed unanimously.

14) Reports of Officers and Manager

Manager Anderson --

No Report

Manager Damchik –

Manager Damchik reported that the water is still not flowing over the Forest Lake outlet weir.

Manager Lynch –

Manager Lynch provided an update on the August 18th *Grazing* workshop, reminded the Managers that had not signed signature cards at the First Bank of Wyoming to do so, and that staff should contact the City of Forest Lake to stay up to date on upcoming lift station repairs around the city.

Manager Spence –

Manager Spence provided an update on his upcoming meeting conflicts.

15) Adjournment

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

Wayne S. Moe, Secretary