

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

Thursday, June 28, 2012

1. Call to Order

The President called the June 28, 2012 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 Tom Lynch, and Manager Jon Spence

Absent:

Others: Doug Thomas (CLFLWD), Jason Naber (EOR), and Mark Lobermier (Wyoming).

2. Setting of Agenda

The President called for the reading and approval of the June 28, 2012 regular Board meeting agenda. President asked if there were any changes or additions. Motion to approve the agenda was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote, the motion passed.

3. Reading and Approval of Minutes

The President called for the reading and approval of the minutes of the May 24, 2012 regular Board Meeting. Administrator Thomas noted a set of corrected minutes that were handed out prior to the meeting which incorporate comments he had received from the District attorney. Motion to approve the May 24, 2012 regular Board meeting minutes, as presented and amended, was made by Manager Moe and seconded by Manager Anderson. Discussion. Upon vote the motion passed.

4. Public Open Forum

Manager Damchik opened the floor to anyone in attendance wishing to comment on items that are not already scheduled to be discussed as part of the meeting agenda.

5. New Business

a) East Metro Water Resources Education Program Contract

Administrator Thomas noted his staff memo in the Board packet for this item. He provided some comments regarding the type and level of service the District's gets through its participation and recommended approval of the proposed 2013-2015 agreement by the Board. He also noted that the District Attorney is recommending that the motion, at the end, include the statement "...and to authorize execution of the agreement by the Board of President with any minor further changes on advice of counsel." This is being recommended as a few of the other watershed districts are also considering the agreement and if there are any minor language changes the President could sign a slightly modified agreement without it having to come back to the Board.

Manager Anderson inquired about the number of communities and watersheds that were involved. Administrator Thomas noted that there were 17 member cities and watershed organizations and that the list of members and how much each would pay is on the last page of the agreement. Manager Spence asked about the contribution amount of \$16,750 and if it was for three years. Administrator Thomas noted that it is the yearly cost and that it will remain the same for years two and three of the agreement. He pointed out that this was an important issue at EMWREP's last advisory committee meeting as most of the organizations felt that the payment amount had to remain the same so that by signing the agreement it did not lock a future board into a higher cost. Manager Anderson asked if the \$117,000 was the salary of the just the educator. Administrator Thomas noted that it covers the cost one full-time educator along with other staff support from the WCD.

Motion by Manager Anderson to approve the attached 2013-2015 Intergovernmental Agreement Between the Washington Conservation District and the Comfort Lake Forest Lake Watershed District and to authorize execution of the agreement by the Board President with any minor further changes on advice of counsel. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

b) City of Wyoming – Hwy 61 Improvements Permit Application

Administrator Thomas noted the EOR Engineers Report in the Board packet for Permit 2012-001 (City of Wyoming TH61 Road Improvements). He pointed out that the project involves reconstructing a portion of highway along with turn lane improvements, which will add new impervious surface, at the intersection of Hwy 61 and 250th Street in the City. He also noted the discussions that have taken place between the City's Engineer and EOR and at this time the Engineer is recommending approval of the permit with two conditions which are included in the Engineer's Report that deal with the required maintenance agreement and additional soils related information to prove suitability of using the west ditch as an infiltration area before issuance of the final permit. Manager Spence asked if what they are proposing is the removal of the existing soil and replacement with new material. Administrator Thomas commented that the method to establish the required infiltration would be as Manager Spence described. He further noted that the City's Engineer thinks that the underlying materials, based on the surrounding area, will be suitable for infiltration and the material that would be excavated above that layer would be replaced with material of similar or greater infiltration capacity.

Motion was made by Manager Moe to approve the Engineer's Report with conditions, dated June 20, 2012, for permit 2012-001. Motion was seconded by Manager Spence. Discussion. Upon vote the motioned passed.

c) Kemplin Residential BMP Cost-Share Application

Administrator Thomas noted his staff memo in the Board packet. He pointed out the revised cost-estimate that was handed out prior to the meeting. The revised cost-estimate from the WCD came in after the Board packet was mailed out. The increased cost is for the addition of a bio-log for wave protection and geese control fencing. He described the project which is a fairly typical shoreline water quality buffer project on the NW corner of Forest Lake (lake 1). The project was reviewed and scored by Managers Lynch and Moe along with Pete Young from the WCD and himself. The average project score was above the required minimum score of 35 and was recommended for funding by the review committee.

Motion by Manager Anderson to approve the Kemplin Residential BMP Cost-Share Incentive Program application for a shoreline water quality buffer planting project at the rate of 50% not to exceed \$1,762.20. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

d) 2012 Chisago Co. Children's Water Festival - Contribution

Administrator Thomas noted his memo in the Board packet. This is a request from Chisago County for financial assistance to support putting on a Children's Water Festival. The event is for all 5th grade students in the county. The District supported this educational effort in 2011 at a level of \$2,000 and the District has included \$2,000 in the District's 2012 work plan and budget for this year's event.

Motion by Manager Anderson to approve the expenditure of \$2,000 from the District's education and outreach fund to Chisago County for support of the 2012 Chisago County Children's Water Festival. Motion was seconded by Manager Moe. Discussion. Manager Anderson asked if this is in the budget why it needs to come to the Board each year for approval. Administrator Thomas commented that at present the bylaws of the District only allow for the Administrator to authorize expenses up to \$50.00. Manager Anderson commented that she would like to bring this up and add it under her Manager Report. Administrator Thomas noted that there are a few remaining policy items that are left for the Board to develop and adopt based on recommendations of the State Auditor a few years back and his plan was to work on those with the Districts' attorney and have them ready sometime this winter. He offered to add this to that list as he is familiar with what some of the other watershed districts have done in this regard. President called for the question. Upon vote the motion passed.

6. Old Business

a) 2013 Budget Development Schedule & Order Public Hearing

Administrator Thomas noted his memo on this in the Board packet. He noted that state statute requires the District to provide notice and hold a public hearing on the budget and levy prior to its adoption. The proposed motion sets the date and time for the public hearing on the District's proposed 2013 budget and levy for Thursday, July 26, 2012 at 6:30 pm and directs staff to publish notice of the hearing.

Manager Moe made the motion to set the public hearing for the District's proposed 2013 budget and levy for Thursday, July 26, 2012 at 6:30 pm and to direct staff to publish notice of the hearing. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

b) Sunrise River Engineers Report – Advisory Comments and Order Public Hearing

Administrator Thomas noted his memo in the Board packet. He noted that the Engineers Report had been submitted to the DNR & BWSR for their advisory comments according to statute and at the same time the Engineers Report was submitted to all of the affected local units of government for their review and comment as well. At this point the advisory comment period has ended and the only comments that were received were from BWSR. After discussing those comments with EOR, staff determined that they were not substantiative in nature and do not require any changes to the Report itself. He did note that the comments were valuable and will provide direction on things to consider and ways in which to present information as the project is implemented. Next step is to hold a hearing to accept any additional comments on the Report before the Board formally orders the project. The hearing is the last step in the process and after that the Board can order the Project which will give it the authority to be able to implement those items that are found in the report. He did note that the Watershed Management Plan Amendment process is also taking place but roughly one month behind the Project order. With that explanation he recommended that the Board move to schedule the public hearing for the Sunrise River Water Quality and Flowage Management Project on Thursday, July 26, 2012 at 6:30 pm and to direct staff to provide notice of the hearing.

Manager Spence asked if this meant there would be two hearings on July 26th. Administrator Thomas responded yes it would. Manager Lynch asked for one clarification in that future correspondence where it refers to JD1 it should be clear that it was abandoned and no longer exists and that the Sunrise River should be used in brackets or something similar. Administrator Thomas noted that in the Engineers Report it does use the term “former” wherever the term JD1 is found.

Motion by Manager Spence to schedule the public hearing for the Sunrise River Water Quality and Flowage Project on Thursday, July 26, 2012 at 6:30 pm and to direct staff to provide notice of the hearing. Motion was seconded by Manager Anderson. Discussion. Upon vote the motion passed.

Manager Anderson asked to add a comment to this item which was to thank Manager Moe for his diligence and bird dogging on the invoicing for the project and noted the letter that was received from EOR removing the charge and thanked EOR for doing the right thing.

7. Report of Staff

Administrator Thomas noted his written report in the Board packet. He also reported on two recent fish surveys that were conducted on Moody and Bone Lakes by the DNR.

Emmons and Olivier Resources (EOR) – Gave a brief review of MAWD Summer Tour held in the Prior Lake WD.

Smith Partners – Not present

8. Report of Treasurer

Approval of Bills

Treasurer Lynch presented the Treasurer’s Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$27,127.26

Motion was made by Manager Moe to approve the June 28, 2012 Treasurer’s Report and pay the bills and payroll as presented. Manager Spence seconded the motion. Discussion. Upon vote, the motion passed.

9. Reports of Officers and Managers

Manager Damchik – Nothing new to report

Manager Lynch – Nothing new to report

Manager Spence – Invited everyone to Comfort Lake Association summer picnic on July fourth.

Manager Anderson – Nothing new to report

Manager Moe – Wanted to ask Administrator Thomas about his presentation at the Washington County Consortium last month. Administrator Thomas commented that he is chairing a work group to look at the various rules and regulations of watershed organizations in the county and if there is any opportunity to streamline regulation and possibly make them more uniform.

10. Recess to Conduct Administrator's Annual Performance Review

11. Reconvene Regular Board Meeting

President Damchik reconvened the regular meeting at 7:40 pm. Manager Spence gave a short report on the outcome of the performance review which included:

- Described the process of collecting and summarizing the reviews from all the Managers and Administrator.
- Acknowledged the 3 page summary of the reviews prepared by himself and Manager Anderson and the overall score of 4.3 out of 5 which did not include Administrator's score.
- Noted that the scores between Managers and Administrator self-evaluation were very close and that is a good sign.
- Board viewed work very favorably and that the overall rating of 4.3 is indicative of that work.
- Manager Anderson noted a few items that require some attention including timely response to manager inquiries, providing the Board with additional information on discussions outside of the Board meetings when they pertain to some of the more sensitive things that come to the Board, and more heads up to the Board between meetings.

Motion by Manager Anderson to accept the written performance review as presented by Manager Spence along with the recommended salary adjustment. Motion was seconded by Manager Lynch. Discussion. Upon vote, the motion passed.

12. Adjournment

Motion to adjourn the CLFLWD regular Board meeting at 7:45 pm was made by Manager Lynch and seconded by Manager Anderson. Upon vote, the motion passed.

Wayne S. Moe, Secretary _____