

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, August 13, 2020**

1. Call to Order

President Spence called the August 13, 2020 regular board meeting to order at 6:30 p.m. via online video conference.

Present: President Jon Spence, Vice President Jackie Anderson, Treasurer Steve Schmaltz, Assistant Treasurer Jim Dibble.

Absent: Secretary Jen Oknich.

Others: Mike Kinney, Emily Heinz (CLFLWD staff); Meghan Funke, Greg Graske, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Doug Thomas (Houston Engineering).

2. Setting of Meeting Agenda

Chestnut Creek Wetland Buffers was added to Old Business.

Manager Anderson moved to approve the meeting agenda as amended. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

3. Public Open Forum

There were no comments.

4. New Business

a) FY21 Clean Water Fund Applications

Administrator Kinney described the two proposed FY21 Clean Water Fund (CWF) applications. The Bone Northeast Wetland Restoration project resulted from wetland soil sampling conducted earlier in the year. While this wetland restoration wouldn't be as large as the Moody Lake Wetland Rehabilitation Project, it will still be a significant

phosphorus reduction for Bone Lake (15 pounds per year, or 30% of the remaining 50 pound-per-year reduction needed for Bone Lake to achieve the District long-term water quality goal). The wetland is in close proximity to Bone Lake and has high phosphorus loads due to a nearby historic cattle lot. The Little Comfort Lake Water Quality Improvement Project contains multiple components: Heath Avenue stormwater treatment facility, tributary stream improvements, and Little Comfort Lake alum treatment. The Board recently discussed the Heath Avenue project in detail. Project Coordinator Eineichner is currently working on a stream assessment between the outlet of School Lake and inlet of Little Comfort Lake, which is the source of sediment entering Little Comfort Lake. There is some loose material in the channel bed in this area, restoration of which will be incorporated into the grant application. Mr. Kinney indicated he recently had a productive conversation with the landowner in the Little Comfort Lake subwatershed, and the landowner was receptive to working with the District as long as the project will have demonstrable value. Mr. Kinney explained the District may also support a grant application by the City of Wyoming for purchase of a vacuum street sweeper, similar to what City of Forest Lake did in 2018. He noted that the Mud Lake project in the Washington Judicial Ditch 6 subwatershed would likely be lower cost and therefore not necessarily a big CWF project.

Manager Schmaltz moved to direct the District Administrator to work with staff and coordinate with the District Engineer and others to develop and submit Clean Water Fund grant applications for 2021 that will benefit water resources within the Comfort Lake-Forest Lake Watershed District and to support the proposal from the City of Wyoming for enhanced street sweeping. Motion seconded by Manager Anderson. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

b) 2021-2022 Professional Services RFP

Administrator Kinney noted this is a standard, statute-required, biannual process for the District. He suggested posting for solicitation on August 18th. Manager Anderson asked if the RFP will be sent to the pool of engineers as well. Mr. Kinney explained this has been the District’s standard practice for the last few RFPs and will be done so again this year.

Manager Anderson moved to direct the Administrator to publish and post solicitation for 2021-2022 professional services. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

c) Anti-Bias Training

Mr. Kinney explained, in light of discussions at the national level, this training is now being hosted by Angie Hong of East Metro Water Resource Education Program (EMWREP). District staff participated in this training and found it very valuable, especially as it relates to updating the 10-year watershed management plan and including historically underserved audiences. Mr. Kinney explained one topic that arose during the staff training was access to lakes for those who neither live on the lake nor own a boat. Staff met with Carnelian-Marine-St. Croix Watershed District (CMSCWD) Administrator, Mike Isensee, and discussed the possibility of joint training for both boards in part to continue coordination between the two organizations. There was consensus to proceed with organizing the training in coordination with CMSCWD.

5. Old Business

a) Bone Lake O&M Plan Update

Mr. Kinney explained the Bone Lake inlet and outlet fish barriers have been in place since 2013. Staff recently discussed the barrier design with Dr. Peter Sorensen, Professor in the Department of Fisheries, Wildlife and Conservation Biology at University of Minnesota. It was determined there isn't as much added value of keeping stop logs in the outlet barrier as previously believed. While the barrier has a grate that prevents larger fish from passing through, the stop logs were meant to prevent passage of smaller/younger carp. The grate allows water to flow freely, while the stop logs hold back water in the lake. It was recently found that young carp migration is not as much of a concern, so the stop logs aren't critical to keep in place. Keeping the stop logs out will help prevent water levels in Bone Lake from raising too high. The revised operations & maintenance (O&M) manual indicates stop logs will not be placed in the outlet fish barrier throughout open water season.

Manager Anderson asked if the outlet culvert was affected by the fish barrier. Engineer Graske explained the District did not remove the culvert and the barrier was built around the culvert. There is no change in the flow in that culvert. Mr. Graske indicated this change is not expected to have an adverse downstream impact. Legal Counsel Holtman asked if any involvement from MN Department of Natural Resources (DNR) is needed to change the O&M manual, given original DNR funding and approval of the barrier. Mr. Kinney indicated staff would directly confirm this with DNR staff, but the changes are in line with DNR priorities.

Manager Anderson moved to approve the updated Bone Lake Barriers Operations & Maintenance Plan and direct Administrator Kinney to coordinate with DNR as discussed. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

b) Workload Analysis Report

Doug Thomas indicated Houston Engineering will provide printed copies and will work with Mr. Kinney to determine the number of copies and how to distribute.

Manager Anderson moved to accept the Workload Analysis Report. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

President Spence noted now that the workload analysis is finished, the District should start moving forward with the new office space building plan. There was general consensus to direct staff to start preparing information to get the process started.

c) Chestnut Creek Wetland Buffers

Mr. Kinney explained this is the largest development the District has ever permitted with over 200 homes planned in the final buildout. The project is currently in phase 1 of 2 and it requires vegetated buffers on several wetlands throughout the site. Mr. Kinney explained staff expected full compliance with the buffer requirements given that the buffers were timely staked out and recorded on the properties. However, the buffer signs were not installed, and staff has noted that yards of approximately 80 homes have encroached in the buffer. Approximately 5 homes have built structures, such as a fire pit, in the buffer. It was the responsibility of the developer to comply with the permit, and therefore to ensure the builders buying the lots complied with buffer requirements. Staff is working on a solution to work with the homeowners now. Mr. Kinney indicated staff is also modifying its internal procedures to require buffer signage installation much earlier in the permitting process. He asked for Board direction regarding working with homeowners. Manager Anderson indicated she is not in favor of allowing reduced compliance. She would like to understand what wasn't clear enough in the District's

documents for the permittee to understand the requirements. She requested that staff provide an explanation as to how the problem occurred on 80 lots before this issue was noted, and would like permit administration procedures to be adjusted as necessary to prevent future situations such as this. Mr. Kinney clarified the intention is not to retract the buffer requirement, but to reach a solution that, if full buffer width is not achieved, nevertheless would have an equivalent water resource benefit. He noted the developer conveyed to staff it required all the builders sign a document indicating they acknowledged the buffer requirements. President Spence indicated it is important to hold the developer and builders responsible for fixing this problem and complying with the permit. Manager Schmaltz asked if the buffer would have been acknowledged during the home buying process. Mr. Kinney explained the buffer is an encumbrance recorded on each property and should have come up in the purchasing title review process. He clarified the City doesn't have a direct role in the buffer issue because the buffer is required by the District, not City ordinances.

d) Watershed Management Plan Update

Watershed Technician Heinz explained the prep work that was distributed to managers and objectives for the meeting including prioritizing floodplain and lakes goals for each lake management district. Dr. Funke explained she and Ms. Heinz recently met with Board of Water and Soil Resources (BWSR) Board Conservationist, Dan Fabian who confirmed BWSR's expectation that there is a measurability component in each goal. BWSR wants to see exactly what the District will accomplish in the next ten years. The District may perform a minor plan amendment in the future in order to revise the metric based on diagnostic work and modeling updates. Dr. Funke described the process of narrowing down the priority issues and goals which entails compiling input (e.g. through workshops), prioritizing resources and areas, setting 10-year measurable goals, developing a 10-year budget, then reprioritizing goals and target areas to fit the budget. Ms. Heinz noted real-world constraints such as budget/levy/staff capacity/loan repayments will factor into what is achievable in the 10-year period.

Lakes

Manager Anderson requested three major water quality parameters- sediment, phosphorus and nitrogen- be made easier to find in the annual water monitoring report. Dr. Funke explained the ongoing Comfort Lake diagnostic study will help determine metrics for sediment reduction goals. Manager Anderson indicated the DNR inventory classifies some of the District's lakes as wetlands. She recommended a different management approach for such waterbodies compared to other lakes. Manager Schmaltz indicated Shields Lake is listed by the state as an impaired lake. He suggested managing waterbodies according to state impairment standards such as this since grant funds often come from state agencies.

Mr. Kinney explained the District recently received a resident complaint on Sea Lake and discovered a culvert running north to Second Lake from Sea Lake. He recommended the District work to understand how these resources are connected. Manager Dibble

indicated Forest Lake losing bogs around Shadyland Point due to high water and boat traffic; root systems along the lakeshore appear to be coming loose.

On the topic of classifying some lakes as wetlands, Ms. Heinz recommended the District consider target audiences for certain management objectives. Shields Lake and Moody Lake draw a lot of shoreline anglers since they have public access points that aren't boat launches. These may be important fisheries for lake users that don't have the financial means for a boat or lakeshore home. Manager Anderson indicated these waterbodies' connections to larger lakes will be important to consider. The smaller waterbodies will still be important, but rather they'll be important in a different way.

Dr. Funke explained that chlorides aren't a major issue for District waterbodies at this time, but prevention is important. This might be a high priority for the District to support, but probably wouldn't be a high cost. Dr. Funke indicated she attended a salt symposium where she learned MnDOT is making strides to reduce chloride usage. There are other target audiences as well including business owners and private residences. The District may support the efforts of other agencies, promote education and outreach, and monitor for chlorides. Manager Schmaltz asked if it is possible to treat chlorides with some sort of capital improvement project. Dr. Funke explained there are no treatments or barriers we can use, so prevention is key. The main methods are education and outreach to reduce the source (i.e. reduce salt application). Manager Anderson recommended the District focus on public education, especially people closest to the waterbodies. She asked if there is any way to design a roadway to treat runoff on the shoulder before entering the ditch. Engineer Graske noted he had a meeting with MnDOT regarding the Highway 8 project. He explained even if runoff were captured and infiltrated into the ground, chlorides can still enter the lake through groundwater. Since chlorides dissolve so easily in the water, they don't settle out, and they are therefore hard to treat.

Dr. Funke explained the benefits of native aquatic plants and fish in lakes. Having a diverse ecosystem improves clear water and promotes fish population. She explained this is mainly implemented through the Aquatic Invasive Species (AIS) Prevention & Management Program. Heims Lake has a great fish and aquatic plant community. She explained the index of biological integrity (IBI) is a scoring system to classify a lake's overall health. Manager Schmaltz asked if mercury pollution should be a concern. Dr. Funke indicated, in terms of management, mercury is more of a regional issue as industry is the leading source. Manager Dibble expressed concern about purple loosestrife around Forest Lake. Manager Anderson indicated fish and aquatic plant protection may be a high priority but may not necessarily mean high spending.

President Spence indicated that not everything can be high priority. He suggested the District have a few priorities where it can make a significant difference, rather than making smaller impacts across a wider range of issues. Just because an issue isn't classified as a high priority doesn't mean it isn't important. All the issues being discussed are high priority, but the District can't do everything.

On the topic of lake shoreline buffers, Dr. Funke suggested the District identify which lakes are most at risk and build that into its targeting strategy. Manager Schmaltz indicated there are a lot of variables and partnerships required for shoreline restoration. He suggested starting with a targeted program on one lake rather than trying to conquer every lake. He suggested the District look at other programs that have been successful to restore native buffers around lakes. Dr. Funke suggested the District budget for a regular shoreline assessment schedule. Manager Schmaltz suggested emergent vegetation be part of this as well. Manager Anderson indicated the District should educate shoreland owners, review city shoreland ordinances, work with cities, and provide the tools they need to strengthen their permitting programs. President Spence indicated part of the issue is cities don't see the value of preserving the shoreline. He suggested the District convey the economic benefit of protecting the lakes. Manager Schmaltz noted there is a study that found for every 3 feet of water clarity increase, property values increase by 6%. There was agreement that that education on this topic, for both the public and local government units, is very important. Manager Anderson suggested the District reevaluate its own rules over the next 10 years and strengthen them where necessary. Legal Counsel Holtman noted buffers that lie across private lots are unstable because of homeowner expectations and cities can play an important role in the zoning and subdivision code to protect buffers. For example, wetlands and buffers can be placed on outlots instead of private lots.

Floodplain

Dr. Funke explained the updated H&H model and subsequent climate change scenarios will be helpful in addressing a lot of the questions surrounding the floodplain issue. Floodplain work would be in line with the District's adaptive management approach, with a sequence of completing diagnostic work and implementing the results. Manager Anderson suggested the District take a comprehensive look at what has been historic floodplain locations, which is important to protect wetlands and assess the impact of altered watercourses such as ditches. She indicated the city zoning maps will be useful targeting tools. Engineer Graske indicated the H&H model can provide this information. Once the District has a complete district-wide model, it can understand the volumes coming out of subwatersheds and compare to some baselines of what a natural landscape would be. From there, it would be possible to figure out how much development has increased volumes coming out of the watershed. The District will be able to map the floodplains and see where storage may have been lost. Mr. Graske suggested the goal of "increase water storage by 0.16 inches over the watershed" is a good starting point, and it can be amended once the H&H model is complete. Cecilio Olivier added that once the District has the model of existing conditions, it will be easy to look at a city's land use plans and extrapolate how volumes and discharges will respond. Dr. Funke noted the Metropolitan Council has predictions for growth. She suggested that the second goal, "limit flood damage to infrastructure and natural resources," will likely be more focused on working with LGUs and agencies. Manager Anderson indicated collaborative efforts on projects will be important. President Spence indicated this should at least be a medium priority as flood control is part of the District's charter as a watershed district. Manager Schmaltz indicated there haven't been any major floods within the District in

the last 24 years. President Spence explained that the District should look ahead; with urban sprawl and inadequate flood storage, there will be problems. Manager Anderson suggested the District consider excess volume entering lakes during flooding. Dr. Funke explained how the District looks at each lake management district and their different characteristics. For example ditching has significantly impacted the Little Comfort Lake Management District. Mr. Kinney noted there are a lot of wetlands that were filled in as part of development over the years; those wetlands are no longer in existence to store water and help prevent flooding. He explained while larger rain events don't seem like a big concern right now, they are occurring in other areas in the region. He suggested the District assess what these would look like in the District and communicate the risks to residents. For example, the District might assess at what level of rain event houses at certain low floor elevations would be flooded. Mr. Kinney indicated we know the landscape draining these areas has been significantly altered.

6. Summary and Approval of Board Direction

Board directives from the meeting were summarized.

- Staff will review the Bone Lake fish barrier O&M manual changes with MnDNR.
- Staff will coordinate printing and distribution of the Workload Analysis Report with Doug Thomas.
- Staff will move forward with researching the new District office space.
- Staff will assess and brief the managers on the process leading up to widespread wetland buffer noncompliance in the Chestnut Creek development.

7. Adjourn

a) Next regular board meeting – August 27, 2020

Manager Schmaltz moved to adjourn the meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 9:09 pm p.m.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

Jen Oknich, Secretary _____