

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE WATERSHED
DISTRICT
Thursday, January 24, 2019**

1. Call to Order

President Anderson called the January 24, 2019 regular board meeting to order at 6:30 p.m. in the Council Chambers of the Forest Lake City Center, 1408 Lake Street South, Forest Lake.

Present: President Jackie Anderson, Vice President Jon Spence, Secretary Wayne Moe, Treasurer Steve Schmaltz, Manager Jen Oknich.

Others: Mike Kinney, Jessica Lindemyer, Erin Edison (CLFLWD staff); Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Jerry Grundtner, Curt Sparks, Jack MacKenzie (Citizen Advisory Committee); John Brockgreitens (Claros Technologies); Steve McComas (Blue Water Science); Lyle & Teri Gave, Amanda Osgood Jimenez, Mary & Bill Keilty, George & Gloria Osgood, Ted & Jeanine Hansen (Comfort Lakes residents/Comfort Lake Association); Douglas Toavs (Moody Lake resident); Maureen Hoffman (Washington County).

2. Setting of Meeting Agenda

President Anderson requested the addition of a special presentation under agenda item 5.

Manager Spence moved to approve the agenda as amended. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

3. Consent Agenda

a) Regular Board Meeting Minutes – December 13, 2018

President Anderson requested a revision to the December 13th minutes.

Manager Schmaltz moved to approve the minutes as revised. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

President Anderson requested that the Citizen Advisory Committee (CAC) meeting notes be accepted under this agenda item as well.

Manager Moe moved to accept the CAC meeting notes. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

Watershed Assistant Jessica Lindemyer provided an update from the last CAC meeting. The Watershed Champion Award was discussed, and since that time two nominations have been received. All nominations are due at the end of March. The CAC is interested in participating in the Adopt-A-Drain Program, and East Metro Water Resources Education Program (EMWREP) will provide more information on that topic in the next month.

Ms. Lindemyer reported that Jerry Grundtner is stepping down as Chair of the CAC. The CAC will elect a new Chair at its next meeting in February.

In a brief ceremony following the CAC update the Board presented Mr. Grundtner with a letter of commendation for his service and a certificate of appreciation.

6. New Business

a) Claros Technologies Presentation

Administrator Kinney introduced John Brockgreitens, the lead scientist at Claros Technologies, and explained his recent communications with the company. Mr. Brockgreitens gave a presentation on the company, which is a research/science-based startup out of the University of Minnesota. He explained that Claros' "Clarosorb" product absorbs dissolved phosphorus out of the water, making the water cleaner and clearer. He noted that the product can capture a lot of phosphorus in a small area, therefore having a smaller footprint than many phosphorus-reduction projects.

Administrator Kinney provided additional explanation on the two sites that are proposed for the pilot project. The first site is off of Hayward Avenue in Forest Lake, and the second is along the Sunrise River by Bixby Park which is upstream of Comfort Lake. There was discussion about phosphorus loading at these two sites; the projected load reductions from this project are significant. Administrator Kinney noted that the cost-benefit for this method is very promising. He stated that there are some possible downfalls, such as sediment or debris potentially clogging the medium and stopping the flow. He went on to say that some pretreatment will be necessary to make sure that the sediment does not become an issue. That is why these sites were selected: they are adjacent to or coming out of wetland, so the sediment will be very limited. In response to a question from Manager Moe, Mr. Brockgreitens explained that the phosphorus can be recovered from the Clarosorb pellets back at the lab after each use. Administrator Kinney explained that, to begin these projects, staff will meet with the District Engineer to discuss how to develop some of the engineering sites, then staff will apply for grants. If these first two sites are effective, a third site may be incorporated as well.

In response to a question from Manager Schmaltz, it was clarified that the District would provide \$35,000 for material, supplies, consumables, monitoring, testing, and personnel. There was discussion regarding costs incurred by Claros. There was agreement among the Board to authorize some preliminary work on this project, but not the entire requested dollar amount.

President Anderson moved to delegate authority to the District Administrator to work with Claros Technologies to prepare a preliminary engineering report and pursue grant opportunities for field testing of a new phosphorus removal technology in the Comfort Lake-Forest Lake watershed, and to expend funds for that purpose not to exceed \$5,000. Seconded by Manager Moe.

Discussion: Legal Counsel Holtman asked whether the approved \$5,000 limit is for staff expenses or is there going to be some agreement to compensate Claros for this initial period of work. President Anderson indicated that some engineering reports and a work plan will be necessary in order to move forward with the project, however this funding is specifically intended to go toward compensating Claros.

Upon a vote, the motion carried 5-0.

b) Blue Water Science Reports and Presentation

Steve McComas, owner of Blue Water Science, gave a presentation on the 2018 aquatic plant surveys and reports including:

Bone Lake

- Curly-leaf Pondweed and Eurasian Watermilfoil Delineation & Assessment
- Point-Intercept Macrophyte Survey

Comfort Lake

- Curly-leaf Pondweed and Eurasian Watermilfoil Delineation & Assessment
- Nitrogen Assessment Study Lake

Keewahtin

- AIS Detection Survey

Forest Lake

- Curly-leaf Pondweed and Eurasian Watermilfoil Delineation & Assessment
- Flowering Rush Delineation & Assessment
- Point-Intercept Macrophyte Survey

President Anderson explained that, because these reports could be viewed by the public, they should be revised so that they can be more easily read and understood by a layperson. She requested several revisions to the reports in order to improve clarity, as well as some minor corrections. There was discussion regarding each requested revision.

c) Comfort Lake EWM – Bill Keilty

Bill Keilty gave a presentation on Eurasian watermilfoil (EWM) in Comfort Lake and proposed a partnership between the Comfort Lakes Association (CLA) and CLFLWD to treat it. He explained the history of the lake from his experience and formation of the lake association. Mr. Keilty noted how the Big Marine Lake Association (BMLA) has been treating EWM on Big Marine Lake over the past couple of years and is seeing a reduction in density. Treatments occur in the early spring prior to lily pad emergence. Therefore, the DNR has allowed permits to treat. Mr. Keilty explained that Mike from the BMLA will

assist the CLA with a treatment program this year including being present for the pre-treatment delineation survey and performing the treatment as a licensed herbicide applicator. The CLA is requesting \$5,000 from the CLFLWD as part of the partnership to treat EWM on Comfort Lake in 2019. Mr. Keilty estimated that this would be approximately half of the total cost.

There was discussion regarding landowner outreach and education to continue the program in future years, coordination between the District and CLA, and comparison to the Forest Lake flowering rush treatment program. In response to a question from Manager Moe, Mr. McComas explained that Big Marine has seen a reduction in size of the EWM beds, but the number of EWM occurrences is higher now than in earlier surveys. Manager Moe noted that curly-leaf pondweed (CLP) dies off mid-summer and releases phosphorus into the lake. He explained that, when Bone Lake became infested with EWM in 2006, the CLFLWD did not provide treatment assistance because it does not affect water quality like CLP does. In response to a question from Manager Oknich, Mr. Keilty clarified that the Comfort Lake EWM treatment proposal follows Big Marine's treatment program which entails a liquid treatment as early in the season as possible, followed by a granular treatment a few days later; back-to-back treatments is key.

Manager Schmaltz indicated that EWM has been around for a long time and nobody has been able to eradicate it, therefore *control* should be the goal, not eradication. He noted that the Forest Lake Association (FLLA) tried a treatment program similar to BMLA's when EWM was first introduced into Forest Lake, yet the plant continues to spread and will soon be found in all three basins of Forest Lake. There was discussion regarding recreational impacts if EWM is not managed, concerns if an herbicide applicator is not licensed, DNR permit types, public versus private benefits of treatment. Manager Schmaltz expressed that EWM is not a lake-wide recreational issue at this point, and is more of a shoreline homeowner concern since most boaters don't recreate in the shallow near-shore area. He recommended the CLA try requesting funding from the City of Wyoming, similar to how the FLLA has obtained funding from the City of Forest Lake, and to apply for a grant from the county. He expressed that the CLFLWD should be spending its money on things that impact water quality such as curly-leaf pondweed. Mr. Keilty noted that the CLA's funding request from Chisago County was turned down.

Manager Spence indicated that BMLA doesn't appear to be receiving funding from its watershed district. He expressed concern for the liability associated with an EWM treatment program over which the District is not in control, or when a licensed applicator is not used. Under all other treatment circumstances, the District is in charge of contracting and oversight, rather than providing funding to another organization to do those tasks. He explained that the District had previously decided not to treat EWM, and he thinks that decision should remain.

President Anderson indicated that she has a different position on the matter. She expressed that an EWM treatment program wouldn't be any different from the ongoing Forest Lake flowering rush treatment program. She indicated that she is troubled by the fact that, according to the Blue Water Science report, the most abundant plant in Bone Lake is EWM. According to the DNR, the official classification of EWM is an invasive species. Though it has been said to act like a native species at low densities, it is officially classified as an invasive species. President Anderson explained that she shares Manager Spence's concern

for the liability associated with a non-licensed herbicide applicator, and that a treatment program funded, even in part, by the District should be overseen by the District. Manager Schmaltz noted that the strain of flowering rush in Forest Lake is the only one in the state that produces via both seeds and root rhizomes. This is why the treatment program has been so aggressive – in order to prevent the spread of this unique species across the state. It was clarified that the Bone Lake Association (BLA) coordinates among its members to treat EWM each year; it uses the delineation survey from Blue Water Science for guidance and lakeshore homeowners sign up for treatment as desired.

George Osgood noted that Mr. Keilty’s presentation and proposal was unanimously supported by the CLA board. He expressed concern regarding the position that EWM is not a public recreational problem. He asked at what point does it become a recreational problem – when the lake is fully covered by EWM? He explained that the CLA proposes to take action now to try to prevent such a scenario. Mr. Osgood expressed dissatisfaction about paying taxes to the District, but not receiving assistance with EWM treatment. Manager Moe noted that the District has done several high-value water quality improvement projects in order to clean up Comfort Lake over the past several years. Manager Schmaltz explained that the District can’t spend money on everything, therefore it must prioritize. He indicated that the District is getting into a heavy project implementation period now, after several years of doing water quality studies to target where the projects should go. He noted that the District is willing to work with the CLA by providing contacts for resources such as the Clear Lake Association which has gone through a similar process and by funding/coordinating the delineation and assessment surveys by Blue Water Science.

Manager Spence moved to direct staff to work with the CLA to assist with grant applications as well as to develop a replicated treatment protocol that may be considered by grant funders and/or to be coordinated with CLFLWD assistance. Seconded by Manager Oknich.

Discussion: President Anderson noted for the record that she doesn’t agree with the positions that have been stated about aquatic invasive species. She indicated that she thinks the District has a responsibility to at least oversee the process and to make sure that it’s done properly. Administrator Kinney suggested that the motion be modified to include working with the CLA and BLA to delineate some untreated control areas as part of their EWM control efforts in order to better understand the effects if EWM was left untreated. Manager Spence amended his motion to include the Bone Lake Association and to include a description of the treatment protocol as “scientifically sound.” Seconded by Manager Oknich. Upon a vote regarding the amendment, the motion carried 5-0.

Upon a vote, the amended motion carried 5-0.

d) Blue Water Science 2019 Agreement

Manager Moe moved to authorize the Administrator, on advice of counsel, to enter into an agreement with Blue Water Science in accordance with the January 15, 2019 services agreement and in an amount not to exceed \$24,700; and authorize the Administrator to request additional services from Blue Water Science, not to exceed \$2,470 (10%), to be

compensated in accordance with the 2019 service agreement. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

e) Jeffers Foundation

Administrator Kinney explained that CAC member, Curt Sparks, has been in communication with Jeffers Foundation regarding grants. Mr. Kinney has been in contact with Jeffers Foundation staff as well and a meeting is scheduled for next week. Mr. Sparks explained his past experience working with the Big Sandy Lake Association and Jeffers Foundation on environmental education projects. Mr. Kinney and Mr. Sparks will meet with Jeffers Foundation to discuss potential environmental education projects for the area and associated grant funding.

There was general consensus that staff may continue its participation in discussion concerning the potential development of a foundation as well as a community environmental education center.

f) Citizens' Advisory Committee Appointments

President Anderson noted that there are two new CAC applicants: Doug Toavs (Moody Lake resident) and Tom Furey (Bone Lake resident).

Manager Moe moved to appoint Jerry Grundtner, Bruce Anderson, Sam Hathaway, Curt Sparks, Jack MacKenzie, Randy Schumacher, Doug Toavs and Tom Furey to serve as the District's Citizens' Advisory Committee for 2019. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

g) Designation of Official Newspaper & Banks

President Anderson moved to designate the official newspapers of the Comfort Lake-Forest Lake Watershed District for 2019 as the Chisago County Press and the Forest Lake Times. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

Manager Schmaltz moved to designate the First State Bank of Wyoming, Midwest One, and Lake Area Bank as the official financial repositories of the Comfort Lake-Forest Lake Watershed District for 2019. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

h) Governance Manual Revisions

Manager Moe moved to postpone this agenda item. The motion failed for lack of a second.

There was discussion regarding assigning a committee to annually review the governance manual. Manager Schmaltz is hesitant about compensating managers for additional activities outside of board meetings. President Anderson indicated that watershed districts have been having trouble getting volunteers for board positions. Providing for statutory compensation for certain District-related activity in addition to formal meetings might reduce an obstacle for citizens who might be interested in serving. She also noted that

whether to request a per diem for which a manager is eligible is a matter for that manager to decide.

Manager Schmaltz is hesitant about assigning more manager tasks such as those recommended in the liaison item. He suggested that liaison assignments should be objective-driven, rather than a regular occurrence (e.g. regularly attending city council meetings). There was agreement among other managers that liaisons wouldn't attend every meeting, but perhaps three a year, or more depending on the pertinence of agenda items to the CLFLWD.

Manager Moe moved to postpone the agenda item until the March 28, 2019 regular board meeting. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

i) Election of Officers

The election proceeded office-by-office, with a single nomination for each office and the following officer selections, each by unanimous consent:

- President – Jon Spence
- Vice President – Jackie Anderson
- Treasurer – Steve Schmaltz
- Secretary – Jen Oknich
- Assistant Treasurer – Wayne Moe

j) New Accountant Payroll Documentation

Administrator Kinney explained that, with the transition from Redpath & Company to CliftonLarsonAllen as the District Accountant, managers are asked to complete payroll documentation. Ms. Lindemyer indicated that she would send electronic forms to the managers.

7. Old Business

a) 17-003 Woods on Comfort Lake Permit Amendment

Manager Spence moved to approve the amendment to permit 17-003 as presented. Seconded by Manager Moe.

Discussion: President Anderson requested some revisions to the permit document: add "and approved" to last sentence of item #3 and change the stabilization deadline to June 30, 2019. The amendments were approved by unanimous consent.

Upon a vote, the motion carried 5-0.

b) Board Delegation of Additional Permitting Authority

Administrator Kinney explained that the Board previously discussed this topic and asked staff to return with more information and a recommendation. Staff has prepared several options that the Board may consider, and an associated worksheet. President Anderson

indicated that she is not ready to relinquish Board review and decision on permits presently outside of the Administrator's delegated authority, considering that the Board had significant input on the last few permits prior to approval.

Manager Anderson moved to postpone this item until a future time. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

c) Watershed Based Funding Update

Mr. Kinney provided an update on the latest meetings regarding the Watershed Based Funding program. He explained that presently, there appears to be substantial support for some kind of formula-driven approach for distribution of funds verses making any attempt to develop a PTM (Prioritized, Targeted and Measurable) approach across a larger geographic area. He stressed the importance of PTM as it relates to using funds in the most cost-effective manner. There was discussion regarding funding allocations and project priority tiers. Manager Moe expressed that there should be a group within the watershed that votes on project priority tiers. President Anderson suggested promoting the District's PTM philosophy through the MAWD Board and with each agency within the Lower St. Croix Watershed.

President Anderson referenced a letter from January 4th from the Clean Water Council, MPCA Commissioner, and BWSR Executive which was presented at the last MAWD Board meeting. The letter describes ambitious goals that are only reachable if we can accelerate the pace of progress. She noted that she would send out a copy of the letter to those who haven't seen it.

There was further discussion regarding cost-benefit analysis, prioritization, and defining PTM. Mr. Kinney indicated that many organizations are focused on landscape-scale-based implementation, but there is evidence that this approach is not working. A cost-benefit ranking scale is more effective, as evidenced by some of the District's recent projects. Manager Moe noted that water quality in CLFLWD lakes appears to be improving, while some studies show that lakes in the rest of the state are declining.

8. Report of Staff

a) Administrator

Administrator Kinney indicated that he received the draft 2018 water monitoring report from Washington Conservation District and staff and EOR are reviewing the data. The Bone Lake Association requested that Mr. Kinney speak at its upcoming meeting, and he plans to go over the draft data. Mr. Kinney requested Board concurrence on setting a date for the first annual State of the Watershed Meeting. There was consensus to set April 30th for the meeting.

b) Emmons & Olivier Resources

Engineer Graske reported that the main construction on the Shields Lake stormwater reuse system project is complete and a few final items such as control unit installation will be

completed over the next few weeks. The Castlewood and Hayward Avenue subwatershed assessments will be brought to the February meeting for Board consideration.

c) Smith Partners

Nothing to report.

9. Report of Treasurer

a) Approval of Bills and Treasurer's Report

President Anderson moved to make a technical correction to the December 13, 2018 motion to read as follows: "Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$178,860.03." Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

Manager Schmaltz reported income of \$572,685.07, largely from the District's 2nd half levy settlements. There was discussion regarding the status of capital improvement projects and associated year-end expenses.

Manager Spence moved to accept the January Treasurer's Report and pay the bills in the amount of \$185,638.50. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

10. Report of Officers and Managers

Manager Oknich asked for clarification on AUID/Sunrise River headwater designation which was discussed at the last board meeting. There was discussion regarding the different agencies involved, the DNR public waters listing, and staff involvement in researching this question. The Board directed EOR to look into this matter.

Manager Schmaltz reported that he and Jerry Grundtner, on behalf of the FLLA, met with new Forest Lake City Administrator, Pat Casey. He noted that the City also has a new mayor and three new councilmembers. Manager Schmaltz suggested that Mr. Casey will be good to work with, as he is in agreement that the storm sewer culvert elevations are crucial information.

President Anderson noted that the Minnesota Association of Watershed Districts legislative days at the capitol are February 20-21. There is a zebra mussel and starry stonewort training scheduled on February 6th. The managers thanked President Anderson for her work writing the appreciation letter for Jerry Grundtner.

11. Summary and Approval of Board Direction

[This item was not discussed.]

12. Adjourn

a) Next regular board meeting – February 28, 019

Manager Spence moved to adjourn the meeting. Seconded by Manager Moe. Upon a vote, the motion carried 5-0, and the meeting was adjourned at 10:43 p.m.

Wayne S. Moe, Secretary _____