

**MINUTES OF THE REGULAR MEETING OF THE
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT
Thursday, March 24, 2022**

1. Call to Order

President Schmaltz called the March 24, 2022, regular board meeting to order at 6:30 p.m. via online video conference.

Present: President Steve Schmaltz, Vice President Christopher Loth, Secretary Dave Bakke, Treasurer Jackie Anderson, Assistant Treasurer Douglas Toavs.

Absent: None.

Others: Mike Kinney, Administrator; Bobbie Law, Office Manager; Blayne Eineichner, Project Coordinator; Emily Heinz, Planning Coordinator; Aidan Read, Land Management Specialist (CLFLWD staff); Greg Graske, Cecilio Olivier, Kevin Biehn, Kyle Crawford, Rosie Russell, Trevor Rundhaug, Jim Almendinger (Emmons & Olivier Resources); Chuck Holtman (Smith Partners) Hanna Valento (Forest Lake City Council), Ted Hansen.

2. Setting of Meeting Agenda

Mr. Graske mentioned that agenda items 7b and 7c will likely occur as one item.

Manager Anderson moved to approve the agenda as presented. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

3. Consent Agenda

- c) **Special Board Meeting Minutes – February 1, 2022**
- d) **Regular Board Meeting Minutes – February 10, 2022**
- e) **Regular Board Meeting Minutes – February 24, 2022**

Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			

Jackie Anderson	X			
Doug Toavs	X			

4. Public Open Forum

There were no comments.

5. Public Hearing: Tax Forfeit Project Ordering

President Schmaltz opened the public hearing. Kevin Biehn from Emmons and Olivier Resources (EOR) gave a presentation regarding the Tax Forfeit Project. His presentation covered:

- Main contacts and staff working on this project include District staff Blayne Eineichner and EOR staff Kevin Biehn, Kyle Crawford, and Paul Nation.
- Project location and drainage area.
- A Clean Water Fund grant is being utilized for the project and a possible extension for the associated grant.
- Project site characteristics.
- Project schematics including structures and management practices to be implemented.
- There will be limited-to-no offsite impacts due to the project.
- Cost-benefit analysis estimates.
- Water quality benefits including reductions in phosphorus, nitrogen, heavy metals, pathogens (e.g., e. coli), and sediment.
- Utilities within the project area.
- Additional benefits including high uptake vegetation and habitat.
- Project schedule from 2022 to 2023.

President Schmaltz called for any questions or comments from the public. There were none. President Schmaltz closed the public hearing.

6. Citizen Advisory Committee Update

c) CAC Appointment

Mr. Kinney introduced a citizen advisory committee (CAC) applicant, Ted Hansen. Mr. Hansen introduced himself, noting that he is a resident of the District living on Comfort Lake. He explained that this lake is downstream of everything in the watershed, which is why he has an interest in what goes on upstream.

Manager Bakke thanked Ted Hansen for being interested in joining the CAC. Manager Anderson explained that she was thrilled to have Mr. Hansen on board given his expertise.

Manager Anderson moved to appoint Ted Hansen to the Comfort Lake-Forest Lake Citizen Advisory Committee. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

7. New Business

c) Permit 22-003 Tietz Farm

Mr. Kinney explained that the Board is presented with two actions regarding the project: entering into a joint powers agreement and approving the permit itself. He noted that action on the joint powers agreement would need to be approved prior to the review of the permit.

Mr. Kinney gave an overview of the joint powers agreement between the Rice Creek Watershed District and the Comfort Lake-Forest Lake Watershed District.

Manager Loth moved to approve the joint powers agreement between the Rice Creek Watershed District and the Comfort Lake-Forest Lake Watershed District for permitting of Permit 22-003 Tietz Farm. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Mr. Graske gave an overview of the engineer's report for the Tietz Farm project. He focused on the location, lot line adjustments, adjacency to wetlands, and stormwater management planned. The application conforms to the District rules, with indicated recommended conditions. He highlighted his recommendation to approve with issuance conditioned on receipt of listed items.

Manager Anderson asked where the homes would be located on the lots. Mr. Graske walked the group through the map indicating homes and a wetland easement area to the east of the homes.

Manager Anderson moved to approve permit application 22-003 with conditions and stipulations stated in the engineer's memorandum. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

b) Total Suspended Solids Loading Analysis Presentation

Mr. Kinney noted that this item was added due to previously asked questions from the Board.

Mr. Olivier asked that agenda item 7c 2021 Water Monitoring Report be the first item discussed. He explained that the presentations to be given include water monitoring and lake sedimentation. Mr. Olivier introduced the staff members presenting including Jim Almendinger, Rosie Russell, and Trevor Rundhaug. He noted that the presentations will be high-level overviews. More in-depth information will come to the Board in April.

b) 2021 Water Monitoring Report

Ms. Russell, Mr. Rundhaug, and Mr. Almendinger gave a presentation covering the District’s adaptive management approach to water quality monitoring. Their presentation covered several topics.

Ms. Russell presented information on the following topics:

- The monitoring plan and steps involved
- Stream monitoring rotation timetables and the basis for monitoring frequencies
- Lake monitoring

Mr. Rundhaug presented information on the following topics:

- Why lake data are collected
- Why stream data are collected
- What data were collected in 2021
- 2021 climate context
- A 2021 stream summary
- A 2021 lake summary
- Progress toward District goals and state standards
- Lake trends

Mr. Almendinger presented an overview of the 2021 Monitoring Report. He presented information on the following topics:

- Overview of the year indicating it was a dry year
- District streams have mixed quality
- District lakes are in pretty good shape

Manager Anderson requested that EOR staff explain the importance of the monitoring rotation schedule. She noted this was implemented not long ago. Mr. Graske explained that it is a way to utilize District funds responsibly and focus on priority resources based on the District's 10-year management plan. Manager Anderson explained that the focus on management districts can fluctuate.

President Schmaltz asked a question regarding a recent study regarding wake boats. He asked if these types of watercraft could affect phosphorus in lakes. Mr. Almendinger replied that he has not read this study, but he does believe they could have a negative effect on District lakes, but it depends on many natural factors. Manager Anderson clarified that this report would have an additional phase to research the question Manager Schmaltz raised.

Mr. Kinney explained that the 2021 monitoring report was to be reviewed by the managers at this meeting and will come to the Board for approval in April.

d) Total Suspended Solids Loading Analysis Presentation

Mr. Almendinger gave a presentation on sediment loading in the District, particularly in Comfort Lake and Little Comfort Lake. He covered several topics including:

- Sediment components and make-up
- Comparison to and analysis of paleolimnological sediment cores
- Amount of sediment received by Comfort Lake
- How the amount of sediment accumulation compares to other sites
- In general, sediment loading to District lakes is lower than other lakes throughout the state
- Additional monitoring in 2022 will help further evaluate if/how sediment loading should be addressed within the District

Managers discussed sediment volumes. Mr. Almendinger explained that the sedimentation on District lake bottoms is of limited depth.

d) 2022 Water Monitoring Scope of Work

Mr. Kinney introduced the proposed scope of work and budget for the 2022 monitoring season.

Manager Anderson stated that she did not notice a monitoring site for the inlet from Big Comfort to Little Comfort Lake. She asked why this is. Mr. Kinney clarified that the site is not conducive for monitoring and is dangerous to access. Mr. Eineichner added that staff had taken grab samples close to this location, when possible, in 2021.

President Schmaltz questioned the dollar amount listed for stream monitoring. He wondered if this is a value for the District to be monitoring on a yearly basis. Mr. Eineichner clarified that District streams are monitored on a 3-year rotation basis. He

explained that it is not being proposed on a yearly basis. Mr. Eineichner added that this dollar amount includes effectiveness monitoring for two capital improvement projects. He noted that it will be a very intensive hands-on process with multiple grab samples being collected by staff. Manager Schmaltz thanked Mr. Eineichner for the clarification.

Manager Anderson moved to approve the 2022 monitoring plan as presented in the memo. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR to complete tasks 1-3 in accordance with the 3-16-2022 scope of work and in an amount not to exceed \$95,682.00. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

e) 2021 Year in Review, Annual Report, Progress Report

Mr. Kinney explained that the reports are distributed for review and are not intended to be discussed in depth. He noted that at the April 14th board meeting staff will collect comments from the board regarding all reports.

Manager Anderson requested hard copies of the reports. Mr. Kinney confirmed that staff will make the reports available at the office.

President Schmaltz suggested managers send any comments or questions to staff before the April 14th meeting to be prepared for discussion. He noted that these documents are vital in order to provide an explanation of what the District has accomplished and can accomplish going forward.

8. Old Business

c) Tax Forfeit Project Ordering and Final Design Authorization

President Schmaltz solicited any questions or comments from the Board.

Manager Anderson moved to adopt resolution 22-03-01, ordering the project defined as encompassing both the Heims Lake Drainage - Wetland Treatment Facility and the North Highway 61 Drainage - Wetland Treatment Facility. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Managers discussed the Add Alternate as described in the feasibility study, and the best means to explore and preserve the option of including it in project construction.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the 3-17-22 scope of work and in an amount not to exceed \$112,826. Seconded by Manager Toavs. The Board by consensus directed that bids be solicited for the Add Alternate so that the Board could consider the Add Alternate bid price in the context of the overall bid. Upon a roll call vote, the motion carried 5-0.

Manager Anderson suggested that Minnesota Department of Natural Resources grants for protecting wetland areas may be a good fit for this project.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

d) Washington Judicial Ditch 6 Diversion Petition

Mr. Kinney gave a brief overview of the Washington Judicial Ditch 6 (WJD6) Iron Enhanced Sand Filter (IESF) project that would divert flows from the WJD6 ditch channel for nutrient treatment/removal. He explained that, under the drainage law, the diversion of flows from a public drainage system must be petitioned for and approved by the drainage authority. He noted that the District, through the Board, is both the IESF project sponsor and the drainage authority, and that the Board is petitioning itself. He noted that the diversion of flow and potential impact to all lands that benefit from the ditch conveyance is what makes this require a petition.

Manager Anderson moved to adopt resolution 22-03-02 Washington Judicial Ditch 6 Diversion Petition. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

e) Office Space Visioning

President Schmaltz suggested agenda item 8c Office Space Visioning be removed from the agenda and brought back to the Board for consideration in April. He suggested managers review materials before the discussion.

f) Governance Manual Update

Mr. Kinney explained that Manager Loth had requested further discussion regarding the Governance Manual.

Manager Loth moved to reconsider the motion adopted by the Board on March 10, 2022, approving revisions to the Governance Manual. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Manager Loth indicated that paragraph III.b(iii) of the General Governance Policies, concerning per diems, currently reads “A meeting or other event that is not primarily social, that the manager has been authorized to attend by the Board or the administrator.” Manager Loth noted that in an exchange with counsel he raised a question as to whether it is appropriate for the Administrator to be asked to approve per diem requests by managers. Manager Anderson noted that the Administrator has had this authority for some time, and that the revised version also authorizes the Board President to provide such approval. She does not see a further need to edit. President Schmaltz suggested counsel add language to clarify that authorization by the President or Administrator, in place of the Board, would be done as an exception. Mr. Holtman explained that the language can be added. He clarified the basis for the language change.

Manager Anderson moved the prior motion, with the additional language that authorization by the President or Administrator is intended as an exception. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

9. Report of Staff

c) Administrator

Mr. Kinney explained that he has been discussing the revamp of the University of Minnesota Watershed Specialist Training with University staff. He mentioned that they were also interested in the District's sequential diagnostic monitoring and the accomplishments that have transpired due to this monitoring. He also noted a coming meeting with the Midwestern Leadership.

d) Emmons & Olivier Resources

Mr. Graske invited questions regarding the update provided in the packet materials. There were none.

e) Smith Partners

Nothing to report.

10. Report of Treasurer

c) Approval of Bills and Treasurer's Report

Treasurer Anderson reported income for the period of \$497,009.92 and expenses in the amount of \$261,132.76.

Manager Anderson moved to accept the Treasurer's Report and authorize payment of expenses in the amount of \$261,132.76. Seconded by Manager Toavs. Upon vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			

Doug Toavs	X			
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11. Report of Officers and Managers

Manager Anderson: Reported that she will be meeting with the District accountant to work on re-vamping the treasurer’s reports. She suggested any comments or suggestions regarding this matter be sent to her directly. She also gave an update regarding legislative bills being monitored by the Minnesota Association of Watershed Districts (MAWD). She noted that the watershed district general fund levy limit is being discussed and legislation has been proposed to base it on the mill rate. She noted that this will allow districts to levy amounts more proportionate to tax capacity and needs as indicated in management plans. MAWD representatives have some confidence that this legislation will pass. She also discussed legislation regarding salting awareness.

Manager Bakke: Nothing to report

Manager Toavs: Noted the increase in wildlife returning to Moody Lake.

Manager Loth: Reported that the Forest Lake Lake Association will be holding its lake clean-up event the coming weekend.

Manager Schmaltz: Nothing to report.

12. Summary and Approval of Board Direction

A summary of the Board direction was presented as listed:

- Staff will print three copies of the 2021 Year in Review, Draft Annual Report & Draft Progress Report for managers who have requested them to pick up.

13. Adjourn

c) Next regular board meeting – April 14, 2022

Manager Schmaltz moved to adjourn the meeting. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 9:05 p.m.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Dave Bakke, Secretary _____