

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, May 9, 2019**

1. Call to Order

President Spence called the May 9, 2019 regular board meeting to order at 6:30 p.m. in the Offices of the Comfort Lake-Forest Lake Watershed District, 44 Lake Street South, Suite A, Forest Lake, MN.

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

Absent: Treasurer Steve Schmaltz

Others: Mike Kinney, Emily Heinz (via telephone, agenda items 4.e, 4.f), Jessica Lindemyer (CLFLWD staff); Meghan Funke, Mike Talbot (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Ellen Heinrichs (Career Enhancement Options, Inc.); Don Jenson and Dave Madison (3rd Lake Estates permit)

2. Setting of Meeting Agenda

President Spence noted two additions to the agenda: 5c – Office Space Update and 5d – Administrator Review Update.

Manager Moe moved to approve the agenda as amended. Seconded by Manager Oknich. Upon a vote, the motion carried 4-0.

3. Public Open Forum

Don Jenson and Dave Madison, permittees for the 3rd Lake Estates project, thanked the Board and staff members that visited the development site and walked the property last week. Mr. Jenson described revisions to the development plans which will result in removal of fewer trees from the property. He indicated that he's been in communication with District Engineer Greg Graske about this, and he requested that the Board consider revising the permit conditions. Legal Counsel Holtman explained that, presently, the amended permit would need to be brought back to the Board along with staff and engineer's recommendation. Currently staff does not have authority to approve amendments, but the Board, if it chooses, may take action to delegate to the Administrator the authority to act on this permit amendment. The Board chose not to take action and Administrator Kinney stated that the proposed amendment would be brought to the next Board meeting.

4. New Business

a) Employee Manual Review

Administrator Kinney noted that, per the employee manual, the District does not presently extend employee benefits to employees' families. In comparing to other watershed districts in the area, Mr. Kinney explained that Comfort Lake-Forest Lake Watershed District (CLFLWD) and South Washington Watershed District appear to be outliers in that they do not offer such benefits. He added that this discussion is meant to be an initial step toward potentially modifying the employee manual to include this benefit.

Manager Anderson expressed that it seems typical for small companies and organizations not to offer benefits to family members; normally only very large companies do this. There was discussion about employee-paid portion of health insurance coverage and other options for providing benefits such as Gravie open market benefits provider.

Manager Anderson moved to direct staff to investigate other options to get dependent care and work with accountants on forecasting costs. Seconded by Manager Moe.

Discussion: Mr. Holtman explained that the employee manual is structured to provide the Administrator the authority to select and prescribe health benefits for employees, provided that it is within the personnel budget. The Administrator can choose to bring a proposed benefits approach to the Board for its input, and the Board request to be involved if it has a policy interest. Presently, the manual does state that the District will set aside 2% of employees' wages for a healthcare savings plan, so if the Administrator would like the option to provide a different benefit, this sentence should be amended to allow that.

There was discussion about the long-term needs of staff and the immediate need for hiring new employees competitively. Mr. Holtman concurred in Manager Anderson's concern that if the District offers family coverage for one employee, it needs to offer that same opportunity for all employees. Mr. Kinney introduced Ellen Heinrichs, human resources consultant with Career Enhancement Options Inc., who has worked with the District for the past few years and helped draft the employee manual. Ms. Heinrichs noted that it can be a challenge for an employee to shop for his or her own insurance. She explained how the District needs to be competitive in order to hire competent and caring employees. It was clarified that employees would have the choice of selecting the District's plan or shopping around for a plan through the Gravie marketplace. There was discussion about providing higher salary, or a one-time signing bonus, in place of family benefits as a short-term solution for immediate hiring needs. There was discussion about equity among all employees. Mr. Kinney noted that the prospective new hire has applied for the Program Coordinator position but has experience and qualifications to become more of a Project Manager role.

Manager Anderson moved to amend her motion to authorize the Administrator to address the dependent coverage question with regard to the prospective employee, on

advice of legal counsel and Ms. Heinrichs. Seconded by Manager Moe. Upon a vote, the amendment carried 4-0. Upon a vote, the main motion carried 4-0.

b) H&H Model Scope of Work

Dr. Meghan Funke explained that the District-wide Hydrologic and Hydraulic (H&H) model update will be a multi-year effort. The proposed starting point for this year is the Comfort Lake drainage area. This dovetails into the regional stormwater treatment facility work that is occurring simultaneously. Dr. Funke explained how the H&H model is a core component of how the District plans water quality improvement projects. It also helps the District obtain permits for those projects. Dr. Funke introduced Mike Talbot who has done modeling work at Emmons & Olivier Resources (EOR) for 5 years. Mr. Talbot explained that he grew up in the local area and has a background in agricultural engineering. There was discussion about proposed monitoring locations, areas in which the model will be updated, existing models, and uses for models. The current H&H model is in a program called XPSWMM, which is not very accessible for staff outside of EOR. The new model will be built in EPA-SWMM, which District staff could access using GIS. All the data from the old model can be moved into the new model platform. Dr. Funke estimated that at least two more years of work will be needed to update the entire District-wide model.

Manager Moe moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the May 1, 2019 scope of work and in an amount not to exceed \$76,612. Seconded by Manager Oknich. Upon a vote, the motion carried 4-0.

c) Agricultural Conservation Planning Framework

Mr. Kinney described recent agricultural conservation planning work coordinated among District staff, EOR, and local soil and water conservation districts. He explained that the Agricultural Conservation Planning Framework (ACPF) is a low-cost option for the District to better assess soil and water conservation needs. It is currently more popular in Iowa than in Minnesota. He recommended using this framework within the Bone Lake and Little Comfort Lake management districts. Mr. Kinney stressed the importance of tailoring best management practices (whether structural or non-structural) to each specific agricultural site based on the farm's needs.

In response to a question from Manager Oknich, it was clarified that the framework was developed at Iowa State University and is funded through Agricultural Research Service (ARS), which is a branch of the US Department of Agriculture (USDA). There was discussion about funding mechanisms which, for Bone Lake, include the District's levy, federal funds, and state Clean Water Fund grant funds. There was discussion about project prioritization tiers, cost-benefit analysis, and how to work with farmers to find an appropriate solution to nutrient loading problems.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the April 30, 2019 scope of work and in an amount not to exceed \$2,008. Seconded by Manager Oknich. Upon a vote, the motion carried 4-0.

Manager Anderson moved to authorize EOR to provide a quote for the Forest Lake, Little Comfort Lake, and Comfort Lake management districts, as recommended in paragraph three of the staff memorandum. Seconded by Manager Moe. Upon a vote, the motion carried 4-0.

d) Insurance Liability Coverage Waiver

President Spence noted that this is a routine annual action.

Manager Anderson moved to elect “The member DOES NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.” option provided on the LMCIT Section 1: Liability Coverage Waiver form. Motion seconded by Manager Moe. Upon a vote, the motion carried 4-0.

e) AIS Update – Invasive Plant Treatment Regulations

Mr. Kinney noted that Watershed Technician Emily Heinz has managed aquatic invasive species (AIS) permitting for the District for the past few years and is available via telephone to answer additional questions on the topic. Manager Anderson and President Spence expressed that the staff memo clears up some of the questions that came up previously such as landowner permissions and cumulative littoral area treatment limits.

Manager Anderson explained that she did some research and found that the Minnesota Boating Guide indicates that “Vegetation that is cut or pulled must be immediately and permanently removed from the water and disposed of on high ground where it will not re-enter the lake.” Manager Anderson expressed that the District is responsible for adhering to the law. There was discussion about the Forest Lake harvester and its effectiveness at removing all of the cut vegetation from the lake. It is infeasible for the harvester to collect 100% of the cut plant fragments; some float away before they are picked up. There was uncertainty whether MN statutes require that 100% of fragments be collected, or if there is a reasonable percentage that is allowed to be left behind. President Spence indicated that there is a cost-benefit trade-off to following behind the harvester to pick up any stray plant fragments. There was discussion about harvester efficiency and pricing. Mr. Holtman suggested that the DNR regulations may be interpreted similarly to the District’s own erosion and sediment control permitting – the District permit requires no sediment leave the site, but enforcement isn’t necessarily taken if a single particle of sediment leaves the site. The regulation is enforced to a reasonable and practicable extent. The important thing is to understand what the DNR’s expectation is regarding plant removal. President Spence expressed that the harvester should be operating at the intended efficiency, and if it isn’t then it should be fixed. It

was clarified that the District is the named permittee, and that City of Forest Lake owns and operates the harvester. The Board indicated its surprise that the District was listed as the permit holder. There was discussion about whether the District should be the permittee, or just monitor the activity. There was general consensus that the District should not be the permittee but could assist with the application. The Board directed staff to contact the DNR for a better sense of the level of compliance that it expects, and to report back on this, as well as the question of the District's role, at the next meeting.

f) Aquatic Invasive Species Control Contracts

Manager Anderson moved to authorize the Administrator to enter into a contract with PLM Lake and Land Management for treatment of flowering rush on Forest Lake, in an amount not to exceed \$8,000. Seconded by Manager Oknich. Upon a vote, the motion carried 4-0.

President Spence noted that Steve Schmaltz and Jerry Grundtner have indicated that the Forest Lake Lake Association contracts with Lake Management Inc. for Eurasian watermilfoil treatments, and as such they recommend Lake Management Inc. for the District's curly-leaf pondweed treatments. President Spence indicated that he and his neighbor contracted with Lake Management Inc. and Clarke, respectively, last year and each appeared to achieve effective control along their shorelines. There was discussion about pricing, each firm's treatment methods, and the delineation surveys performed by Blue Water Science.

Manager Anderson moved to authorize the Administrator to enter into a contract with Lake Management Inc. for treatment of curly-leaf pondweed on Moody Lake, Bone Lake, Shields Lake, Forest Lake, and Comfort Lake, in an amount not to exceed \$80,000. Seconded by Manager Moe.

Discussion: Manager Oknich indicated that she works with the Bone Lake Association to contract for Eurasian watermilfoil treatment on Bone Lake. There was discussion about Clarke's utilization of ciBioBase depth mapping technology.

Upon a vote, the motion carried 4-0.

Mr. Holtman noted that the quote information is not public data until the District signs the contract with Lake Management Inc., and as such it will not be part of the public board packet.

5. Old Business

a) Warner Nature Center

Manager Anderson moved to authorize the Administrator to enter into a contract with Warner Nature Center for education and outreach services, in an amount not to exceed \$5,000. Seconded by Manager Moe. Upon a vote, the motion carries 4-0.

b) Watershed Management Plan Amendment

Manager Anderson indicated that the outreach plan answered all of her questions regarding the proposed outreach. It seems very complete and all the necessary points seem to be captured.

Manager Anderson moved to approve the WMP Update Outreach Plan. Seconded by Manager Moe. Upon a vote, the motion carried 4-0.

c) Office Space Update

There was discussion about office space options for the District. There was agreement to schedule a workshop to discuss further on Tuesday, May 21 from 4:30-6:30 pm at the District office.

d) Administrator Review Update

There was discussion about the revised Administrator review criteria. Significant revisions were made to the Budgeting and Financial Planning section. Some minor revisions were made to the Leadership section. Manager Anderson explained how she would aggregate comments from other managers on these sections and send them out on Monday, May 13th. There was agreement to proceed with the revised criteria.

There was discussion about Open Meeting Law requirements as they relate to managers' emails. Email may be used to disseminate information to other managers, but it should not be used to have discussions. Mr. Holtman advised managers to send information to Administrator Kinney who may then forward the information to the rest of the managers.

6. Summary and Approval of Board Direction

President Spence summarized that staff was directed to look into issues discussed about the Forest Lake harvester and to add that item to the May 23rd meeting agenda. It was clarified that Mr. Kinney was also directed to distribute an email from Manager Schmaltz to the rest of the managers. Manager Moe requested that discussion of submittal of a proposed resolution to the MN Association of Watershed Districts (MAWD) be added to a future agenda, as he has an idea for a proposed resolution that he'd like to discuss regarding agricultural drainage and infiltration. There was discussion about the White Bear Lake water level litigation.

7. Adjourn

a) Next regular board meeting – May 23, 2018

Manager Moe moved to adjourn the meeting. Seconded by Manager Anderson. Upon vote, the motion carried 4-0, and the meeting was adjourned at 9:04 p.m.

Jen Oknich, Secretary _____