

**MINUTES OF THE REGULAR MEETING OF THE
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT
Thursday, October 27, 2022**

1. Call to Order

President Schmaltz called the October 27, 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; Aidan Read, Land Management Specialist; Garrett Miller, Watershed Assistant; Emily Heinz, Planning Coordinator (CLFLWD staff); Greg Graske, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners)

2. Setting of Meeting Agenda

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

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

3. Consent Agenda

- a) **Special Board Meeting Minutes – September 1, 2022**
- b) **Regular Board Meeting Minutes – September 8, 2022**
- c) **Regular Board Meeting Minutes – September 22, 2022**

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

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

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee (CAC) Update

Mr. Read gave an overview of the updated meeting schedule for November. He noted that the CAC meeting will take place on November 15th. He inquired about the managers' availability to attend the meeting on the rescheduled date. Manager Anderson can be available. President Schmaltz will check his schedule and let Mr. Read know his availability.

Mr. Read outlined the October 18th committee meeting including discussion regarding the District's shoreline program and chloride reductions.

President Schmaltz requested additional information on the Citizen Advisory Committee (CAC) members' reaction to the shoreline information presented to them. Mr. Read explained that the overarching theme discussed by the CAC is the interest in budgeted funds and a comprehensive education program focused on shorelines. He noted that the goal is behavior change.

Manager Toavs noted that he had seen some shorelines "scored" by District staff. Mr. Read explained that this is a task that he and the District's GreenCorps member, Jess Hall, are completing. He clarified that the specific tool being used was created by the Minnesota DNR to be used by homeowners with waterfront property. He noted that it is a useful tool. Manager Toavs asked if the scoring process is something he could request be done for his property. Mr. Read explained that the project is being done simply to collect data. Mr. Read confirmed that he would have Ms. Hall reach out to work with Manager Toavs to score his shore.

6. Aquatic Invasive Species Update

Mr. Miller gave an aquatic invasive species (AIS) update. He covered multiple topics including:

- Bone Lake zebra mussel and starry stonewort surveys were completed on September 30th. Neither invasive species was found in Bone Lake. No one from the Bone Lake Association reported finding any mussels upon removal of equipment for the winter.
- Shields Lake carp removal efforts: Three electrofishing attempts were completed in 2022 to help determine population estimates. A more thorough report from WSB will be presented to the Board in December regarding the Shields Lake carp population.
- Keewahtin Lake and Forest Lake purple loosestrife treatments: The lakes were treated in September. District staff performed treatment assessments in October and are working on the report.
- Forest Lake flowering rush: two treatments occurred in 2022: Staff is researching the process to obtain a Minnesota herbicide applicator's license in order to take a more aggressive management approach in the coming years.

- Eurasian watermilfoil on Forest Lake: treated by the Forest Lake Lake Association (FLLA) in 2022. No Eurasian watermilfoil was found in the lake during a survey completed on October 18th, 2022.
- Forest Lake weed harvester and agreements: Mr. Miller will be meeting with the City of Forest Lake and the FLLA on November 7th to finalize the funding distribution through the new agreement approved earlier in 2022.
- ciBiobase mapping efforts on Forest Lake: Mr. Miller thanked two volunteers for their assistance. The goal of the mapping was to map the vegetation conditions pre-alum treatment.
- Watercraft inspection season has officially wrapped up for the summer. All goals were met or exceeded for the season.

Manager Anderson asked about the Comfort Lake EWM treatment results and the effects on the native plant community as a response to the whole lake fluridone treatment. Mr. Miller gave an overview of staff findings and the opinions of other scientists in the field. Native plants, principally lilies, have been significantly impacted by the EWM herbicide treatment. Mr. Miller noted that it is uncertain if/how the native plants will bounce back in spring of 2023.

Manager Bakke asked where Mr. Miller thinks the watercraft inspection program could grow or improve in the coming years. Mr. Miller explained that the District's lead watercraft inspector will take a larger role in the program. He noted that this individual has been working above and beyond what was originally expected of him, which is allowing staff to focus more on improving the overall program and implement new initiatives during the season. District staff will be touching base with past inspectors and other program leaders during the off season to research new ideas that will enhance the program.

7. New Business

a) Permit 22-030 Bottem Landscaping Parking Lot

Mr. Kinney explained that the permit is located in the City of Wyoming.

Mr. Graska noted that the project is located on Greenway Road west of Highway 8. He gave an overview of the project that will include additions to existing buildings and additional parking. He explained that the project will require two stormwater filtration basins.

Mr. Graska recommended approval, with issuance on receipt of the following:

1. Additional permit review deposit of \$250.
2. Execution of a maintenance instrument satisfactory to the CLFLWD addressing the ongoing operation and maintenance of the proposed stormwater management features. The proposed instrument shall be provided to the District for review prior to execution, and documentation of recording with the County must be provided before permit issuance.
3. Financial Assurance in the amount of \$2,600 for grading and alteration.

4. Financial Assurance in the amount of \$13,000 for stormwater management or demonstration that the applicant has provided the municipality with a financial assurance, specific to the stormwater facilities, of equal or greater value.

Managers further discussed the specifics of the project location.

Manager Schmaltz moved to approve permit application #22-030 with conditions stated in EOR’s October 19, 2022, Permit Application #22-030, City of Wyoming memorandum. Seconded by Manager Toavs

President Schmaltz observed that the application program results in significant water quality benefit. The permit requires the project treat stormwater runoff from areas being disturbed as well as areas that are already developed.

Manager Anderson requested a summary of the project’s effects on the Shallow Pond area and/or the Sunrise River. Mr. Graske explained that the water would make its way through those areas, but that treatment on-site would both improve stormwater rate and reduce nutrient/sediment loadings leaving the site.

Upon a roll call vote, the motion carried 5-0.

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

b) 22-035 880 Parking Lot

Mr. Graske noted that the applicant is misstated on the engineer’s memorandum, and that the correct applicant is John Buzick, 880 15th St LLC. The correct authorized agent is Plowe Engineering, Inc.

Mr. Graske took the Board through the permit. He explained that the project is located in the industrial area behind the Forest Lake Target store. He explained that the project entails an expansion of some existing parking currently located on an adjacent lot. He noted that a stormwater retention pond will be included in the design and grading of the project per District rules. He noted that the pond exceeds the required water storage amounts. He gave an overview of the erosion and sediment control plan.

Manager Anderson moved to approve permit application #22-035 with conditions stated in EOR’s October 19, 2022, Permit Application #22-035, City of Forest Lake memorandum and the corrected indication of applicant and agent. Seconded by Manager Schmaltz.

Manager Anderson requested an overview of the stormwater rate control. Mr. Graske explained the factors that decide what best management practice is fit for the site. Managers discussed extra storage, like this project provides, being used for or to offset other projects in the same area. Mr. Graske replied that this would require obtaining rights across private property, and could be challenging to route, but would be a possibility.

Manager Bakke clarified some of the features on the exhibit provided by EOR. He asked where the water from the site eventually ends up. Mr. Graske explained that the water would flow into the highway right of way, flow under Broadway Avenue, through the District’s Bixby Park project, through the Sunrise River and Shallow Pond area, then through to Comfort Lake.

Managers further discussed rate control. Manager Anderson highlighted the amount of water that could be held in the proposed pond. Mr. Graske gave an overview of the modeling process for rate and flow control.

Upon a roll call vote, the motion carried 5-0.

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

8. Old Business

a) 2023-2024 Professional Services RFP

Mr. Kinney explained that the District sends out a letter to a broad list of firms that could provide the District services. He noted that some firms opted not to submit a proposal for professional services. He explained that the goal for the agenda item is for managers to consider directing staff to prepare contracts to work with specific firms. He noted that some firms are more focused, and others are generalized services. He mentioned that in the fields of accounting, auditing, and legal, only one proposal per field was submitted to the District. He explained that staff could collect more information from these firms, if directed by the Board. He indicated the goal is to execute contracts with these firms by December 15th.

Manager Loth thanked staff for the thorough comparison of the engineering proposals.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into professional services agreements for the next biennium with Redpath & Company,

Abdo, Smith Partners, and Blue Water Science. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

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

The Board turned to consideration of engineering services submittals. President Schmaltz asked if staff announced to these firms that the District has a new 10-year plan. Mr. Kinney explained that some of the proposals include information regarding the plan. He noted that if a firm didn't look through the plan the District would be less inclined to consider it. Manager Schmaltz explained that many of the proposals didn't include information on flood mitigation and climate resiliency. Mr. Kinney clarified that expertise in all areas was requested.

Upon the Board's request, Cecilio Oliver and Greg Graske left the meeting.

Manager Bakke asked if the goal of the District is to develop a contract with one engineering firm or several. Mr. Kinney clarified that the District would retain one firm for general engineering services. He suggested the Board may want to consider hiring a separate engineering firm to write District rule revisions, so as to have a separation between the firm writing the rules and the firm reviewing permits.

President Schmaltz highlighted a firm that had a national reputation in flood control. He explained that this may be another specialized area in which to retain one or more firms.

Mr. Kinney stated that Emmons and Olivier Resources (EOR) provides consistent quality in terms of its ability to offer sequential diagnostic monitoring and cost-benefit analysis. He noted that, in his experience, not all engineering firms are able to provide these services. He highlighted EOR's many successes. He noted that with the many projects completed with the help of EOR staff were meeting the District goals. He noted that EOR staff are aware that the District is possibly planning to pursue involving other firms for assistance with the rule writing in the future. Mr. Kinney explained that the Board has requested other firms come in to give a presentation of their qualifications in the past. He noted that this would be an option again this year.

Manager Anderson explained that it was always the District's goal to have post-project monitoring completed. She noted that EOR has worked with the District diligently to provide those services. She stated that some engineering firms would only model project outcomes on the computer. She observed that EOR is a very competent firm that does great work for the District, specifically in the research and grant writing efforts. She noted the institutional knowledge that EOR has of the District. She explained that even though some big projects haven't moved with the speed and clarity she had expected,

she would still recommend that EOR continue as the District’s main engineer. She noted that EOR’s prices are also mid-range when compared to the other firms. She highlighted the success of the District’s monitoring program and the assistance received from EOR to shift to an in-house program.

President Schmaltz reiterated that if there are areas the District needs to improve on that it should tap into some of these other engineers for their expertise. He noted that he believes that wouldn’t need to be decided by December 15th. Managers discussed how other watershed districts work on projects and programs with multiple firms.

Manager Anderson explained that this is the most robust list of engineering firms received in the past 5 years.

Manager Toavs is comfortable moving forward with EOR as the District’s engineer.

Managers discussed the rulemaking process and permitting program goals for the future. Mr. Holtman clarified that the permitting rules come out of the District priorities to date. He noted that a background knowledge of the District, and its goals, priorities and posture with respect to its public partners and the regulated community, facilitates sound and beneficial rules. He noted that there would be a minimal conflict of interest in having the same engineering firm update the rules and implement them in their review process.

Manager Anderson suggested all submissions be kept in a pool for staff to utilize when specialties are needed. Manager Schmaltz stated that this wouldn’t be a factor in deciding on a primary engineer.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into professional services agreements for the next biennium with Emmons and Oliver Resources and to keep the other submissions in a pool for review when specialized services are needed. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

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

9. Report of Staff

a) Administrator

Mr. Kinney reported some upcoming meetings with the City of Forest Lake.

He also noted that staff had made a last-minute addition to the administrator's report requesting the managers respond if they would like to be registered to attend the Minnesota Association of Watershed Districts (MAWD) annual conference and trade show. He noted that the deadline to register is in November. Manager Toavs is interested in attending.

Manager Anderson highlighted the MAWD pre-conference sessions to be held at the conference. President Schmaltz spoke about the benefits of attending the MAWD pre-conference for new managers. Manager Anderson noted that the sessions would be recorded to view after the fact. She also highlighted some awards to be presented. She explained that she would like to discuss a possible nomination for the outstanding staff member award.

Mr. Kinney gave an overview of a meeting held with Washington County Commissioner Fran Miron. He noted that Commissioner Miron asked many valuable questions and complimented the work of the District and its staff. He explained his openness to improvement in general as a District.

Managers discussed budget meetings to occur in the coming future with both Washington and Chisago County.

Manager Anderson highlighted the development activity in the Comfort Lake management area noted in the permitting update.

Emmons and Olivier Resources staff, Mr. Olivier and Mr. Graske, reentered the meeting.

Manager Bakke asked if the District's no dumping signage could be implemented around Bone Lake. Mr. Kinney explained that signs were recently installed in the City of Forest Lake in the road right of way by the City with the help of District staff. He noted that he could work with the public works office in Scandia and Wyoming to attempt to implement these educational signs in those areas as well. Manager Bakke noted that he had posted online some educational materials created by District staff regarding best practices regarding dumping. President Schmaltz requested these materials be shared.

President Schmaltz confirmed that EOR staff had returned to the meeting and informed them that the District would be renewing the contract and continue to work with them as the main engineer.

b) Emmons & Olivier Resources

Mr. Graske gave an update on the permit activity in the District, noting the activity level is high and the District has received multiple permit applications recently. He highlighted the multiple projects making progress to be completed in the winter of 2022/23. He noted that he is working with the City of Forest Lake on the downtown

water quality treatment planning. He explained that a formal agreement will be coming to the Board soon. Mr. Graske explained that the monitoring season had ended, with reports to come soon.

c) Smith Partners

Nothing to report. Mr. Holtman thanked the Board for choosing Smith Partners as the District’s legal team for the next biennium.

10. Report of Treasurer

a) Approval of Bills and Treasurer’s Report

Treasurer Anderson reported income for the period of \$21,709.22 and expenses in the amount of \$175,386.68.

Manager Anderson gave an overview of the fund balances. The Board requested that the full report be distributed.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$175,386.68 and complete the transfer from permitting escrow (\$108,526.92) to accomplish this. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

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

11. Report of Officers and Managers

Manager Loth: Asked the managers if they think an overview of the MS4 (Municipal Separate Storm Sewer System) program would be useful for managers.

Mr. Kinney explained that an MPCA employee had given a presentation on the MS4 program in the past. Mr. Kinney confirmed that he would schedule a presentation for the Board regarding the MS4 program. Cities of Forest Lake and Wyoming are both MS4s now.

Manager Bakke: Thanked staff for coordinating a meeting with Commissioner Miron. He explained that he was pleased to be able to share viewpoints and appreciated that opportunity.

Manager Toavs: Nothing to report.

Manager Anderson: Requested information on the efforts of ISG and building space planning.

Mr. Kinney explained that he met with a team of three ISG employees on October 26th. He noted that he was impressed with the process and the questions posed to staff. He explained that the staff looks forward to meeting with them again and believes they will serve the District well.

Manager Anderson reported that she attended the University of Minnesota water conference. She noted that it was very interesting. She also reported on MAWD, explaining how impactful a shift in staffing can be. She also reported that she was invited to attend a listening session on water issues, including removing the ceiling on watershed district general funds. She explained that the representatives gave a 5-minute speech. She noted that she would be formalizing her comments in writing. She hopes that this will lay the groundwork for positive outcomes and possibly successful legislation.

Manager Loth asked if the information on MAWD’s work regarding remote board meetings is available. Manager Anderson explained that a resolution regarding this matter will come to the MAWD meeting in December for a vote. She explained that the resolutions should be reviewed and a part of the November CLFLWD board meeting materials.

Manager Schmaltz: Reported that the Forest Lake Lake Association created a question-and-answer document for each candidate running for the Forest Lake City Council. He noted that the FLA does not support any specific candidate, and the Q&A is simply informational. He thanked Manager Loth for his work on that effort.

12. Summary and Approval of Board Direction

Board direction was summarized as listed:

- Staff will contact Manager Toavs regarding the shoreline assessment process.
- Staff will distribute the Forest Lake City Council candidate responses compiled by the Forest Lake Lake Association to all board managers.
- Staff will reach out to the Minnesota Pollution Control Agency (MPCA) staff in order to schedule a special meeting/workshop for managers to receive an overview of the MS4 program directly from MPCA staff.

13. Adjourn

a) Next regular board meeting – November 17, 2022

Manager Anderson 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 8:56 p.m.

Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			

Christopher Loth	X			
Doug Toavs	X			
Jackie Anderson	X			
Stephen Schmaltz	X			

Dave Bakke, Secretary _____