

**MINUTES OF THE REGULAR MEETING OF THE  
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT  
Thursday, November 17, 2022**

**1. Call to Order**

President Schmaltz called the November 17<sup>th</sup>, 2022, regular board meeting to order at 6:30 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; Emily Heinz, Planning Coordinator; Mike Sandager, Permitting Coordinator (CLFLWD staff); Jason Naber, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners)

**2. Setting of Meeting Agenda**

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

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

**3. Consent Agenda**

The minutes of the October 13, 2022, regular meeting were removed from the consent agenda.

**a) Special Board Meeting Minutes – October 4, 2022**

Managers proposed the following amendments to the minutes: Manager Toavs was absent, and Manager Bakke seconded the motion regarding Section 319 Small Watersheds Focus Grant Agreement and the motion to adjourn.

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

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>

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 Update

Mr. Read explained that the Citizen Advisory Committee (CAC) discussed the District’s shoreline program efforts, chloride reduction efforts, goal setting for 2023, and meeting scheduling for 2023 at the November 15<sup>th</sup> meeting.

President Schmaltz commended the CAC for reaching out to other organizations regarding shoreline efforts. He also asked about the use of salt brine for road ice removal. He requested the group investigate the use of brine at the consumer level, and whether it is only sold to cities or counties. Mr. Read stated that he will bring that idea to the CAC. Manager Anderson asked if the brine is safe to use by waterbodies. Mr. Read explained that it is used to reduce the amount of salt applied per linear mile. He noted that the timing of application is also different.

Manager Toavs thanked staff for visiting his property and collecting information on his shoreline.

#### 6. New Business

##### a) 2023 Washington Conservation District Service Agreement

Mr. Kinney described how the District has executed agreements with the Washington Conservation District in the past. He noted that the only change to the agreement is the billing rates of Washington Conservation District (WCD) staff. He mentioned the benefit of having access to their services.

Manager Anderson moved to authorize the Board President, on advice of counsel, to enter into the 2023 Service Agreement with Washington Conservation District and in an amount not to exceed \$20,000. Seconded by Manager Toavs.

Manager Bakke requested an overview of the services regularly provided by the Washington Conservation District (WCD). Mr. Kinney explained the bulk of services are related to the District’s plant grant site visits. He explained that WCD provides site visits. All follow-up is then coordinated by the District and the WCD to create project plans and designs. He noted that WCD also provides some technical services with regard to agricultural best management practices (BMPs).

Manager Anderson requested that all documents produced by WCD reflect that they are District documents created by the WCD. She requested that any reports or materials not be accepted if they do not indicate that they are produced for the District.

Manager Toavs asked if long-term monitoring is provided by the WCD, and if so, what is the cost of that service. Mr. Kinney explained that this is not a service currently being provided by the WCD and is only listed in case its services are needed in an emergency.

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

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

**b) 2023-2024 Chisago SWCD Service Agreement**

Mr. Kinney explained that this is a two-year agreement that includes a dollar amount not to exceed \$25,000.

Manager Anderson requested that the document ownership be handled the same as the WCD agreement documents. The goal is to make clear that documents created per these agreements are produced for and owned by the District.

Manager Anderson moved to authorize the Board President, on advice of counsel, to enter into the 2023-2024 service agreement with Chisago Soil and Water Conservation District and in an amount not to exceed \$25,000. Seconded by Manager Toavs. Upon a roll call vote the motion carried 5-0.

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

**c) 2023 Staff Work Plan**

Mr. Kinney introduced the staff work plan for 2023. He noted that the plan continues to evolve and adapt based on the District’s needs. He highlighted the text description of staff tasks that had been recently added to the plan. He encouraged the managers to revisit the document during the next budgeting period. He explained the importance of the document for the education of the public and the board of managers.

Manager Anderson moved to approve the 2023 staff work plan. Seconded by Manager Schmaltz.

President Schmaltz recommended all work plan questions be compiled for staff to review and answer, and that the work plan placed on the December regular meeting agenda.

Manager Anderson agreed that the document has evolved over the years. President Schmaltz and Manager Anderson noted that the document is very well done and easy to follow. Managers discussed the work plan structure and how it follows the District's watershed management plan.

Manager Bakke requested staff include a note in the work plan about the administrator review process.

Managers discussed the administrator review process and assessment. Manager Bakke indicated that the consultant suggested the administrator provide progress updates on the administrator's goals on a monthly basis, in the administrator's report. President Schmaltz explained that he would gather a final proposal for the December regular meeting. Manager Anderson agreed this language should be included in the staff work plan for 2023.

Manager Anderson moved to table the motion. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 5-0.

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

## **7. Old Business**

### **a) MAWD Delegate Appointment**

Mr. Kinney presented the form by which the District would submit its delegates for the upcoming annual meeting of the Minnesota Association of Watershed Districts (MAWD). This enables the delegates to vote on behalf of the District on the MAWD proposed resolutions at the meeting.

Managers confirmed that Managers Anderson and Toavs would attend the MAWD conference and annual meeting.

Manager Schmaltz moved to appoint Manager Anderson and Manager Toavs as District delegates, with no alternate delegate, to the MAWD annual meeting. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

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

**b) MAWD Resolutions**

Mr. Kinney explained that this would be an opportunity for the managers to review each resolution and make a recommendation as to how the delegates should vote on each matter at the MAWD business meeting. Managers reviewed resolutions 2022-001 through 2022-008. The Board consensus view on each resolution was as follows:

- Resolution 2022-001 Resolution to Request MAWD Support Including at Least One MAWD Member on the Minnesota Department of Health’s Workgroup to Move Forward, Prioritize, and Implement the Recommendations of the Interagency Report on Reuse of Stormwater and Rainwater in Minnesota: The Board supports the MAWD committee recommendation to adopt with amendment.
- Resolution 2022-002 Resolution Seeking to Request MAWD Support the Passage and Enactment of a State Law that Provides a Limited-Liability Exemption to Commercial Salt Applicators and Property Owners Using Salt Applicators who are Certified Through the Established Salt Certification Program and Follow Best Management Practices: The Board supports the MAWD committee recommendation to adopt resolution 2022-002 in place of resolution 2020-017.
- Resolution 2022-003 Resolution Seeking Increased Support and Participation for the Minnesota Drainage Work Group: The Board supports the MAWD committee recommendation to adopt.
- Resolution 2022-004 Resolution Seeking Clarification of Watershed District Project Establishment with Government Aid or as Part of a Plan: The Board supports the MAWD committee recommendation to adopt.
- Resolution 2022-005 Resolution Seeking to Obtain Stable Funding for Projects that Provide Flood Damage Reduction and Natural Resources Enhancement: The Board supports the MAWD committee recommendation to adopt but with amendments to require that flood reduction projects incorporate upgradient soil loss measures, and to stipulate that dedicated funds not be drawn from Clean Water Fund or Outdoor Heritage grant funding.
- Resolution 2022-006 Resolution Seeking to Limit Wake Boat Activities that Cause Shoreline Erosion, Reduce the Efficacy of In-Lake Phosphorus Control Practices, and Contribute to the Spread of Aquatic Invasive Species: The Board supports the MAWD committee recommendation to adopt with contingency.

- Resolution 2022-007 Resolution Seeking to Limit Excessive Use of Groundwater for the Purpose of Watering Urban and Suburban Landscapes During Summer Months: The Board supports the MAWD committee recommendation not to adopt, concluding that the effort is better directed to cities and that MAWD should work with the DNR directly toward a permitting system that addresses the underlying groundwater withdrawal concern.
- Resolution 2022-008 Resolution Seeking Increased Flexibility in Open Meeting Law to Utilize Interactive Technology: The Board supports recommendation with amendment that the legislation apply only to meetings of watershed district boards of managers.

Staff will prepare amendments for Minnesota Association of Watershed Districts (MAWD) resolution 2022-05 to include a requirement regarding a soil loss equation, eliminating the wording regarding Clean Water Funds and Outdoor Heritage Funds. A handout regarding the soil loss equation will also be created and prepared for MAWD delegates to utilize during voting at the business meeting on December 2<sup>nd</sup>, 2022.

#### **c) MAWD 10-Year Strategic Plan**

Manager Anderson explained that adoption of the strategic plan will be considered at the MAWD meeting.

Manager Anderson highlighted one of the changes in the strategic plan is an organizational name change from Minnesota Association of Watershed Districts to Minnesota Watersheds. This move is to make the organization inclusive of watershed management organizations other than watershed districts.

Managers agreed to review the plan and submit any comments to Administrator Kinney, Manager Anderson, and Manager Toavs by November 25<sup>th</sup> (note: at the end of the Board meeting, this date was changed to November 28<sup>th</sup>). Staff was directed to make three copies of the plan for managers to pick up.

#### **d) Natural Resources Inventory Update**

Mr. Naber provided an overview of the natural resources inventory project and the progress made to date. Topics covered included:

- Work plan and the phases included
  - The project is in Phase 3 (field data collection).
- EOR developed a data collection application to assist with the field work
- An overview of the GIS data used to identify protection and restoration sites within the District and priority sites identified
- Project deliverables include a web database StoryMap, land protection priorities to aid in completing a Lessard-Sams Outdoor Heritage Fund grant application, land restoration priorities for Clean Water Fund projects, and mini-feasibility concept designs

Manager Anderson noted that the map of wetland areas identified for protection does not include any in the Comfort Lake Management District. She referenced, in particular, wetlands southwest of the lake and explained that this is a concern of hers. She requested to discuss this further with EOR staff to take a serious look at this area for protection.

Mr. Kinney explained that the Lessard-Sams Outdoor Heritage Fund grant program doesn't necessarily require field data for each site. He clarified that a plan for land acquisition would be created in the future. Manager Anderson explained that she is focusing on not just restoration but also protection efforts and would like staff to do so as well going forward.

## **8. Program/Project Update**

### **a) Project Update – Not discussed at the meeting**

### **b) Program Update – Permitting**

Permitting Coordinator Mike Sandager gave an overview of permitting trends, application data, inspections, program goals for the coming winter, and future big picture-goals for the permitting program.

Manager Schmaltz recommended the Board send all questions regarding the permitting program to District staff. He requested some time at the next board meeting in December be set aside to go over the questions submitted by the Board.

## **9. Report of Staff**

### **a) Administrator**

Nothing to report.

### **b) Emmons & Olivier Resources**

Nothing to report.

### **c) Smith Partners**

Nothing to report.

## **10. Report of Treasurer**

### **a) Approval of Bills and Treasurer's Report**

Treasurer Anderson reported income for the period of \$234,008.28 and expenses in the amount of \$254,282.15.

Manager Schmaltz moved to accept the Treasurer’s Report and pay the bills in the amount of \$254,282.15. Seconded by Manager Toavs. Upon vote, the motion carried 5-0.

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

### **11. Report of Officers and Managers**

**Manager Schmaltz:** Reported that he was advised by Administrator Kinney that the federal government extended the COVID-19 emergency status. He noted that he requested staff monitor the status and track information on COVID-19 to make sure the District stays in line with what the federal government is recommending.

**Manager Bakke:** Nothing to report.

**Manager Toavs:** Nothing to report.

**Manager Loth:** Nothing to report.

**Manager Anderson:** Reported that phase two of a previously discussed wake boat study is being conducted by the University of Minnesota. She noted that the District has contributed financially to this effort in the past. She would like the Board to consider funding this project again at a future Board meeting.

### **12. Summary and Approval of Board Direction**

- Staff will work with the Citizen Advisory Committee to investigate and discuss the use of liquid brine as opposed to typical road salt.
- Staff will work to ensure that the work of both the Washington Conservation District and the Chisago Soil and Water Conservation District is completed following the relative service agreements. Staff will ensure products produced for the District are clearly marked as products produced for and owned by the District.
- President Schmaltz will compile the HR information regarding Administrator Kinney’s review process. Staff will ensure this review process is included in the staff work plan.
- Staff will print three paper copies of the Minnesota Association of Watershed Districts strategic plan and ensure these are available for pickup on November 18<sup>th</sup>. Board members will provide their comments by November 28<sup>th</sup>.
- Manager Anderson will meet with EOR staff Jason Naber to review the criteria used to identify priority wetland areas for the natural resource inventory.

### **13. Adjourn**

- a) **Next regular board meeting – December 15, 2022**



Manager Loth moved to adjourn the meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 9:13 p.m.

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

Dave Bakke, Secretary \_\_\_\_\_