

**MINUTES OF THE REGULAR MEETING OF
THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, September 23, 2021**

1. Call to Order

Vice President Anderson called the September 23, 2021, regular board meeting to order at 6:34 p.m. via online video conference.

Present: Vice President (President Pro-Tem) Jackie Anderson, Treasurer Steve Schmaltz, Manager Doug Toavs, Manager Chris Loth, Secretary Pro Tem Dave Bakke.

Absent: None.

Others: Mike Kinney, Bobbie Law, Garrett Miller, Aidan Read, Emily Heinz, Nick Bancks (CLFLWD staff); Cecilio Olivier, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners).

2. Oath of Office

Mr. Holtman administered the oath of office to David Bakke. The Board congratulated and welcomed him.

3. Setting of Meeting Agenda

Item 9b - Property Acquisition update was added to the agenda.

Manager Bakke stated that he would be comfortable filling the position of Secretary Pro-Tempore until officer elections. Upon unanimous consent, the Board named Manager Bakke as the Secretary Pro-Tem of the Board of Managers.

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

Manager	Aye	Nay	Absent
Jackie Anderson	X		
Stephen Schmaltz	X		
Douglas Toavs	X		
Christopher Loth	X		
David Bakke	X		

4. Consent Agenda

- a) **Regular Board Meeting Minutes – August 12, 2021**
- b) **Special Board Meeting Minutes – August 26, 2021**

The Board approved the consent agenda by unanimous consent.

5. Public Open Forum

There were no comments.

6. Citizen Advisory Committee Update

Operations & Outreach Specialist, Jessica Lindemyer, explained that the administrative duties regarding the Citizen Advisory Committee (CAC) have been shifted to Land Management Specialist, Aidan Read. She noted that any further updates will be coming from Mr. Read.

Ms. Lindemyer also noted that Administrator Kinney will be attending an upcoming CAC meeting to provide an update on the District's grant program.

Vice President Anderson asked how many members regularly attend the meetings. Ms. Lindemyer explained that four out of five members regularly attend. She noted that Mr. Read is preparing to conduct outreach for the farmer-led council and will be incorporating some outreach to try and gain members on the CAC simultaneously.

7. Aquatic Invasive Species Update

Mr. Miller gave an update on flowering rush, purple loosestrife, Eurasian watermilfoil, and zebra mussels.

He began with an update on flowering rush treatments specific to Forest Lake. He explained that Forest Lake was treated for flowering rush twice in the summer and once in early fall of 2021. He explained that the final treatment assessment will be conducted by mid-October. Mr. Miller then gave a synopsis of flowering rush seed head removal on Forest Lake. He explained that the task was taken on by District staff including Mr. Miller, Aidan Read, and Peter Brennhofer. They visited Forest Lake three times to carry out their management efforts. Mr. Miller noted that he believes flowering rush, an invasive species, was thriving this year. District staff removed around 1,200 seed heads during their three visits to Forest Lake. Through communications with Steve McComas, from Blue Water Science, Mr. Miller concluded that flowering rush is thriving likely due to low water levels in 2021.

Mr. Miller then gave an overview of a purple loosestrife treatment survey for Forest Lake. He and Blayne Eineichner completed the survey. He explained that the main goal of their survey was to investigate the effectiveness of treatment completed in 2020. They found some areas on Forest Lake where the purple loosestrife was thinned by treatment but had emerged again, but most areas treated showed a great deal of eradication. On September 13th, 2021, a second treatment was completed in the areas where they found purple loosestrife. Mr. Miller plans to do a full post-treatment assessment. He mentioned that while on Forest Lake earlier that day with Bobbie Law they did observe the positive effects of the

herbicide. Mr. Miller explained that he believes these management efforts will be multi-year.

Mr. Miller gave an update on purple loosestrife on Keewahtin Lake. He explained that the treatment process for this lake was a lengthier process since the lake does not have a public access point. Mr. Miller worked with PLM Lake and Land Management and an accommodating landowner on the lake to launch the boat for treatment on September 23rd, 2021. Mr. Miller hopes to get out to survey the effectiveness of this treatment this fall. He noted that this is also a multi-year management effort.

Mr. Miller gave a short update on the Eurasian watermilfoil treatment completed via a partnership of the District and the Comfort Lakes Association. Mr. Miller shared a map of where the treatment was completed. He noted that most of the treatment was focused on the northeast portion of Comfort Lake. Mr. Miller explained that the treatment was completed by PLM Lake Management Inc, a company the District frequently works with. He explained that PLM treated the Eurasian watermilfoil with ProcellaCOR. He explained that this is a new product with a guarantee of three years of control. He mentioned that there may be a possibility of a free survey from Blue Water Science due to its curiosity regarding the effectiveness of the newer product.

Mr. Miller then gave an overview of Eurasian watermilfoil and coontail on Bone Lake. Mr. McComas, who created the maps, believes that the abundance of coontail may be crowding out the Eurasian watermilfoil, and so not allowing it to be as abundant.

Mr. Miller also reported that staff completed a survey for zebra mussels on the north end of Bone Lake. He clarified that the area is surveyed because they were found there in 2019. Mr. Miller reported that no zebra mussels were found. He noted that five residents on the lake are using zebra mussel plates to see if any attach. He has not received any reports from those residents, suggesting they did not encounter any zebra mussels near their shore or on those plates.

Vice President Anderson noted the abundance of hybrid Eurasian watermilfoil present on Comfort Lake. She explained that the abundance was made more obvious after the treatment.

8. New Business

a) Watershed Management Plan Adoption

Ms. Heinz explained that the planning process for updating the Watershed Management Plan began two years ago. She noted that the Board of Water and Soil Resources (BWSR) recommends starting this process 18-24 months prior to a plan's expiration date. She indicated that she believes the head start allowed multiple stakeholders to be involved and in turn created a well-rounded and comprehensive updated plan. She mentioned the positive feedback received in public comment. She thanked the Board,

staff, and consultants for the work done to finalize the new plan and opened the discussion to any questions.

Vice President Anderson noted the amount of work put into creating the new plan. She believes that the District has ended up with a very good product. She reiterated the high level of positive comments that were given during the BWSR committee meeting. She encouraged the new managers to review it closely. Manager Schmaltz observed Ms. Heinz's excellent leadership during the planning process.

Manager Schmaltz moved to adopt resolution 21-09-03 approving the plan. Seconded by Manager Toavs. Upon a roll-call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jackie Anderson	X		
Stephen Schmaltz	X		
Douglas Toavs	X		
Christopher Loth	X		
David Bakke	X		

b) Website & Branding RFP

Mr. Kinney explained that this has been on the District staff's radar for some time. He explained that the hiring of additional staff, specifically Office Manager Bobbie Law, enabled the District to take on the task of updating the website and branding.

Ms. Lindemyer gave an overview of the current website platform. She noted that this item will come back to the Board in October. She explained that the request for proposals (RFP) is to overhaul the District's current website and design a new logo. Managers were encouraged to provide input, feedback, and questions to Ms. Lindemyer via email by Tuesday, October 5th.

Vice President Anderson expressed her excitement for the website and branding update. Manager Loth mentioned the importance of having a website that functions well with mobile devices. He was surprised to find the current website is only desktop compatible. Manager Bakke asked for some clarification on what website platform is currently being used. Ms. Lindemyer explained that many of the current issues related to the website have to do with the platform on which it was built, Adobe Contribute. This platform is significantly out of date and is no longer supported by Adobe. She explained that this means regularly updating the current website can be troublesome. She mentioned that some of the issues staff encounters can go unresolved due to the program, Adobe Contribute, being so out of date there is no support or training available. She explained that the goal is to move away from Adobe Contribute and build the new site on a more flexible platform like WordPress or Squarespace that can be edited more readily by staff and provide greater security. She noted that the District's current website is also vulnerable to malicious attacks. Ms. Lindemyer expressed her excitement for the update.

Mr. Kinney noted that the technology was top-notch in 2008, but things have changed in 12 years.

9. Old Business

a) Highway 97 Properties

Mr. Kinney explained some background regarding these properties. He noted Forest Lake School District's high interest level in providing environmental education opportunities for their students. He explained that these properties are located adjacent to the Forest Lake Middle School. Presently the land is not able to be developed due to necessary utilities, like sewer, not being accessible.

Mr. Kinney discussed the location of the multiple parcels; all of which are grouped closely together. He noted the diversity of the ecosystem in the area and the potential for outdoor education. Mr. Bancks added that he and Emmons and Oliver Resources staff recently walked the properties. He mentioned running into other adjacent property owners. He explained that their conversations seemed to be positive and that they were able to identify the water and sewer main lines. He reiterated the amount of diversity of the area specific to the woodlands. He also added that there were limited amounts of invasive species. Mr. Bancks believes that this area is unique because it is so diverse and very close to the Forest Lake urban center.

Vice President Anderson requested information on a solar pollinator meadow plan that was presented to the managers via an Emmons and Oliver Resources memo. Mr. Bancks explained that these facilities typically need 5-7 acres. He noted that the area had already been discussed for potential by the solar company. Managers discussed the location of this solar garden in relation to a possible office location on one of the discussed parcels. Vice President Anderson asked if the plans were speculative. Mr. Bancks and Administrator Kinney explained that if the District acquired the property in question that the District could explore the solar initiative independently.

Manager Schmaltz asked what the recommended action from staff is. Mr. Kinney explained that at this point the next step would be for the Board to provide direction on whether to continue exploring possibilities or not. He explained that he has sent the information being presented to the schools for discussion. He mentioned that the property is not for sale currently. The District does currently have a relationship with the property owners, and they have acknowledged their limited use of the properties. Managers discussed the multiple property owners' interest in selling their specific properties. Mr. Kinney explained that staff has not conversed with the Wyards. However, the Muske property owner has a full understanding of the intent of staff visiting the property.

Vice President Anderson explained that the Watershed Management Plan's land acquisition wording may be too restrictive. She explained that managers may want to consider and expand this section in the Plan. She noted that she likes the technical

memos the Board was provided. She explained that this is not only an environmental education opportunity but also a water quality improvement possibility. She would like the evaluation to also consider these possible benefits. She also noted this should be something staff continue to develop and work on. She explained that the building is more of an urgent matter.

Mr. Kinney gave an overview of the District's office history. He explained that the District began its lease in the current office in 2014, when the staff was only two individuals. The staff has now grown to 11. District staff have now taken on multiple programs that were once contracted out. He believes that there are grant opportunities with such a strong education opportunity. He noted that there were not as many opportunities when it comes to office spaces. Principally for the benefit of the new managers, Mr. Kinney will send the managers a summary memorandum of the history and status of the District's space need.

Vice President Anderson reiterated her recommendation to continue pursuing this land acquisition opportunity. Manager Bakke recommended staff research access to this property being that Highway 97 is a busy and possibly dangerous road. Mr. Kinney acknowledged the associated dangers and possible solutions. Managers discussed road planning and the MN Department of Transportation's plans.

Manager Schmaltz explained that one of the points in the criteria could be explained (#10). Vice President Anderson believes these do give staff some leeway for evaluation.

Manager Toavs questioned the importance of having an office near a possible nature center in order to run the center. Mr. Kinney explained that he believes that the vision of the nature center would be further along if not for the school's challenges surrounding COVID-19 this past year. Vice President Anderson explained that the office space is a priority and that the nature center would be a program that would be considered separately. She expressed interest in utilizing the Lessard-Sams Outdoor Heritage Council grant program.

Managers collectively agreed that this is something they would like staff to continue to explore and evaluate for possible acquisition. Managers discussed potential partners.

b) Land Acquisition

Managers added this item to discuss two separate properties, one on North Shore Trail and one near the 3rd basin of Forest Lake.

Mr. Bancks gave an overview of the site evaluation form compiled for the 8241 North Shore Trail N. property. He noted that there is an existing building on the property that has been home to multiple restaurant endeavors within the last 10 years. He explained that the property has been on the market for some time. Vice President Anderson mentioned utilization of the green space on the parcel noting the abundance of native plants and gardens on the property.

Mr. Bancks then gave an overview of the layout of the building.

Mr. Kinney explained that the property has been for sale for a good length of time and was suggested for evaluation by Emmons and Olivier Resources (EOR) staff. He explained that the property was toured in person with the real estate agent. He reiterated the layout and the possibility of the kitchen being converted to laboratory space.

Vice President Anderson asked the staff what the next steps would be. Mr. Kinney explained that staff is looking to the managers for direction regarding how they would like to move forward. He mentioned the possible steps going forward. He noted that staff recently contacted a realtor to represent the District. He also noted a due diligence process that may follow if they decide to move forward. He stressed the partnership potential for the property.

Vice President Anderson explained that the open concept of the space currently is an advantage. One of her concerns is the tax base difference of a government entity owning the property. She believes that partnering with the City of Forest Lake to continue to rent out the boat slips may offset some of this. For example, the City of Forest Lake could assume management of the slips.

Mr. Bancks then gave a tour of the property using a virtual 3D model created by the seller's agent.

Manager Bakke asked what the District has budgeted for the new office space. Vice President Anderson explained that it has been treated as a special project and does not have a specific budgeted line item to allow for flexibility while searching for possible properties. She explained that the Board would like to look into purchasing the property through a mortgage. She explained that there are a lot of due diligence steps that still need to be taken. Manager Schmaltz noted the importance of assessing the existing building systems and property features, and the cost of converting to the District's use.

Mr. Bancks confirmed that another restaurant group toured the property. He explained that they were interested in a lease although the seller is more interested in a sale of the property.

Mr. Holtman noted the District's practice of using real estate counsel for purchase transactions, and suggested that for this potential commercial property transaction, real estate counsel would be useful in advising of potential due diligence and transaction structures. Mr. Bancks confirmed that staff proposes to have Keller Williams – The Smith Team represent the District in the potential purchase of the North Shore Trail property. The District has already retained a separate realtor, Central MN Realty, for the Forest Lake 3rd basin property.

Mr. Kinney noted three weeks between the current date and the next board meeting. He suggested a special meeting may be needed for incoming information.

Mr. Kinney gave an overview of the Forest Lake 3rd basin property. He explained that staff have been working with the realtor to formulate an offer. He noted that the offer was ready for his signature.

Manager Schmaltz moved to convene in closed session for the purpose of discussing a purchase offer for PIDs 12032213330001 and 1203221330016. Seconded by Manager Loth. Upon a roll-call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jackie Anderson	X		
Stephen Schmaltz	X		
Douglas Toavs	X		
Christopher Loth	X		
David Bakke	X		

The Board reconvened in open session.

10. Report of Staff

a) Administrator

Mr. Kinney announced the 22nd anniversary of the District's formation. He announced a special meeting would be noticed for September 30th.

b) Emmons & Olivier Resources

Mr. Graske gave an update regarding programs and projects. He noted that permitting projects with Forest Lake were underway. Managers discussed a proposed Forest Lake improvement project on North Shore Circle. Vice President Anderson requested information on the regional pond project. Mr. Graske explained that he is reviewing the draft report for this project. Manager Bakke asked when the Bone Lake Northeast Wetland project will begin. Mr. Graske explained that they will need frozen ground to start excavation.

c) Smith Partners

Nothing to report.

11. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Schmaltz reported income for the period of \$185,520.62 and expenses in the amount of \$163,181.38.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$163,181.38. Seconded by Manager Loth. Upon a roll-call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jackie Anderson	X		
Stephen Schmaltz	X		
Douglas Toavs	X		
Christopher Loth	X		
David Bakke	X		

12. Report of Officers and Managers

Manager Schmaltz: Nothing to report.

Manager Bakke: Nothing to report.

Manager Loth: Asked if any managers attended the MN Aquatic Invasive Species Research Center (MAISRC) conference on Wednesday. Vice President Anderson explained that she did not attend but that the recordings would be available.

Manager Toavs: Noted that he has been visiting some of the project locations to try and get more familiar with what the District does.

Manager Anderson: Vice President Anderson noted that the Minnesota Association of Watershed Districts (MAWD) conference will not be held in person this year. They will be looking into conducting a virtual meeting. They will not be planning to hold sessions virtually. She mentioned the possibility of MAWD conference sessions being held in person at a separate conference to be held in the spring if COVID-19 conditions allow. She noted that the hotel not having COVID-19 protocols in place was a deciding factor to not meet in person. She then gave an overview of what the sessions would typically encompass in a typical year. She focused her info on sessions held for new managers. She also explained that the Minnesota Pollution Control Agency (MPCA) also has training on water protection. She noted that she will send the information to complete this training.

13. Summary and Approval of Board Direction

Board directives were listed as follows:

- Staff along with legal counsel will review the land acquisition criteria in the 10-year management plan.
- Staff will send managers a memo with information on the District's current office space.
- Staff continue exploring the Highway 97 properties and a potential District interest. Specifically, staff will investigate the possible use of Lessard-Sams Outdoor Heritage funds.
- Staff will provide the evaluation form for the Willow Point property and work with the realtor to form a possible offer.

14. Adjourn

a) Next regular board meeting – October 14, 2021

By unanimous consent, the Board adjourned the meeting at 9:47 p.m..

Dave Bakke, Secretary Pro-Tem _____