

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, December 17, 2015**

**1. Call to Order**

The President called the December 17, 2015 Regular Board meeting to order at 6:30 p.m. in the Council Chambers of the Forest Lake City Center, 1408 Lake Street South, Forest Lake.

Present: President Jackie Anderson, Secretary Wayne Moe, Assistant Treasurer Stephen Schmaltz

Absent: Treasurer Jon Spence

Others: Michael Kinney and Emily Schmitz (CLFLWD staff), Chuck Holtman (Smith Partners), Greg Graske, Cecilio Olivier, and Meghan Funke, (EOR), Jerry Grundtner (CAC member), Ryan Peterson

**2. Setting of Meeting Agenda**

President Anderson requested the addition of 6g: Washington County RFP for AIS grant; and 7c: setting a workshop for priority setting and personnel policies. Manager Schmaltz requested the addition of 6h: performance review time table for administrator. Manager Moe moved to approve the agenda as amended. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

**3. Consent Agenda**

**a. Watercraft Inspection Program Preliminary Results**

**b. Regular Board Meeting Minutes – September 24, 2015**

President Anderson requested a revision to the minutes to correct the date of the Comfort Lake Diagnostic Study to 1998.

**c. Regular Board Meeting Minutes – October 8, 2015**

President Anderson requested a revision to second paragraph on page 3, line 4: “boulders” should be changed to “boulder riprap.” Additionally, the end of the sentence should read “option of last resort in our rules.”

**d. Regular Board Meeting Minutes – October 22, 2015**

President Anderson requested a revision to the second bullet of section 9: the Comfort Lake Association has been reestablished as a qualified nonprofit.

There was a question about an item in the minutes regarding street sweeping on page 6 of the minutes. Administrator Kinney noted that the reference to a report to be presented at the “next” meeting was inaccurate and should have been a “future”

meeting. He reported that staff is working on compiling information on street sweeping and will bring information to the next meeting.

Manager Moe moved to approve the consent agenda with amendments to minutes as noted. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

#### **4. Public Open Forum**

President Anderson asked for public comments. There were no public comments.

#### **5. Citizen Advisory Committee Update**

Jerry Grundtner, chairman of the CAC, reported that the CAC has been discussing various items at several meetings as shown in the memo in the meeting packet. After prioritizing the topics, AIS and the shoreline plantings cost share program were at the top of the list to discuss. He reported that the CAC would like to pass recommendations onto the Board for consideration regarding these topics. He noted these are suggestions that might be helpful to the Board including possible provisions for a revised native shoreline cost share policy and suggestions for improving the AIS prevention program. The managers decided not to review the CAC memo line by line but noted that the Board would be taking up these items in the future. Manager Moe stated he has some concerns about suggestions for the shoreline cost share program regarding restoring areas destroyed by ice heaves. Mr. Grundtner noted that ice heaving is an important issue for homeowners and does need to be addressed by the District. There was a question about whether homeowners insurance would cover damage from ice heaves. There was further discussion about how to handle properties that have been impacted by ice heaves. President Anderson noted that these items are perfect issues to address in a future District workshop that could include representatives from the CAC.

Mr. Grundtner noted that another summer/AIS season will come up quickly and the District should be cognizant of the importance of communication with each lake association so there is some level of continuity with best practices among lakes. He urged the District to work on being proactive on AIS issues, rather than reactive. Managers noted that there needs to be a two pronged approach with communication to lake users: education of the AIS situation and being informed on what programs are being implemented.

The Managers expressed appreciation to the CAC for their work on developing recommendations on these issues. Administrator Kinney reported that the District will be applying for AIS funding from Washington County, likely for the same programs as 2015. He also reported that the entire shoreline of Forest Lake was inventoried and photographed using a GIS camera which had some interesting results. Additionally, Administrator Kinney noted that one landowner with significant ice heave issues is interested in establishing emergent vegetation in hopes of lessening the effects of ice heaves. He reported that staff will bring these issues back to the Board in the future.

President Anderson noted that now that the shoreline restoration cost share program is up and running, it needs a person – staff or consultant – to oversee the program.

## 6. New Business

### a. Fund Transfer Recommendation

Manager Schmaltz walked through the memo in the meeting packet and recommended that \$100,000 be transferred from the 509 Implementation Fund to the General Fund so as to have sufficient resources on hand for the first half of 2016.

President Anderson moved to approve the transfer of \$100,000 from the 509 Implementation Fund to the General Fund. Seconded by Manager Moe. Upon vote, the motion carried 3-0.

### b. Heims Lake Water Quality Study Report

Meghan Funke (EOR) walked through the water quality study report with the managers and highlighted some key findings. She noted Heims Lake is a shallow lake with a maximum depth of 6 feet with much aquatic vegetation. She noted the differences between shallow and deep water lakes. In particular shallow lakes can handle more phosphorus (because there are more plants to use the phosphorus), resulting in a “clear water state.” However, at some point, too much phosphorus spurs algae growth and takes the lake from a clear water state to an algae dominated state. She reported that Heims Lake is currently in a clear water state with total phosphorus levels well below the State standard of 60 ug/L but close to the District water quality goal of 40 ug/L. There was discussion about differences in water quality across years.

Manager Schmaltz indicated the report was well written and appreciated learning about how shallow lakes work. It was agreed that the big “take away” from the report is that the lake is in good shape and best practices should be followed to keep the lake healthy. Dr. Funke noted that septic system maintenance is important and that if District rules are followed when agricultural land is developed, water quality would be protected and may even improve.

Dr. Funke noted that meetings with the City of Wyoming and lake homeowners are still planned as part of this project. A one page summary will be developed with results of the diagnostic study. President Anderson noted that another beneficial fact sheet would show the improvement to water quality when farmland is converted to residential land.

### c. Stream Biological Monitoring Survey Results

Dr. Funke walked through the macroinvertebrate and fish monitoring project of streams in the District. She reported that all sites were rated poor or fair for macroinvertebrates. She noted the whole system is low gradient with many wetlands and reported that low scores can be a result of the geography and the dominance of tolerant species. As for the fish sampling, again, Dr. Funke noted that scores were generally low although there is variability among some sites. Overall, the system seems to be degraded throughout, likely from past agricultural runoff and low oxygen levels common in wetland systems. The District’s focus on reducing overall watershed pollutant loads is the best action to help improve biological conditions in

the streams; there are no specific projects or actions within the streams recommended in the report. No specific sources of pollution were discovered.

**d. Little Comfort Lake Diagnostic Phase 1**

Dr. Funke reported that in looking ahead to the 2016 Little Comfort Lake Diagnostic study, EOR staff looked for good tributary monitoring locations. She noted very few tributaries in the system but a few sites were found for monitoring. She also noted no near stream sources of bacteria were found during the investigation. She noted that the source of bacteria might be a “legacy source” which is becoming a common finding state wide. There was some discussion about the sources of E. coli and how it persists in a system over time, and what research is currently being done on bacterial survival. There was discussion about one possible source of bacteria from a particular agricultural producer. Dr. Funke reported that further details on the 2016 water quality monitoring plan will be presented to managers at their January meeting. There was further discussion about the overall monitoring/diagnostic strategy to understand the entire District’s water systems and which waterbodies are contributing pollutants to other waterbodies.

**e. BWSR 2016 Grants**

Administrator Kinney reported how the two projects that are receiving 2016 Clean Water Funds ranked. He also noted staff is working with BWSR staff to understand why the third project was not ranked. He noted the District was the only watershed district that received two grants. He also noted that all agencies are moving toward targeted and measureable outcomes components of grant applications and projects. Administrator Kinney reported that he will work with District Engineers to develop work plans for the two grants.

Administrator Kinney noted that the project that did not receive funding (Bone Lake Conservation Practices and Infiltration Basin) will still move forward and he contemplates applying again for funding in the future.

**f. MAWD Conference**

President Anderson reported the conference was well attended and that Dr. Funke gave a presentation on a District project. She reported that most of the resolutions presented were passed. There was discussion about two of the presentations attended by managers and the new buffer law. Mr. Holtman reported more specifics about the new buffer law and advised the managers that Smith Partners advice to watershed district clients is to be very wary at this time as to taking on the role of enforcing the buffer law, since there are substantial questions as to what enforcement requires and if BWSR finds that a watershed district is not adequately carrying out its enforcement role, the district could become ineligible for a range of state grant funding. He noted the DNR is starting the process of determining where buffers are required and the District and SWCDs will be involved in finalizing those maps.

Administrator Kinney reported that the MAWD Board invited him to participate on the MAWD Resolutions Committee. He noted it would likely consist of attending two

meetings in the fall. He asked managers for approval to participate. Managers agreed that his participation would be appropriate.

**g. Washington County AIS Grant Program**

Administrator Kinney informed the managers that the deadline for proposals for the Washington County Aquatic Invasive Species grant program is January 13<sup>th</sup>. Staff is planning to submit applications for similar programs for boat launch inspections and controlling flowering rush. Laura Jester and the District Engineer will help prepare the grant applications. President Anderson asked if increased monitoring on Bone Lake can be included in a grant application as that lake has Eurasian watermilfoil and curlyleaf pondweed. Administrator Kinney informed the managers that the County will not consider applications to control either of those species. He also noted there is less grant funding available than last year. Manager Schmaltz asked about increased signage for AIS prevention. Administrator Kinney noted the Washington Conservation District included signage in their program last year. The District doesn't want to overlap with their program. There was further discussion about signage. Administrator Kinney said he could tie signage in with launch inspections or will work it into the proposal in some way. Staff and managers agreed updated data are needed from Steve McComas before submitting the grant applications. Manager Anderson noted EOR's role in supervising efforts and in obtaining updated charts from Mr. McComas.

**h. Performance Review Time Table for Administrator**

Manager Schmaltz distributed a proposed timetable along with the list of priorities from last year. He recommended that the District move toward an evaluation based on the calendar year, to match the timetable of District priorities. He recommended that by January 11<sup>th</sup>, the Administrator provide written input on completion of his 2015 priorities and any other input he wants to offer. Then managers would provide input on the Administrator's performance by January 28<sup>th</sup>. Manager Schmaltz volunteered to summarize the input into one evaluation report by February 22<sup>nd</sup>. He recommended a special Board meeting on March 10<sup>th</sup>. There was discussion about how and when the evaluation would be accomplished. Manager Schmaltz noted the accomplishments would be based on the priorities already in place for the previous year. There was further discussion about how the evaluation should be comprehensive and all-encompassing for the District's work and Administrator responsibilities over the last year. Administrator Kinney will consult with BWSR regarding the availability of good formats to use in the evaluation process. Managers concurred in the evaluation timeline.

**7. Old Business**

**a. SWCD/WCD/EMWREP Contracts**

Administrator Kinney noted that summary components for each of the 2016 contracts are included with meeting materials. (The full contracts were included with the November meeting materials). President Anderson asked how the Washington Conservation District (WCD) 2016 contract compared with 2015. Administrator Kinney noted they were very similar. He noted the technical services are the same and

monitoring services are based on the 10-year monitoring plan. He noted that more detailed plans for 2016 monitoring will be forthcoming in the spring. There was further discussion about the monitoring planned for 2016. The District Engineers and managers discussed with some detail how the effects of the Bixby Park Project will be assessed.

President Anderson noted that within the WCD contract, she is not pleased with their past assistance with the best management practice (BMP) cost share program. She wondered if the \$30,000 earmarked for that program in the WCD contract could instead be spent on District personnel or the District Engineers. Administrator Kinney reminded managers of EOR's proposal in September to assist with the BMP program in reviewing BMP sites. He also reported that he will personally be reviewing each BMP that's installed. He noted that the District needs to establish policies and expectations for the BMP program and those should be communicated to the WCD. He said the WCD is well positioned from a technical assistance standpoint. President Anderson noted that WCD should know the District's rules and expectations. Manager Schmaltz indicated his desire to keep the District staff focused on other projects and to keep WCD staff more involved with the BMP program. Administrator Kinney noted that it's in the District's best interest to keep a collaborative relationship with WCD. He noted that expectations need to be better communicated to the WCD.

Manager Moe moved to approve the 2016 service agreement with Washington Conservation District. Seconded by Manager Schmaltz. There was discussion. President Anderson indicated support for one more year but hoped for a positive change in the implementation of the BMP program. Manager Moe indicated support but said the Administrator should let the WCD know about the reservation among managers and hopes for improved services. Upon vote, the motion carried 3-0.

Administrator Kinney reported that the contract with the Chisago Soil and Water Conservation District may be amended in the spring to add an agricultural BMP program.

Manager Schmaltz moved to approve the 2016-2017 service agreement with the Chisago Soil and Water Conservation District. Seconded by Moe. Upon vote, the motion carried 3-0.

Regarding the agreement with the East Metro Water Resources Education Program (EMWREP), Administrator Kinney noted that the District recently received a summary of all the news articles that were written and distributed to news outlets in 2015 by EMWREP staff. He said he's requested to be copied on the distribution of the articles and noted that if local newspapers aren't publishing them, then it's up to District staff and managers to help get them published. There was further discussion about how to get local papers to publish water-related articles.

Manager Schmaltz moved to approve the 2016 - 2018 service agreement with the East Metro Water Resources Education Program. Seconded by Moe. Upon vote, the motion carried 2-1 (Manager Anderson opposed).

**b. Recommendations on Consulting Services**

Administrator Kinney reported that he had met with EOR staff and presented the list of upcoming District projects to determine if there were other engineering firms that can or should be utilized for these projects. He walked through his recommendations in his memo. The memo included recommendations to use different firms for some District projects including Houston Engineering for Judicial Ditch 6 Assessment Study and Barr Engineering for alum treatments. The Administrator noted that EOR would remain the District Engineer with the knowledge of District's history, goals, etc. Therefore, any District project would be reviewed by the District Engineers who would have ultimate responsibility for District projects, so the total project cost may be higher due to two engineering firms needing to coordinate.

Managers and Mr. Olivier discussed various project scenarios further. The managers agreed that directly assigning work is more efficient than a bidding process. Manager Schmaltz indicated that he would like presentations to the Board directly from the firm hired to do the work, rather than through EOR. Mr. Olivier agreed that is the intent. President Anderson agreed that EOR should continue to provide project oversight on behalf of the District. She noted that her intent in supplementing the work of the District Engineer is simply to facilitate completing a larger volume of work.

Mr. Holtman noted that since the Board is not currently authorizing work to a particular firm, no action is needed at this point. He advised that the minutes would document the board's concurrence in the approach and that the Administrator would remind the board at the time a relevant project comes forward. President Anderson noted this process was a chance to explore the qualifications of other firms.

There was consensus among the managers directing the Administrator to continue on the current program path with the District Engineer (EOR) and to keep the Board informed on the issue.

**c. Setting a Workshop for 2016 Priority Setting and Personnel Policies**

The managers decided to hold the workshop on 2016 priority setting at 3:00 on January 13<sup>th</sup>; and February 4<sup>th</sup> at 3:00 p.m. for a workshop regarding personnel policies.

Motion by Manager Moe to set Board of Managers workshops for 1/13 and 2/4 at 3:00 p.m. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

**8. Report of Staff**

**a) Administrator**

Administrator Kinney reminded the managers that February 2<sup>nd</sup> is a joint workshop with Browns Creek Watershed District and Carnelian-Marine St. Croix Watershed District at Warner Nature Center at 6:00 p.m. An agenda and map will be sent out prior to the meeting.

Administrator Kinney also reported on other meetings coming up including one with BWSR on One Watershed One Plan and one with the St. Croix Research Station.

Ms. Schmitz reported to the Board on the zebra mussel monitoring on six lakes in 2015 that were checked by staff and volunteers. Plates were deployed after mussels were discovered in Forest Lake in late June. Plates at the outlet of Forest Lake did not find any mussels but the water is flowing here so may not detect mussels in this location. She reported that densities are fairly low at this point. Ms. Schmitz also presented maps of density growth patterns and density growth potential.

Ms. Schmitz also reported that the aeration system was recently installed on Moody Lake. Mr. Graske reported that this project included three phases including getting power to the unit on shore and deploying the diffusers in the lake. The system was tested and seems to be operating well. Mr. Graske reminded the Board that the aerator is intended to help maintain a healthy fishery in the lake and keep rough fish populations to a minimum. President Anderson asked about how the District is communicating this project to the public. There was discussion about signage at the site that will go along with “thin ice” signs as well as an article in the newspaper.

Managers requested a copy of the presentation on zebra mussels. President Anderson asked that future agendas include this type of presentation in the list of agenda items so that the public is informed about District projects, data, and programs.

Regarding the Administrator’s written report, President Anderson asked what staff is doing to correct the inoperable District phone system. Administrator Kinney reported that the District’s IT person was contacted but he doesn’t have an answer on how to fix the situation at this time. President Anderson noted this issue should be elevated to a very high priority because the public is not able to call the office.

President Anderson also asked about the District’s new website and asked if the site would be presented to the Board in a formal manner before it’s formally launched. Ms. Schmitz pulled up the new website and Administrator Kinney walked through the site. He noted the CAC had good comments on the site and that project fact sheets are being developed. President Anderson asked if subwatersheds could be included on the site. Managers were encouraged to view the draft website and provide comments to the Administrator.

Manager Schmaltz asked about easements on the Hilo Lane project and encouraged the Administrator to continue working on this issue. He wondered if the city or Board members could assist. Administrator Kinney reported that he’s worked with EOR on this issue and progress is being made. He noted the landowner of the key easement

needed is difficult to contact. When asked, Mr. Holtman reported that the District does have the legal authority to acquire the required easement by use of eminent domain.

**b) Emmons and Olivier Resources**

Mr. Graska reported that 2015 reports are being prepared and 2016 plans are starting.

**c) Smith Partners – Nothing to report**

**9. Report of Treasurer**

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

Manager Schmaltz presented the Treasurer's Report and invoices to be paid and recommended approval.

Manager Moe moved to accept the Treasurer's Report and pay the bills in the amount of \$87,628.10. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

**10. Report of Officers and Managers**

Manager Schmaltz requested a year end summary of the budget report from Redpath at the January meeting.

**11. Adjourn Next Meeting —January 28, 2015**

Manager Moe moved to adjourn the meeting at 9:15 p.m. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0.

Wayne S. Moe, Secretary \_\_\_\_\_