

**DRAFT MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, November 18, 2021**

**1. Call to Order**

Vice President Anderson called the November 18, 2021, regular board meeting to order at 3:00 p.m. via online video conference,

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

Absent: None.

Others: Mike Kinney, Administrator; Bobbie Law, Office Manager; Emily Heinz, Project Coordinator; Jessica Lindemyer, Operations and Outreach Specialist; Blayne Eineichner, Project Coordinator; Nick Bancks, Senior Land Management Coordinator; Aidan Read, (CLFLWD staff); Greg Graske, Kyle Crawford, Mike Talbot (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Hanna Valento (City of Forest Lake)

**2. Setting of Meeting Agenda**

Item 7e) Municipal Stormwater Remediation Grant Budget Transfer was added under New Business.

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

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

**3. Consent Agenda**

- a) **Regular Board Meeting Minutes – June 24, 2021**
- b) **Regular Board Meeting Minutes – October 14, 2021**
- c) **Special Board Meeting Minutes – October 26, 2021**
- d) **Regular Board Meeting Minutes – October 28, 2021**

Manager Toavs moved to approve the consent agenda as presented. Seconded by Manager Schmaltz. 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>
Jackie Anderson	X			
Stephen Schmaltz	X			
Dave Bakke	X			
Doug Toavs	X			
Chris Loth	X			

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

There were no comments.

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

Aidan Read, CLFLWD Land Management Specialist, explained that the Citizen Advisory Committee (CAC) members requested a board manager attend the monthly CAC meeting. Manager Anderson requested a more robust verbal update regarding the CAC. Mr. Read gave an overview of discussion items at the CAC's November monthly meeting. These discussion items included the greenway corridor initiative, the October Administrator's report, and the year ahead. Mr. Read noted that, specific to the year ahead, the group discussed how to plan meeting dates for 2022 that put the CAC on the leading edge of items discussed by the board at their regular board meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month.

Managers discussed recruitment efforts for the CAC specific to the youth in the District.

Vice President Anderson suggested a rotation schedule for having a board manager present at the CAC meetings and/or appointing a manager in addition to the other liaison positions. She requested that managers give these options some thought and that this be discussed at the December meeting. Manager Schmaltz requested a CAC meeting schedule for 2022. Mr. Read explained that the meeting schedule is an ongoing CAC discussion item. Mr. Kinney suggested that the CAC consider scheduling meetings the same week as board meetings. He gave an example of possibly the Tuesday before a regular 4<sup>th</sup> Thursday of the month board meeting.

#### **6. New Business**

##### **a) 2022 Washington Conservation District Service Agreement**

Mr. Kinney introduced the service agreement, noting that most of the supporting elements are related to agricultural work.

Manager Toavs moved to authorize the Board President, on advice of counsel, to enter into the 2022 Service Agreement with Washington Conservation District and in an amount not to exceed \$20,000. Seconded by Manager Schmaltz. 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>
Jackie Anderson	X			
Stephen Schmaltz	X			
Dave Bakke	X			
Doug Toavs	X			
Chris Loth	X			

**b) 2022 Staff Work Plan**

Mr. Kinney introduced the 2022 staff work plan. He explained that this plan is developed for the District’s own purposes by Ms. Heinz as a part of the District’s goal to provide high quality adaptive management. He explained that this document serves as a guide for staff to understand where their priorities should be for the year. Vice President Anderson noted that the District’s adaptive management process allows room to deal with the unexpected. Manager Schmaltz thanked staff for adding descriptions along with the 2022 staff work plan.

**c) Land Acquisition and Management Plan**

Mr. Kinney introduced the item noting that it is in draft format and for discussion only. Mr. Bancks gave some additional context. He explained that the plan was called for by the managers. This draft plan will be going to legal counsel for review. Mr. Bancks explained that some of the updated items he would like to include, with assistance from legal counsel, included language regarding fee acquisition and easement acquisition, their differences, and when one or the other might be more appropriate. He explained that approval of the plan will come to the board early in 2022. Vice President Anderson noted that it appears to be a professional format and asked for engineering and legal staff to be involved in the finalization of the plan.

**d) Professional Services Budget Transfer**

Mr. Kinney explained that this is a request for transfer of funds from budget line item 5-226-B to 1-004-4337. He explained that staff would like to further develop a framework for performance reviews and salary adjustments. Vice President Anderson observed that the budgeting process is adaptive.

Manager Anderson moved to approve the budget transfer in the amount of \$35,000.00 from budget line item 5-226-B (Shields) Diagnostic Study Update Implementation to line item 1-004-4337 Consultant/Professional Services. 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>
Jackie Anderson	X			
Stephen Schmaltz	X			
Dave Bakke	X			
Doug Toavs	X			

Chris Loth	X			
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**e) Municipal Stormwater Remediation Grant Budget Transfer**

Mr. Kinney explained that the budget for municipal stormwater remediation grants is robust in 2022 but lacking in 2021. He explained that in the past local government units have not been interested in additional stormwater practices further than what is required of the permitting program. Through the review of the engineering and design work around Bone Lake, the District engineer and Scandia city engineer have identified additional opportunities for stormwater management that the city engineer would like to pursue. Managers discussed the memo and map of possible remediation projects provided by the District engineer.

Manager Loth moved to approve the budget transfer in the amount of \$15,000.00 from budget line item 3-004-D Commercial/Community Grant to line item 3004-E Municipal Stormwater Remediation Grant Program. Seconded by Manager Schmaltz. Responding to Manager Bakke, Mr. Kinney indicated that the present concept is a series of stormwater management practices along Melanie Trail. Manager Bakke noted a concern that Scandia tends to perform culvert cleanouts without notice to the District, and that District involvement could help protect against sediment discharges. Mr. Kinney replied that staff will attend to that in permitting and coordination meetings with the city.

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

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

**7. Old Business**

**a) East Metro Water Resource Education Program**

Mr. Kinney introduced the contract, explaining that it was a discussion item on several previous agendas and is now coming to the Board for action. Managers discussed their concerns as to the funding structure. Vice President Anderson noted their previous conversation with Angie Hong where they discussed bringing the Board’s concerns to an annual partner meeting for discussion. Manager Schmaltz noted alternative actions proposed in the past to bring some communications and education work in-house. His preference was to shift about \$7,000 into the District’s own education and outreach fund in order to personalize education materials. Vice President Anderson noted that the funding structure was set up by the partners and the place to request and discuss changes

would be at a partner meeting. She noted that until the District meets with the full group of partners it would be unfair to alter the program's overall budget. She emphasized that she would like to see the District focus on marketing and telling the District's story in the future. Managers discussed their overall goals for the education program. There was consensus to have a manager be appointed as a liaison for the EMWREP partners committee.

Manager Anderson moved to sign the proposed East Metro Water Resource Education Program (EMWREP) contract for their listed funding contribution amount of \$20,481.33 per year. Seconded by Manager Schmaltz. 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>
Jackie Anderson	X			
Stephen Schmaltz	X			
Dave Bakke	X			
Doug Toavs	X			
Chris Loth	X			

**b) Minnesota Association of Watershed Districts (MAWD) Delegate Appointment**

Mr. Kinney explained that as a member of the MAWD organization the District will typically appoint two board members as delegates to represent the District in the business meeting at the annual MAWD Conference. Manager Schmaltz mentioned the great learning opportunities provided during the conference.

Vice President Anderson highlighted a December 1<sup>st</sup> session regarding managers' roles as watershed managers as something that would be important for new managers to attend. She also noted that recordings of sessions will be available to registrants after the session itself. Mr. Kinney noted the awards ceremony scheduled for Thursday December 2<sup>nd</sup> during the lunch hour. He encouraged managers to attend this portion as the District is an awarded finalist. Vice President Anderson explained that additional education materials would become available once the District has three individuals register. Managers Bakke, Schmaltz, and Anderson stated their interest in being registered to attend the MAWD conference

Manager Toavs moved to appoint Managers Anderson and Schmaltz as District delegates and Manager Bakke as alternate delegate at 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>
Jackie Anderson	X			
Stephen Schmaltz	X			
Dave Bakke	X			
Doug Toavs	X			

Chris Loth	X			
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**c) Minnesota Association of Watershed Districts (MAWD) Resolutions**

Vice President Anderson gave some background information on MAWD. She explained that one of its main goals is to lobby and work toward state-level changes for the benefit of all watershed districts. She explained that the appointed delegates would be voting at the MAWD conference applying the direction of the Board. The managers discussed the seven proposed resolutions. Mr. Kinney introduced the seven resolutions one-by-one. Mr. Holtman suggested that the managers seek an informal consensus on each resolution and then consider a single formal approval action for all resolutions together. The resolutions are as follows:

1. Redirect Clean Water Funds from SWCD Local Capacity Services to BWSR Accelerated Implementation of Watershed Based Implementation Funding
  - Managers concurred in support. Vice President Anderson noted that this resolution may be subject to amendment during the business meeting.
2. Extend Eligibility of Board of Water and Soil Resources (BWSR) Clean Water Fund Local Capacity Services Grant (non-competitive) to Non-Metro Watershed Districts That Request Assistance to Implement 1W1P and Clean Water Fund Programs and Projects
  - Managers discussed the ad-valorem taxing authority available to districts in the metropolitan area that is not available outstate. Vice President Anderson noted that capacity funding would allow these districts to accomplish water quality projects in a timelier manner. There was a consensus to support this resolution.
3. Increased Flexibility in Open Meeting Law to Utilize Interactive Technology
  - Mr. Holtman noted that the Open Meeting Law is a state statute that applies to a broad range of governmental bodies, not only watershed districts, so any changes would be of wide interest. Managers discussed the importance of utilizing resources during the global pandemic. Mr. Holtman noted the resolution would require having a representative of the meeting body in a meeting location so that a member of the public can attend in person if technology is not available to them. There was a consensus to support this resolution.
4. Increased Flexibility in Open Meeting Law to Utilize Interactive Technology
  - Managers discussed the connection between this resolution and resolution number three, stated above. Mr. Kinney noted that if resolution three is adopted then resolution four would become moot. There was a consensus to support this resolution.
5. Resolution Seeking Expansion of Federal Multi-Peril Crop Insurance to Include Crop Losses Within Impoundment Areas

- Mr. Kinney explained that this resolution seeks to make it more attractive for landowners to accept regional flood impoundment on their land. He noted that farming practices such as no-tillage, if more widespread, also would serve flood management purposes. Managers discussed possible amendments to bring to the meeting. There was a consensus to support this resolution.
6. State Agencies Required to Seek Review and Comment from Affected Local Units of Government on New or Amended Water Management Policies Prior to Adoption
- Mr. Holtman clarified that the resolution may be too vague to implement. He noted that there are existing laws and legal principles governing when state agencies must use public procedures to put rules and policies into place, and that a more effective way to achieve the intended goal would be to specify such procedures for specific agency actions. Vice President Anderson highlighted the opportunity for amendment during the meeting. There was a consensus to support this resolution. Vice President Anderson will work with Mr. Holtman to provide updated language to make the resolution clearer.
7. Metro WBIF – Clarify Session Law, Section 6 (a) to specifically call out Metro Watershed Based Implementation Funding to be directed to watershed management plans that have a board-approved and local-government-adopted plan as authorized in Minnesota Statutes section 103B
- Managers discussed watershed management planning and supported this action via consensus.

Manager Toavs moved to have the Minnesota Association of Watershed Districts delegates adopt and or support all seven resolutions at the annual conference in December 2021. Seconded by Manager Schmaltz. 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>
Jackie Anderson	X			
Stephen Schmaltz	X			
Dave Bakke	X			
Doug Toavs	X			
Chris Loth	X			

Vice President Anderson noted a variety of changes being proposed to the MAWD bylaws. She gave an overview of the proposed changes. The Board supported these amendments via consensus.

**d) Website and Branding Request for Proposals**

Ms. Lindemyer gave a summary of the previous approval for website and branding request for proposals. She noted that the request for proposals would be open for submissions until November 19<sup>th</sup> at 4pm. Managers discussed the crowdsourced logo design finalists. Ms. Lindemyer explained that the District owns the winning design from the crowd sourcing efforts. Managers discussed their opinions of the three designs that were selected as finalists. It was determined that the District should have ownership of all three finalists' designs. The Board supported this action via consensus. Manager Loth thanked Ms. Lindemyer for leading the crowdsourcing process.

#### **e) District Office Cost Comparison**

Mr. Kinney gave an update regarding a meeting among District staff, Managers Anderson and Schmaltz, and a design firm, ISG. He noted that they discussed multiple items including potential remodel cost, possible layout configurations, and board meeting space options. He explained that the District is working on multiple cost comparisons and potential office location opportunities. Vice President Anderson clarified the importance of the due diligence process before acquiring any property. She noted that one of the things managers learned from the design firm is that the pervious parking lot at the Willow Point location is very efficient and innovative in its stormwater treatment. She explained that ISG, the design firm, was asked to create a cost comparison of building a similar building on a different piece of empty property.

Mr. Bancks explained that a phase one environmental site assessment of this property is currently being generated and will be finalized soon. He also noted that an appraisal report will be brought to the District on December 1<sup>st</sup>, 2021. He explained that real estate counsel has been retained to assist with this process.

Manager Bakke asked about a comparison of this property and building an office on open space to help the public understand the comparison. He would like to know the status of this process. Vice President Anderson explained that she had requested this comparison from ISG, the design firm, earlier that day. Managers discussed the processes that the engineering firm will use to compare the options. She noted the importance of all documents being compiled to ensure the public understands that the Board did consider all available options.

Managers discussed the zoning of the Willow Point property and possibility of assigning boat slip facility operations and rentals to the City of Forest Lake to defray the loss of property taxes. Manager Anderson noted that it would be sound to gain a sense of the City's position on the District's possible acquisition, and to understand the zoning status of the property.

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

### **a) Project Update**



Mr. Eineichner gave an update on the District's most recently active projects. The list of projects discussed included multiple projects.

- 250<sup>th</sup>/Lofton culvert drainage project: to be implemented this fall
- Northeast Bone Lake Wetland Restoration project: to be implemented winter of 2021/22.
- County Road 50 Iron Enhanced Sand Filter: designs to be finalized and permitting to begin this winter
- Little Comfort Lake East Wetland project: additional project elements being considered due to an interested landowner that would like to be involved. Further evaluation is needed.
- School/Little Comfort channel project: staff to continue landowner outreach efforts this winter.
- Sunrise River Drained Wetland/Tax Forfeit Property: staff to continue landowner outreach, soil sample collection, and design concepts

Kyle Crawford gave an in-depth overview of the Sunrise River Drained Wetland/Tax Forfeit Property Project, focusing on project design. He explained that the long-term plans include a multi-cell wetland excavation. He noted that a request for approval of final design budget would be coming to the Board in early 2022. Vice President Anderson recommended EOR add native plant communities to the design. Mr. Crawford indicated that once the phosphorus goals are met, staff will also investigate plant material and landscape design. Vice President Anderson mentioned the importance of reviewing all benefits and not just phosphorus removal reduction rates. She noted that this project was petitioned by Chisago County and would like to see this referenced as the Chisago County Petition Project in the materials.

Manager Anderson requested that the map in the PowerPoint slide to be updated to better display the location of the Little Comfort Lake East Wetland project. She also requested that the January 2022 meeting agenda include discussion of opportunities for land acquisition in and around the Sunrise River drained wetland/tax forfeit property project area.

#### **b) Bixby Park Project**

Mr. Kinney gave a general overview of District status as to total phosphorus reduction goals, the adaptive management structure, and past projects. He then focused on the Bixby Park project history, noting the Total Maximum Daily Load (TMDL) study completed, the Chisago County petition, and the Sunrise River Water Quality and Flowage Study. He gave an overview of the project impacts including the phosphorus reduction of 206 lbs./year on the edge of the project and 93 lbs./year as measured at Comfort Lake. He then gave a summary of the funding including a Clean Water Fund grant for \$360,750. The project was completed in 2016.

Mr. Crawford described project design and implementation. He noted that the goal was to re-connect ditches to the floodplain and take advantage of the large wetland area.

Project design elements included adjustable weirs, aggregate filter berms, and excavation to add meanders to the ditches. He explained the public outreach process that included letters, notices in the local paper, and a groundbreaking event. He gave an overview of the construction process completed by Peterson Companies.

Managers discussed the location of the project, flow paths, and rate control.

## **9. Report of Staff**

### **a) Administrator**

Mr. Kinney gave an update including a grant opportunity for resiliency planning. He noted that staff would like guidance on how to move forward with the application that would be due December 21<sup>st</sup>, 2021. Vice President Anderson asked for the name of the grant. Ms. Heinz noted that it was called Planning Grants for Stormwater, Wastewater, and Community Resilience. Managers discussed the pros and cons of submitting an application jointly with adjacent watershed management organizations. Vice President Anderson suggested applying for a grant separately. Mr. Kinney noted that the level of collaboration is crucial even if we do not submit a joint grant application. There was consensus for staff to move forward on a District application, but to coordinate with watershed partners toward future collaboration.

Mr. Kinney also highlighted an upcoming meeting with the Chisago County Board of Commissioners. Vice President Anderson requested a short time to speak at this meeting. Managers noted that they would like to attend in person, if that is how the Chisago County Board will be meeting.

Vice President Anderson noted that under 3-003 it is stated that lake monitoring data have been sent to EOR and the DNR. She requested that in early 2022, staff report to the board on the adjustment of the monitoring program and whether it has produced quicker delivery of monitoring data.

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

Mr. Grasko noted that some development activity has been going on within the City of Forest Lake. He requested feedback on the project spotlight series regarding Bixby Park. Managers agreed that the overviews of past projects are helpful and they would like to have them presented once each month. Manager Schmaltz recommended having a 15-minute time limit set for past project presentations.

Managers discussed the length of regular board meetings.

### **c) Smith Partners**

Nothing to report.

## 10. Report of Treasurer

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

Treasurer Schmaltz reported income for the period of \$5,383.26 and expenses in the amount of \$194,323.91.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$194,323.91. Seconded by Manager Toavs. Upon a roll-call vote, the motion carried 5-0.

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

## 11. Report of Officers and Managers

Manager Loth: Noted that he is planning to attend the Minnesota Lake and Rivers meeting on December 1<sup>st</sup> virtually.

Manager Schmaltz: Nothing to report.

Manager Toavs: Nothing to report.

Manager Anderson: Nothing to report.

## 12. Summary and Approval of Board Direction

- Staff will send managers all logos submitted via the website and branding request for proposals.
- Staff will reach out to the mayor of Forest Lake to discuss zoning matters and relevant topics related to Willow Point property.
- Staff will edit the project update slides in the future to better depict the location of Little Comfort Lake Subwatershed Enhancement East Wetland project.
- Staff will discuss all benefits of projects when presenting them; not only phosphorus removal benefits.
- Any materials for the tax forfeit project will reference the project as a part of the Chisago County Petition Project.
- Staff will include a land acquisition discussion and or update on the December 16<sup>th</sup> regular board meeting agenda.
- Staff will provide a report on the effectiveness of shifting monitoring in-house in terms of speed of getting the data and other considerations.
- Staff will evaluate collaboration benefits and apply to the Minnesota Pollution Control Agency's (MPCA's) climate change resiliency grant.

## 13. Adjourn

**a) Next regular board meeting – December 16, 2021**

Managers discussed the regular meeting schedule and policy.

Managers adjourned the meeting by unanimous consent, and the meeting was adjourned at 7:29 p.m.

Dave Bakke, Secretary Pro-Tem. \_\_\_\_\_

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