

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE – FOREST LAKE
WATERSHED DISTRICT
Thursday, April 19, 2018**

1. Call to Order

President Anderson called the April 19, 2018 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, Vice President Jon Spence, Secretary Wayne Moe, Treasurer Steve Schmaltz, Assistant Treasurer Jackie McNamara

Others: Mike Kinney, Jessica Lindemyer, Mike Sorensen, Aidan Read (CLFLWD staff); Greg Graske, Meghan Funke (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Jerry Grundtner (Citizen Advisory Committee); Angie Hong (East Metro Water Resources Education Program); Erik Anderson (Washington Conservation District); Chuck Grandstrand (Wyoming); Marlow Hansen (Forest Hills Golf Club); Harry Rudisill, Phil Martin.

2. Setting of Meeting Agenda

Manager Moe moved to approve the agenda as presented. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

3. Consent Agenda

- a) **Regular Board Meeting Minutes – February 22, 2018**
- b) **Special Board Meeting Minutes – March 21, 2018**
- c) **Regular Board Meeting Minutes – March 22, 2018**

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

4. Public Hearing – Shields Lake Culvert Fish Barrier Retrofit Project Ordering

President Anderson opened the public hearing. Administrator Kinney explained that over the last few years the District has evaluated the cost-efficiency of the electric fish barrier located south of Highway 97 on the tributary stream between Shields Lake and Forest Lake. Installing a passive fish barrier, similar to the two currently in place on Bone Lake, should be a more cost-effective solution in the long-term. He described actions completed to date including publication of a request for quotes, staff recommendation of a local contractor, communications with the Forest Hills Golf Club about debris in the barrier/culvert, and the plan for the long-term operation and maintenance of the passive barrier.

Phil Martin, a resident across the street from Shields Lake, expressed concern about potential for increasing water levels due to installation of the new barrier. He explained that the old electric barrier caused some hydrologic disruption at the time it was installed. The increased water levels at that time caused several trees to die, and he suspected that the mosquito population increased as well.

Administrator Kinney explained that annual rainfall amounts have been above-average in recent years, with 2016 being a record year for the metro area. He has received multiple reports from local residents of excessive water levels throughout the District. Shields Lake and Forest Lake are very close in elevation, and Forest Lake has been unusually high in recent years. The proposed project will install a barrier on the face of the culvert, but won't change the culvert dimensions or elevation. Debris should still be able to pass through the barrier, so clogging is not expected to be an issue as it is presently. In fact, it should relieve any current clogging issues and improve flow. Engineer Graske agreed with Mr. Kinney's points and noted how Forest Lake largely dictates the water level in Shields Lake. It was noted that District staff would regularly inspect the barrier and remove debris as necessary.

No other members of the public wished to speak. President Anderson closed the public hearing.

5. Public Open Forum

President Anderson invited comments from the public. No comments were made.

6. Citizen Advisory Committee Update

Citizen Advisory Committee (CAC) Chair, Jerry Grundtner, noted that the CAC continues to move forward on a number of topics. Angie Hong from East Metro Water Resources Education Program (EMWREP) attended the last meeting and discussed with the CAC several education projects. In two weeks the CAC Chair will meet with District staff and Manager McNamara to discuss the District awards program. Other upcoming events include a Nonpoint Education for Municipal Officials (NEMO) workshop and another storm drain stenciling event. The next few months should be busy for the CAC, and they welcome input from the District Board and staff. President Anderson commented on the high attendance at the last CAC meeting; there were roughly 8-10 attendees rather than the usual 3-4.

7. New Business

a) AIS Update

Program Assistant Mike Sorensen noted that, due to cold temperatures and this year's late spring, there is not much AIS activity to update on. He announced that the University of Minnesota offers an "AIS Detectors" program that trains citizens to identify aquatic invasive species. Currently there are organizations in both Washington County (Washington Conservation District) and Chisago County (Chisago County Dept. of Environmental Services) that have funding set aside to pay for the \$195

registration fee, so interested citizens can attend the training at no cost. Training involves about 16 hours of coursework including online training and one all-day meeting. After training there is a minimum required 25 hours per year of volunteer work related to AIS to keep their certification. Mr. Sorensen has sent this information to the three local lake associations and encouraged the Board to spread the word as well.

Presentation and AIS Detectors flyer are available at: www.clflwd.org/4-19-18BoardMeetingPacket.php.

b) East Metro Water Resource Education Program Updates

Angie Hong, Senior Water Resource Education Specialist, provided an update on education activities accomplished in 2017 and planned for 2018. Highlights from 2017 included: landscaping and AIS identification workshops, community & family nature events including Forest Lake Arts in the Park, Master Water Stewards training (one of which is a CLFLWD resident, Tom Furey), professional training including Stormwater University and NEMO workshops, Watershed Partners participation including website updates and a neighborhood engagement kit.

Ms. Hong summarized recent and upcoming 2018 activities including multiple workshops, events, and community meetings:

- April 5 Realtor workshop – widely attended, including 22 realtors from the Forest Lake, Wyoming, and Chisago Lakes area. Another workshop may be held in Forest Lake this fall.
- May 17 Meeting of northern Washington and southern Chisago County lake associations – to be held at Forest Lake City Hall. The DNR Fisheries Chief will speak, and One Watershed-One Plan will also be discussed.
- May 22 Bone Lake Association meeting – as part of Tom Furey’s Master Water Steward capstone project, the group will do a boat tour and talk about water-friendly landscaping.
- June 26 Arts in the Park – held in Lakeside Park in Forest Lake.
- July 24 Teacher training – to provide curriculum to teachers to educate students about watersheds, groundwater, and water reuse.

Ms. Hong asked for Board input on hosting a 2018 NEMO workshop in Forest Lake. She described the last one that was held in 2015 and prioritized enhanced street sweeping, Minimal Impact Design Standards, water reuse, comprehensive plan updates, and Municipal Separate Storm Sewer System (MS4) requirements. She noted how two of those topics, enhanced street sweeping and water reuse, are currently being implemented through partnerships between the City of Forest Lake and both CLFLWD and Rice Creek Watershed District, respectively.

Manager Schmaltz expressed that the NEMO workshop was effective in that the city council attended and heard how enhanced street sweeping was a high priority and cost-effective way to address stormwater pollution. He suggested that a new topic of high priority should be stormwater pond maintenance and similar MS4-related topics.

President Anderson suggested that the Board should submit suggestions to District staff outside of the Board meeting, and that the CAC should be queried as well. She also commended the CAC on implementing projects the Board identified, and suggested that if Ms. Hong is hearing suggestions from the CAC then those are projects that the Board has asked them to do.

Ms. Hong finally noted that EMWREP staff is available to assist the District with additional education and outreach support, as needed. If the District would like EMWREP's help with activities outside of EMWREP's current agenda, it should reach out and ask. These types of activities would be considered part of the District's EMWREP partnership, and not billed above and beyond that. Mr. Kinney indicated that he has some ideas and will discuss further with Ms. Hong outside of the meeting. President Anderson encouraged District staff to utilize EMWREP's photographs for outreach materials; the photos shown in the presentation give nice visuals of completed cost-share projects.

Manager Schmaltz thanked Ms. Hong for the recent increase in EWMREP-written local newspaper articles. He suggested that the articles being published in this area should be customized, at least in one paragraph or so, to focus specifically on activities being done by the CLFLWD.

Presentation available at: www.clflwd.org/4-19-18BoardMeetingPacket.php.

c) District Communications, Board Committees, and Liaisons

President Anderson explained that the Forest Lake Times is running a monthly column related to water resources. She suggested that the Board bring suggestions to the May board meetings about possible topics for these columns.

President Anderson also noted that preparations for the 2019 budget will soon begin. She suggested that the Board formalize its committees and liaison assignments so there is more consistent outreach and inter-agency communication throughout the year and the Board should approve this approach before the 2019 budget process begins.

d) 2017 Water Monitoring Report

Erik Anderson, Senior Water Resource Specialist with the Washington Conservation District, summarized water monitoring highlights from 2017. For Bone Lake and Forest Lake's west basin the average summer total phosphorus (TP) and Secchi transparency readings were one of the best on record. Forest Lake's east basin had higher TP and chlorophyll-a results compared to the other two Forest Lake basins. Birch and Sea Lake (two shallow lakes) both had good chlorophyll-a results, which may indicate that they are currently in a clear water state versus a turbid water state (two typical states for shallow lakes). Between the Washington Conservation District (WCD) and volunteers through the District's Citizen Assisted Monitoring Program (CAMP) 13 lake basins were monitored. In addition, WCD monitored six stream locations. Mr. Anderson

further described monitoring parameters, methods, protocols, and long-term trend analysis.

WCD observed several long-term trends by analyzing June-September data. Trends were observed on several lakes, some of which were new trends. Improving trends: Bone, Comfort, Keewahtin, and Moody lakes are showing an improving TP trend; Keewahtin has improving Secchi transparency; and Bone Lake has improving chlorophyll-a. Declining trends: Forest Lake's middle and east basins are showing declining TP trends (however due to large data gaps this trend may not be statistically significant; more data analysis is required); Comfort, Little Comfort, and Shields lakes have declining Secchi transparency; and Little Comfort Lake has a declining chlorophyll-a trend. A declining Secchi transparency trend may be explained by lake bottom sediment resuspension, which could be due to lake activities such as boating or strong winds disrupting the thermocline (layers of different water temperatures), or it could be explained by sediment loading coming in from outside sources such as tributaries. President Anderson expressed that it is important to understand where this is coming from.

Mr. Anderson went into further detail for Bone Lake, Forest Lake, and Comfort Lake, describing relationship to state standards and flow-weighted mean phosphorus concentrations. Comfort Lake: the 10-year TP and Secchi averages are meeting MN Pollution Control Agency (MPCA) standards, while chlorophyll-a averages are not; and the Comfort Lake outlet flow-weighted mean concentration was the lowest since 2012. Bone Lake: the data showed that the water entering Bone Lake from the Moody Lake tributary has improved, which has helped the water quality in Bone Lake itself improve; and the flow-weighted mean concentrations at the Bone Lake outlet were the best on record. Forest Lake: in general the west basin had higher water quality than the east basin; the Forest Lake outlet showed an annual flow-weighted mean concentration that was the best on record.

2018 monitoring: WCD will monitor 11 lake basins and six stream sites (stream sites the same as 2017). President Anderson noted the multiple changes in monitoring procedures over the years and how they have affected the ability to analyze long-term trends. She asked if that is now stabilized. Mr. Anderson responded that the WCD is going to use the same procedure from now on. President Anderson asked if Mr. Anderson has any recommendations for adding new or removing any existing monitoring sites. Mr. Anderson replied that there have been recent discussions regarding potentially monitoring the Sunrise River more closely.

Presentation available at: www.clflwd.org/4-19-18BoardMeetingPacket.php.

e) 2017 Annual Report

Mr. Kinney summarized the statutory requirement for the District to send an annual report to the state. The District typically goes beyond the minimal requirements to create an annual report that can also serve as an outreach/communication tool. President

Anderson had two comments on pages 24 and 25 of the report. First, the Bixby Park project should be referenced as Phase 1 of the overall Sunrise River Water Quality and Flowage Management Project. Second, the loan amount was added in the budget narrative but not in the chart representation of the revenue budget.

Manager Spence moved to accept the report, pending final modifications as discussed, and direct staff to submit to the Board of Water and Soil Resources and Department of Natural Resources. Seconded by Manager McNamara. Upon a vote, the motion carried 5-0.

f) Residential Cost-Share Program

Staff has put together three options for the Board to consider for restructuring of the residential cost-share program: 1) same structure as 2016 and 2017 - offer the \$500 plant grant program and the traditional program for a cost-share of up to \$5,000, 2) same as option 1 but with a traditional cost-share cap of \$3,000 instead of \$5,000, and 3) only offer the \$500 plant grant program. Staff recommends option 3.

President Anderson expressed that, due to how late it is in the year already, the District should keep the same program as previous years and restructure the program for 2019. She expressed concern about the plant grant program focusing too heavily on terrestrial native plants as opposed to aquatic emergent native plants, and that the program objectives are not being met this way. She was also concerned about how the program could potentially stray from the buffer law requirements for riparian zones; she suggested more time should be spent on reviewing the program in the context of the buffer law. Mr. Kinney noted that the emergent vegetation program was to be a pilot program last year and is separate from the plant grant program currently in place. This could, however, be incorporated into the plan grant program.

Manager Schmaltz moved to direct staff to proceed with only offering plant grants up to \$500 for the 2018 residential cost-share program. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

g) Resolution 18-04-01 – Other Watercourses Summary

The purpose of this action is to meet the requirement from the buffer law to incorporate the soil and water conservation district's summary of watercourses in the CLFLWD's Watershed Management Plan. Mr. Kinney recapped from the memo that this is a requirement only for Chisago County, as Washington County identified no additional waters for inclusion in local water management plans.

Manager Spence moved to adopt resolution 18-04-01 directing 1) the incorporation of the proposed addendum into the 2010 Comprehensive Watershed Management Plan, and 2) the distribution of a copy of the included information to all agencies, organizations, and individuals required to receive a copy of the plan changes as required by law. Seconded by Manager Moe. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jackie Anderson	X		
Jackie McNamara	X		
Wayne Moe	X		
Stephen Schmaltz	X		
Jon Spence	X		

h) MAWD Summer Tour

Mr. Kinney recommended that the Board authorize attendance and associated costs for the delegated manager(s) to attend the MN Association of Watershed Districts (MAWD) summer tour from June 20th-22nd. This year’s tour will be located in the southwest Twin Cities area, so managers may choose to commute from home or seek hotel accommodations more close by. Managers were encouraged to communicate to staff about needing hotel reservations and registration as soon as they decide they’d like to attend. President Anderson indicated that she will plan to attend.

Manager Spence moved to authorize attendance and travel costs and, for managers, per diem for those managers and staff attending the 2018 MAWD Summer Tour. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

8. Old Business

a) Lower St. Croix One Watershed-One Plan Partner Agreement

Mr. Kinney explained that the purpose of this item is to execute a partner agreement with the Chisago Soil and Water Conservation District (Chisago SWCD) for One Watershed-One Plan work plan services. In response to a question on the costs to District taxpayers for IWIP expenses from President Anderson, Mr. Kinney clarified that a portion of District staff’s time for this effort will be grant-reimbursable, while time on other tasks will be for the District’s own benefit and therefore at the District’s own expense. However, this non-grant reimbursable time can be coordinated with other agencies to increase efficiency.

Manager Moe moved to approve the partner agreement between the Comfort Lake-Forest Lake Watershed District and Chisago Soil and Water Conservation District for One Watershed-One Plan work plan services, and authorize execution by the CLFLWD Administrator, upon final review by counsel and no substantial changes. Seconded by Manager Spence. Upon a vote, the motion carried 5-0.

b) Shields Fish Barrier Project Ordering and Construction Award

Mr. Kinney recapped the project budget and proposed work. President Anderson requested that staff keep in mind the issues brought up by Mr. Martin during the public hearing and keep the public informed of the process moving forward.

Manager Spence moved to adopt resolution 18-04-02 ordering the Shields Lake Culvert Fish Barrier Retrofit Project. Seconded by Manager Moe. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jackie Anderson	X		
Jackie McNamara	X		
Wayne Moe	X		
Stephen Schmaltz	X		
Jon Spence	X		

Manager Schmaltz moved to adopt resolution 18-04-03 and award the construction contract to Peterson Excavating for the Shields Lake Culvert Fish Barrier Retrofit Project. Seconded by Manager Spence. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jackie Anderson	X		
Jackie McNamara	X		
Wayne Moe	X		
Stephen Schmaltz	X		
Jon Spence	X		

Manager Schmaltz asked Engineer Graske what might be the biggest potential concern to keep in mind when moving forward with construction; is the water level going to be an issue? Engineer Graske noted that it is important to time construction during a window of low flow conditions. The area of disturbance is minimal compared to most of the District's other projects, so there isn't a large amount of concern about downstream impacts. Erosion and sediment control best management practices will be required of the contractor in order to mitigate any potential impacts. Mr. Graske noted that Peterson Excavating (a different firm than Peterson Companies who has constructed other District projects) was the contractor who constructed the Bone Lake fish barriers.

c) Bone Lake SWA Prioritization Scope of Work

The Bone Lake Rural Subwatershed Assessment (SWA) was completed in 2017. It identified potential best management practices (BMPs) and calculated the edge-of-field pollutant reduction estimates. However, it is difficult to determine the level of impact Bone Lake itself would see from each of these BMPs. Mr. Kinney explained that the purpose of this scope of work is to further evaluate the data available in order to get a better idea of which BMPs will have the most impact on Bone Lake. Projects will be further prioritized into two tiers based on estimated reduction. This information can be used to submit a grant application for implementation of the BMPs.

President Anderson moved to proceed with the Bone Lake rural subwatershed assessment BMP prioritization analysis and decision framework and report, at the proposed not-to-exceed amount. Seconded by Manager Moe.

Discussion: Manager Schmaltz asked if this prioritization process is new or if it has been used in other projects. Mr. Kinney explained that this process is used elsewhere, however, he has observed that there has not been more widespread use of this method that focuses on a waterbody of interest (Bone Lake in this case) instead of stopping at edge-of-field.

Upon a vote, the motion carried 5-0.

d) Regional Treatment Investigation Update

Engineer Graske provided an update on this ongoing project. Phase 1 tasks include: meetings with cities and MnDOT, data collection and review, and summary memo with next steps. He summarized the meetings that were held with the cities of Wyoming and Forest Lake which included discussion topics of city regional treatment needs, potential locations for regional treatment, and the City of Forest Lake's upcoming surface water management plan update. There was further discussion about key areas such as the dense downtown part of Forest Lake which contributes runoff to the Sunrise River, the development upstream of Heath Avenue, and eroding sections of the Sunrise River just upstream of Comfort Lake. President Anderson noted that there is a 100-acre farm for sale just south of Little Comfort Lake, which will likely turn into a residential subdivision soon and require permitting by the District. Mr. Graske explained next steps including site visits after snowmelt, providing a summary memo to the Board, and permitting the upcoming Highway 8 roadway project. Mr. Kinney added that University of St. Thomas students have been studying the same area and will give a presentation on their findings at the May 10th meeting.

Presentation available at: www.clflwd.org/4-19-18BoardMeetingPacket.php.

e) Moody Lake Project Updates

Mr. Kinney explained that the District is proceeding with two elements of the project: obtaining permits and easements for the Peterson property Agri-Drain culvert installation for wetland storage enhancement and obtaining quotes for the Wetland A/B alum spot treatments. After these two elements are finished, the District will assess if grant funds remain to contribute to the excavation of the Peterson pond located just south/downstream of Wetland C (which is a lower priority than the first two elements).

The Moody Lake alum treatment, a separate project from those described above, is on track to be completed this fall. Dr. Meghan Funke added that the monitoring equipment has been deployed and the District should get some good snow melt readings.

9. Report of Staff

a) Administrator

Mr. Kinney reported that he received an update from MAWD regarding the 2018 Farm Bill that the District put forward; several listening sessions on the bill will be held, one of which is in St. Paul on April 26th.

Mr. Kinney also reported that he has accepted Mr. Sorensen's letter of resignation as he has accepted a position with the Minneapolis Park and Recreation Board as the Aquatic Invasive Species program administrator. Mr. Sorensen thanked the Board for the time and valuable knowledge he's gained while working at the District. The Board thanked Mr. Sorensen for his service and congratulated him on his new position. On a related staffing note, Mr. Kinney noted that the District recently hired a seasonal technician. Mr. Aidan Read was then introduced. His presence will help with the transition along with the increasing permit related work being observed.

Mr. Kinney reported that the District's application to the Clean Water Partnership loan program has been approved, and staff has also recently submitted the final application for the Legislative-Citizen Commission on Minnesota Resources (LCCMR) grant program.

b) Emmons & Olivier Resources

Engineer Graske reported that EOR has deployed monitoring equipment for several project effectiveness monitoring efforts; they continue to make progress with the project design and public engagement for the Shields Lake Stormwater Harvest, Irrigation Reuse, and Alum Treatment project; the District received permit applications for the Highway 8 project as well as road reconstruction projects in both Scandia and Wyoming.

President Anderson requested two revisions to EOR's monthly report: make the text in the colored boxes at the top white so they're easier to read, and include the project phosphorus reduction estimates in each project description box.

c) Smith Partners

President Anderson asked about the recent legislative submission from one of the District's permit applicants. Legal Counsel Holtman reported that Mr. Lambert, from Summit Management and permit 17-020, recently approached a legislator with a proposed bill. The bill proposes several specific changes to language regarding watershed district rules and regulatory authority. There are companion House and Senate bills, but neither has proceeded out of committee and the deadline to do so has passed. There are other options for this to move forward in some fashion, but it seems unlikely that this proposed bill would have a bearing on this legislative session. Representatives from MAWD are watching this issue closely and are planning to sit down with Mr. Lambert and his lobbyist and potentially others to gain a better

understanding of the nature of his concerns and see whether there are any good-government changes that could be made.

10. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Schmaltz reported income for the period of \$94,872, largely due to two grant payments received from BWSR.

Manager Spence moved to accept the Treasurer's Report and pay the bills in the amount of \$98,255.45. Seconded by Manager Moe.

Discussion: It was clarified that the expenditures shown in the fund balance calculation are a month behind, and so do not match the expenditures shown for the current month.

Upon vote, the motion carried 5-0.

11. Report of Officers and Managers

Manager Schmaltz reported that he attended the quarterly Metro MAWD meeting along with President Anderson. Discussion points included a proposed bill by MAWD that will coordinate different types of water plans that overlap in order to simplify the process. There was a presentation and lengthy discussion on water reuse and concerns about risks of pathogens in water reuse projects and the work of state agencies to establish standards for engineering these types of projects. EOR is aware of these risks and has been in contact with DNR, PCA, and Department of Health about this. Several practices will be in place to mitigate these risks for the Shields Lake Stormwater Harvest and Irrigation Reuse project. President Anderson suggested that staff obtain the PowerPoint presentation from Rice Creek Watershed District Administrator Phil Belfiori, who gave the Metro MAWD presentation, so the rest of the Board can see it.

President Anderson noted the One Water Summit is coming to Minneapolis July 10-12. She added that Mr. Kinney will be speaking on adaptive management at another conference in Minneapolis the first week of June.

Manager Spence indicated that he is going to start working with Mr. Kinney and Chisago County to start finding a replacement for him on the Board due to his upcoming move to South Dakota.

12. Administrator Annual Review (convened in closed session)

Manager Spence moved to convene in closed session for the District Administrator's yearly performance review at 8:34 p.m. Seconded by Manager McNamara. Upon vote, the motion carried 5-0. The Board convened in closed session.

The Board reconvened into open session. President Anderson summarized the Board's conclusions regarding the performance review as follows: She said that overall, the Board was very pleased with the performance over the past year and that the Board gave Administrator Kinney an above average rating of 4.1 out of 5.0 for performance. The Board approved an increase to base contracted salary of 4.1% with an additional 2% increase for COLA for a total increase to base of 6.1%. (Increase was based on, and in accordance with, the Noah & Associates 2018-2019 Salary Survey recommendations.) The increase is effective retroactively to his contract anniversary date of March 3rd. Each Board member provided individual input which was reviewed with Administrator Kinney. Additionally, the Board agreed to establish MBO (management by objective) performance goals for specific areas the Board wants to track. Performance will be assessed against meeting those objectives to determine a potential additional increase to base salary at year end.

13. Adjourn

a) Next regular board meeting – May 10, 2018

Manager Spence moved to adjourn the meeting at 9:35 p.m. Seconded by Manager McNamara. Upon vote, the motion carried 5-0.

Wayne S. Moe, Secretary _____