

**MINUTES OF THE REGULAR MEETING OF THE
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT
Thursday, September 22, 2022**

1. Call to Order

President Schmaltz called the September 22, 2022, regular board meeting to order at 6:31 via online video conference.

Present: President Steve Schmaltz, Vice President Christopher Loth, Secretary Dave Bakke, Treasurer Jackie Anderson, Assistant Treasurer Douglas Toavs.

Absent: None.

Others: Mike Kinney, Administrator; Bobbie Law, Office Manager; Garrett Miller, Watershed Assistant; Emily Heinz, Planning Coordinator; Beth Carreno, Senior Program Manager; Aidan Read, Land Management Specialist; Blayne Eineichner, Project Coordinator; Jess Hall, CLFLWD GreenCorps Member; Mike Sandager, Permitting Coordinator (CLFLWD staff); Greg Graske, Kevin Biehn, Kyle Crawford (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Curt Keehr (Permit 21-020), Eric Meyer (Larson Engineering).

2. Setting of Meeting Agenda

Manager Loth moved to approve the agenda as presented. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 3-0.

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

3. Consent Agenda

- a) **Regular Board Meeting Minutes – August 11, 2022**
- b) **Special Board Meeting Minutes – August 18, 2022**
- c) **Regular Board Meeting Minutes – August 25, 2022**

Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 3-0.

Manager	Aye	Nay	Absent	Abstain
Dave Bakke			X	
Christopher Loth	X			
Doug Toavs			X	

Jackie Anderson	X			
Stephen Schmaltz	X			

4. Public Open Forum

Manager Bakke and Manager Toavs joined the meeting at this time.

There were no comments from the public.

Mr. Kinney introduced the District’s GreenCorps Member, Jess Hall. Ms. Hall gave an introduction. The Board welcomed Ms. Hall to the District staff.

5. Citizen Advisory Committee Update

Mr. Read provided a written update on the September meeting of the Citizen Advisory Committee, and highlighted a recent shoreline workshop. He noted the discussion was focused on education and outreach aspects of shoreline management, and that the results of the workshop are being used to design and build the District’s shoreline program.

6. Aquatic Invasive Species Update

Mr. Miller gave an AIS update. He covered multiple topics including:

- Forest Lake flowering rush treatment was completed on September 19th. Treatment is to be assessed for success rates by end of October.
- Possibilities for CLFLWD staff to obtain a Department of Agriculture pesticide applicator license for flowering rush treatment in the future.
- Forest Lake purple loosestrife treatment was completed on September 1st. The District staff has scheduled a treatment assessment for late-September.
- The City of Forest Lake plant harvester finished operation for the season on September 2nd.
- Forest Lake ciBiobase mapping is being conducted by the Forest Lake Lake Association with the help of CLFLWD staff to quantify vegetation density before the lake’s scheduled alum treatment.
- Eurasian watermilfoil assessment survey was completed on Bone Lake on September 15th.
- Comfort Lake Fluridone treatment assessment survey was completed by Blue Water Science, per the DNR permit, to assess its effectiveness and impacts to native aquatic plants. This survey indicated good control of Eurasian watermilfoil, but also found significant negative impacts to native aquatic vegetation in the lake.
- Keewahtin Lake purple loosestrife treatment was completed on September 1st. It was noted that these management efforts are multi-year.
- CLFLWD staff had an educational station at the 2022 Chisago County Children’s Water Festival where students learned about identifying aquatic plant species to create an I.D. guide.
- The 2022 MAISRC Research and Management showcase was attended by CLFLWD staff.

- The District has four watercraft inspectors remaining for the season to end in mid-October.

Manager Anderson asked whether volunteers have sufficient expertise to perform ciBiobase mapping. Mr. Miller replied that volunteers assisted by District staff do reliable work.

7. New Business

a) Permit 21-020 Keehr Variance & Permit Application

Mr. Sandager gave an overview of the project including:

- When Mr. Keehr bought the property
- How his intentions were scaled back from a garage to a shed through the planning process
- The wetland configuration on and adjacent to the parcel
- The applicability of the District's buffer rule
- The landowner's request for a variance
- The landowner's plan to incorporate a native planting on the property

Mr. Graske gave an overview of the landowner's desire to place a shed on the parcel and the applicability of the District's wetland buffer rule, which applies when the landowner requires a wetland setback variance from the land use authority. He noted that the buffer would take up the entire lot if followed as written, and therefore the landowner is requesting a variance to allow the shed and the space needed to access it. Mr. Graske explained that the landowner has proposed a buffer area surrounding the proposed shed structure to be planted with a native seed mix and will include required native buffer signage. Mr. Graske recommended approval upon receipt of the following:

- Specification of a native seed mix for the proposed buffer area.
- Execution of an instrument satisfactory to the District protecting the required vegetated wetland buffer. The proposed instrument shall be provided to the District for review prior to execution, and documentation of recording with the County must be provided before permit issuance. The instrument shall materially conform to standard District format available to applicant and to the terms of permit approval.

Mr. Keehr welcomed questions. Manager Anderson noted that the City of Forest Lake documented the oddity of the property in question. She asked when this permit application was submitted. Mr. Keehr explained that he was told he needed a Forest Lake variance and a District permit. He explained that he had applied for the District permit and was then told he needed to obtain the City of Forest Lake variance before coming to the District. He noted that obtaining the variances is the reason the permit application has been open for a year with little movement or action. Mr. Sandager explained that staff is operating under the application dated July 2021. Manager Anderson stated that typically permits are valid for a year and then need to be re-applied for. Mr. Keehr spoke about the timeline details of his project.

Manager Anderson thanked the landowner for his suggestion to complete the native planting and suggested this indicates he is serious about the protection of the wetland.

Mr. Holtman asked for clarification of the property and wetland boundaries on the figure presented. Mr. Graske explained that the white space is a part of the road right-of-way, and so the shed is as near the road, and as separated from the wetland, as it could be.

Manager Loth questioned if the landowner may have been given some incorrect information regarding what could be done on the property. Mr. Keehr confirmed that it was word of mouth and not formalized. Manager Anderson noted that she read about an ordinance change to allow for the use of lots separated in two by the roads along Forest Lake. Mr. Keehr explained that the ordinance was approved by the City, although this lot is still under some wetland rules.

Manager Anderson moved to approve the requested variance for permit #21-020. Seconded by Manager Loth. Upon a vote, the motion carried 5-0.

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

Manager Anderson moved to approve permit application #21-020 with conditions stated in the engineer’s memorandum. Seconded by Manager Loth. Upon a vote, the motion carried 5-0.

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

b) Permit 22-031 Forest Lake Ford Permit Application

Mr. Sandager gave an overview of the project, which includes removing existing hard surface and constructing structures and parking lot for a Ford car dealership. The work will disturb about 6 acres of land.

Mr. Graske provided an overview of the project location. He highlighted the plan for underground water treatment and storage that includes a sand filter layer and drain tile. Mr. Graske recommended approval upon receipt of the following:

- A construction schedule indicating the sequencing of construction for the proposed stormwater facilities concurrent with the other work on site.
- Storm Water Pollution Prevention Plan (SWPPP)
- Final signed and dated plan set.
- Execution of a maintenance instrument satisfactory to the CLFLWD addressing the ongoing operation and maintenance of the proposed stormwater management facility. The proposed instrument shall be provided to the District for review prior to execution, and documentation of recording with the County must be provided before permit issuance.
- Financial assurance in the amount of \$12,000 for grading and alteration. Financial assurance in the amount of \$900,000 for stormwater management, or demonstration that the applicant has provided the municipality with a financial assurance of equal or greater value.
- As-built survey upon completion.

Manager Anderson noted that an apartment building in Forest Lake and Mallard’s restaurant utilized this type of stormwater management. She asked for confirmation that the system on that site is functioning properly. Mr. Graske confirmed that it is functioning properly. She commended the innovation.

President Schmaltz offered that this project is a great opportunity to provide water treatment for a presently untreated site.

Manager Anderson moved to approve permit application #22-031 with conditions stated in the engineer’s memorandum. Seconded by Manager Toavs. Upon a vote, the motion carried 5-0.

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

c) Sunrise River Hwy 61 Wetland Enhancement Contract Award

Mr. Biehn summarized the bidding process noting that six bids were received and reviewed. The engineer’s recommendation is to award the project to Peterson Companies as the low responsible bidder.

Manager Anderson asked why such a large amount of project cost is to be covered directly by the District and not grant dollars. Mr. Kinney explained that 1) the project was expanded from its original concept in order to achieve more water quality treatment, 2) site feasibility uncovered excessive peat depths requiring purchase of more construction materials, and 3) construction prices are much higher this year compared to the original estimates when this project was conceived in 2019. Mr. Kinney noted

that this project still has a very good cost-benefit ratio (~\$600 per pound of phosphorus removed) which is similar to past District projects. Mr. Biehn added that there are additional requirements from the Minnesota Department of Transportation (MnDOT) and the local power company. He noted that the project has had compounding costs since its inception. Mr. Graske explained that the project would achieve more than the initial goals set for phosphorus reductions.

Ms. Heinz presented a revised resolution reflecting changes requested by the Board of Water and Soil Resources (BWSR). The revised language directs the administrator to issue the notice to proceed in two stages, so that work other than preliminary work is not authorized until BWSR grant funding is in place.

Manager Anderson moved to adopt resolution 22-09-02 as amended. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

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

8. Old Business

a) State of the Watershed Update

Mr. Kinney announced that the State of the Watershed public meeting would be occurring in the next week. Manager Schmaltz asked that managers be advised of city and county officials who are expected to attend and be provided an outline of the presentations to be given that evening. Manager Loth asked how many attendees were at the 2019 State of the Watershed event. Mr. Kinney noted that there were 80 in attendance the last time the District held this event.

9. Report of Staff

a) Administrator

Mr. Kinney explained that District staff are continuing to follow the process of the grant application the District submitted to the Lessard-Sams Outdoor Heritage Fund. The grant application entails acquisition and natural resource restoration of a property near the southern end of Bone Lake. He noted that the landowner would be interested in retaining ownership of the farmstead portion of the property and selling the rest of the property to the District. Mr. Kinney mentioned that he gave a presentation to the Lessard-Sams Outdoor Heritage Council at the MN State Capitol on September 12th.

b) Emmons & Olivier Resources

Mr. Grasko highlighted many permitted projects in the pre-permit and permitted project phases. He noted that the iron enhanced sand filter project on County Road 50 will begin shortly. He indicated the District recently held a community informational meeting for the project.

c) Smith Partners

Nothing to report.

10. Report of Treasurer

a) Approval of Bills and Treasurer’s Report

Treasurer Anderson reported income for the period of \$261,937.38 and expenses in the amount of \$207,547.19.

Manager Toavs moved to accept the Treasurer’s Report and pay the bills in the amount of \$207,547.19. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

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

11. Report of Officers and Managers

Manager Loth: Thanked Kyle Crawford and Blayne Eineichner for hosting the open house for the County Road 50 Iron Enhanced Sand Filter Project. He also noted that he attended the Minnesota Aquatic Invasive Species Research Center (MAISRC) showcase and found it very valuable and worth the managers’ time to review and attend.

Manager Toavs: Reported he attended the Minnesota Association of Watershed Districts Summer Tour in Grand Forks, North Dakota. He noted that this location has a very different situation than our District and region and discussed the difference between doing projects based on the data versus “just doing projects.” He also reported his attendance at the Chisago Lake Township meeting where he announced the District’s State of the Watershed meeting and encouraged attendance.

Manager Bakke: Nothing to report.

Manager Schmaltz: Nothing to report.

Manager Anderson: Reported she attended the Minnesota Association of Watershed Districts (MAWD) Summer Tour in Grand Forks, North Dakota. She noted that it was very informative. She gave an overview of the land structure and how impactful it was to see it in person. She noted that MAWD is experiencing a shift in staff members and explained they are on track to have an in-person meeting in December of 2022. Manager Anderson

indicated the next Lower St. Croix One Watershed One Plan Policy Committee meeting is scheduled for September 26th. She explained that the Policy Committee will discuss the options to remain as a collaboration versus switch to an entity structure. She noted that this meeting would be in-person at the Wyoming library.

12. Summary and Approval of Board Direction

Board direction was summarized

- Staff will provide managers access to copies of the revised resolution 22-09-02 on the board packet webpage.
- Staff will advise managers of what city and county attendees have RSVP'd to the State of the Watershed event. Staff will also make the presentation schedule and outline available upon request.

13. Adjourn

a) Next regular board meeting – October 13, 2022

Manager Anderson moved to adjourn the meeting. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 7:46 p.m.

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

Dave Bakke, Secretary _____