

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, July 23, 2020**

1. Call to Order

President Spence called the July 23, 2020 regular board meeting to order at 6:30 p.m. via online video conference

Present: President Jon Spence, Vice President Jackie Anderson, Secretary Jen Oknich, Treasurer Steve Schmaltz, Assistant Treasurer Jim Dibble.

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Garrett Miller, Abigail Ernst (CLFLWD staff); Meghan Funke, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Doug Thomas (Houston Engineering); Paul Girard (City of Forest Lake).

2. Setting of Meeting Agenda

Manager Oknich moved to approve the agenda. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

3. Consent Agenda

- a) **Special Board Meeting Minutes – June 9, 2020**
- b) **Regular Board Meeting Minutes – June 11, 2020**
- c) **Special Board Meeting Minutes – June 22, 2020**
- d) **Regular Board Meeting Minutes – June 25, 2020**

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

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

Operations & Outreach Specialist Lindemyer reported the Citizen Advisory Committee (CAC) met this month for the first time since February. The meeting was held via Zoom. During the CAC meeting Project Coordinator Eineichner presented an update on water monitoring, and Watershed Technician Heinz presented an update on the 2021 budget and the Watershed Management Plan update. The CAC will continue to review the Plan and budget as they progress.

6. Aquatic Invasive Species Update

Watershed Assistant Miller reported that Forest Lake flowering rush was delineated on July 21. There were 137 sites with flowering rush present, and 21 of those sites were new locations. PLM Lake and Land Management will treat around 7 acres within the upcoming weeks. Information regarding the treatment will be handed out to boaters at public launches, and a notice will be published in the paper and online. Mr. Miller explained the year-to-year trend is less growth density, but more new sites popping up, making treatment difficult. He indicated the treatment strategy is to be aggressive on flowering rush while minimizing impact to native plants. Mr. Miller reported that he drafted a purple loosestrife management plan for the District in response to numerous reports from District residents. He noted that he is working on surveying the populations, and next year biological control using purple loosestrife-eating beetles may be implemented. Mr. Miller explained the District treated nonnative phragmites near Bone Lake last October. This summer there is a major reduction in nonnative phragmites presence, which is replaced by native arrowhead plants. Mr. Miller reported that the watercraft inspection program is on track to meet goals for the season with 1,080 inspection hours on Forest Lake, 233 hours on Bone Lake and 245 hours on Comfort Lake achieved so far. Inspection survey numbers are high, showing that the lakes are very busy this year and the Clean Drain Dry message is reaching a lot of people. On the basis of surveys, Mr. Miller noted excellent control of curly-leaf pondweed on Bone Lake, Shields Lake and Moody Lake. On Forest Lake 3rd basin there is good control, but not as successful on 1st and 2nd basins due to curly-leaf pondweed growing in after the delineation. The plan for next year is to delineate 3rd basin first, then survey 1st and 2nd basins the following week. Mr. Miller explained there has been discussion about alternating herbicide type next year to prevent development of herbicide-resistant strains of curly-leaf pondweed. Mr. Miller noted the District was granted almost \$5,000 from MN Department of Natural Resources (DNR) to implement an Aquatic Invasive Species Behavior Change project in partnership with Washington County and Chisago County to increase proper bait disposal among boaters and anglers.

Manager Schmaltz asked for an update on carp management in Shields Lake. Mr. Miller explained that he hasn't observed spawning activity in the monitored pond as high as

expected, and correspondingly removals weren't as high as hoped. An electrofishing attempt may be done in the future, though staff doesn't want to program inefficient spending, and the District may also work with carp bow anglers to manage the population. Manager Anderson noted that Blue Water Science delineated no viable Eurasian watermilfoil on Bone Lake this year, but Eurasian watermilfoil used to be a significant plant in Bone Lake. Mr. Miller explained Eurasian watermilfoil is still present in the lake (i.e. it isn't completely gone), but due to a variety of factors, such as weather, it hasn't grown significantly this year. Manager Anderson asked if native plants are growing in place of Eurasian watermilfoil. Mr. Miller indicated he would report back on this.

7. New Business

a) Approved Bank Signers

Manager Anderson moved to adopt resolution 20-07-01. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

Ms. Lindemyer indicated she would reach out to the managers regarding next steps for completing signatures.

b) Regional Stormwater Treatment Investigation Scope of Work

Engineer Graske referenced prior Board discussion about urban development or roadway projects that have difficulty treating stormwater runoff due to site constraints and the importance of regional treatment solutions to this circumstance. A regional treatment system would provide stormwater management downstream of such sites. The main areas of consideration for this effort are the City of Forest Lake downtown area and the Heath Avenue drainage/Highway 8 reconstruction area (MnDOT project). Mr. Graske explained Emmons & Olivier Resources (EOR) and District staff have been in communication with the City of Forest Lake on this topic.

Manager Anderson asked if there has been thought given to utilizing other wetland complexes in the area. Mr. Graske indicated he is not sure if it would be possible to increase water levels in some of the nearby wetlands as many of the surrounding culverts are already perennially submerged. He confirmed that all of the development west of I-35 along Broadway Avenue is currently being treated by the Bixby Park project. Manager Schmaltz asked if the District has capacity to keep pace on a project like this while coordinating with the City. Mr. Graske indicated EOR has the capacity, and that he would manage the project personally. Mr. Kinney added that there's been discussion

of this project at the weekly EOR coordination meetings and ensuring that the roles are being filled as needed. Manager Anderson supported the idea of EOR serving as a project manager in addition to serving in the technical/engineering role so as to ensure capacity for projects like these.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the July 23, 2020 scope of work and in an amount not to exceed \$47,708. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

8. Old Business

a) Workload Analysis Report & Presentation

Doug Thomas presented the results of the District Workload Analysis performed by Houston Engineering Inc. (HEI). He noted this presentation was preceded by a staff review with Administrator Kinney and Ms. Heinz. He provided an overview of the report including definitions, conclusions, and executive summary. Capital improvement projects and the capital improvement program (CIP) are defined in statute. Not all water resource projects are technically capital improvement projects. Mr. Thomas indicated a baseline staff of 4.5 FTEs is necessary to continue baseline operations to stay in compliance with statutory responsibilities. He clarified this isn't necessarily the amount needed to achieve the level of output desired by the Board of Managers. The "future conditions workforce" scenario includes 11.5 FTEs to fully address the Board's vision for the next 10 years.

Future visions and/or areas of change are:

- 1) A full inventory of resources (stormwater conveyances, ditches and other connections, groundwater springs and sensitive/dependent resources), to both support current work and also inform future opportunity and identification of potential hotspots and interconnectedness;
- 2) additional communications and planning efforts to increase collaboration and early coordination with local municipality boards and staff to maximize joint project and program opportunities;
- 3) be a leader in developing and coordinating smart development/green infrastructure strategies with cities, towns, and other government agencies;
- 4) increase research efforts to target priority areas and expand capacity to implement shoreland programs aimed at protecting and restoring shoreline and nearshore vegetation; and

- 5) increase resource base to boost public relation efforts through marketing, branding, and online media avenues to become a trusted natural resource advisor to the District's communities, citizens, and partners

Mr. Thomas advised that additional staffing expertise could be useful in the areas of urban planning, stormwater design, green infrastructure, communications, and marketing. The 2020 work plan contains 9 FTE, but staffing is currently at about 8.3 FTE. There has been a plan to hire another staff member, but the circumstances have delayed that process this year. Mr. Thomas described general observations and recommendations.

Recommendations include

- 1) Conduct a District Facility Review to refine and/or make clear distinctions between CIPs vs programs and projects. An example of what this might look like can be found in Appendix F - Method to Determine if a Project is a District Facility/Capital Improvement.
- 2) Perform future conditions hydraulic and hydrology modeling based on city and township comprehensive land use plans.
- 3) Contemplate developing a volume reduction strategy for areas that will remain in agriculture and/or developed as large residential lots to prioritize, target, and measure proposed implementation strategies to reduce nutrient loading.
- 4) Complete Level 3 hydro-conditioning of LiDAR for remaining areas of the District to facilitate the inventory of non-inventoried ditches, waterways, and interconnections.
- 5) Consider consolidating information and education tasks into a single position that would also have oversight of District website and social media accounts.
- 6) Consider creating job titles that facilitate the alignment of work duties and functions to major program/implementation areas.
- 7) During the District's comprehensive water management plan revision or at an operational level, each program area could benefit by having a vision developed to establish clear expectations for outcomes.

Manager Schmaltz indicated the capital improvement project definitions are difficult to understand. Mr. Thomas indicated HEI would try to re-word these definitions to be easier to understand. He explained the definitions are derived from statute and some on-the-ground "projects" wouldn't technically be considered capital improvement projects. Manager Schmaltz noted that between the current and future staffing scenarios, CIP program staffing decreases and General Administration increases. Mr. Thomas explained that is compensated by a significant increase in Water Resource Protection and Restoration Programs/Projects; HEI concluded that the future of District projects fits more into the definition of that category rather than CIP. Managers Spence and Schmaltz indicated the report is very well done. Manager Anderson requested the report add explanation as to how the number of FTEs is calculated in the table on page 2. Mr. Thomas indicated this would be clarified in the report. Mr. Kinney noted that, regarding the observation regarding job titles, the District is in the process of working with Gallagher for a salary survey, which will include review of position descriptions and

interviews with staff. Manager Schmaltz indicated he understands why this is happening now as the District grows and staffing becomes more focused on certain areas. Mr. Thomas indicated HEI would make the requested changes and bring the revised report to a future meeting.

Manager Anderson moved to defer acceptance of the report until revisions are brought back to the Board. Seconded by Manager Schmaltz.

Discussion: Mr. Thomas requested that managers email any additional comments or edits by end of next week. Mr. Thomas thanked the District for the opportunity to work on this analysis. It was clarified a motion isn't critical to defer acceptance of the report.

By unanimous consent, the motion was withdrawn.

b) Lower St. Croix One Watershed One Plan

Mr. Kinney noted Ms. Heinz has been assisting with plan writing and coordination for the Lower St. Croix (LSC) One Watershed One Plan (1W1P). Manager Anderson provided an update on the July 29th Steering Committee meeting. The Steering Committee unanimously approved three outstanding issues in accordance with the CLFLWD's recommendations. Manager Anderson and Manager Schmaltz recommended the Board approve the draft management plan, noting that there will be opportunities for adjustments and amendments in the future.

Manager Schmaltz moved to approve the draft management plan for Policy Committee submittal to the Board of Water and Soil Resources. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

c) Watershed Management Plan Update

Ms. Heinz noted that staff revised Chapter 3 per input from Manager Schmaltz, staff distributed the draft Bone Lake Management District (LMD) Profile for the Board's review, staff prepared an associated goals prioritization exercise to go through at tonight's meeting, and staff recommends the Board approve a fund transfer to account for Watershed Management Plan update expenses. She reviewed the first proposed goal for Bone Lake in the Floodplain issue area: Increase water storage by 0.16 inches over the watershed. Manager Schmaltz suggested the Board may look at prioritizing issue areas District-wide before deciding priorities for each LMD through an annual work

plan exercise. He indicated the priorities should be driven by where the most cost-effective opportunities are available. Manager Anderson suggested the figure of 0.16 inches is too specific. She suggested keeping the goals worded more broadly. Manager Spence explained the hydrologic and hydraulic (H&H) model update will be a key tool for the District to use in adaptive management. He indicated, as HEI recommended in the workload analysis report, the District should be prepared for a changing landscape as a result of development. Dr. Funke explained that the goals displayed are the types of goals staff is recommending the Board consider. She suggested the goals set in the last 10-year plan might be too vague and wouldn't adhere to today's prioritized, targeted, and measurable (PTM) standards required by the Board of Water and Soil Resources (BWSR). She recommended the District set very specific measurable goals against which it can clearly measure progress. Dr. Funke indicated she and staff would prepare some worksheets for managers to use in order to help narrow down priority goals and issues, both District-wide and in each LMD.

Manager Anderson moved to approve a fund transfer from 000-2900 Reserve Fund to 3-006-F Watershed Management Plan Update in the amount of \$30,000. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

d) 2021 Draft Budget

Ms. Heinz noted the budget schedule indicates the Programs section of the budget would be discussed at this meeting, and staff has prepared an associated presentation. Given the late hour, there was Board consensus to discuss both the Programs and Projects budget sections at the July 30th meeting.

9. Report of Staff

a) Administrator

Administrator Kinney reported there are some issues with the Chestnut Creek development in Forest Lake. The development's permit requires native buffers around all wetlands on the site. However, the permittee did not install wetland buffer signage in a timely fashion. As a result, there are several instances of lawn turf grass encroachment into the buffer, which is not an acceptable form of buffer vegetation. Mr. Kinney indicated staff is working closely with the permittee on this issue and will keep the Board apprised of new developments. Mr. Kinney also noted that staff is working with legal counsel to ensure compliance with the governor's latest emergency executive order regarding face covering requirements.

b) Emmons & Olivier Resources

Nothing to report.

c) Smith Partners

Legal Counsel Holtman noted the Lower St. Croix Policy Committee will review and consider approving the Joint Powers Agreement (JPA) before distributing to partners. This is consistent with the process as planned and with the decision of the Board to defer action on the JPA this evening.

10. Report of Treasurer

a) Approval of Bills and Treasurer’s Report

Treasurer Schmaltz reported income for the period of \$28,186.72 and expenses of \$174,305.41.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$174,305.41. Seconded by Manager Dibble. Upon vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

Manager Schmaltz and Manager Anderson indicated they will come to the office tomorrow morning to sign the checks.

11. Report of Officers and Managers

Manager Dibble indicated he will be on vacation over end of July, early August. Manager Schmaltz indicated Hallberg Marine is offering a 1:1 match for donations up to \$10,000 to the Forest Lake Lake Association. Manager Anderson reported that DNR has some position openings currently and is short-staffed as far as field staff. Mr. Kinney confirmed DNR is currently experiencing a back log. President Spence noted that the lake level on Comfort Lake is unusually high. Mr. Kinney reported that Mr. Eineichner investigated and found a blockage upstream of Comfort Lake along the Sunrise River. There was a similar smaller obstruction upstream of Little Comfort Lake as well.

12. Summary and Approval of Board Direction

Administrator Kinney noted that board request #44 is in need of further board direction, as the scope of the requested task is greater than originally anticipated.

Directives from the current meeting were summarized.

- Mr. Miller will follow up with Blue Water Science regarding the nonappearance of Eurasian watermilfoil and the native vegetation condition in its absence. He will also correct a typo on the Comfort Lake narrative in the AIS Update.
- Manager Anderson requested printed copies of the workload analysis report appendices, and Mr. Thomas will make edits according to Board discussion.
- Ms. Heinz will distribute follow-up “homework” to the managers via email the following day.
- The program and project presentations pertaining to the 2021 budget will be uploaded to the District website tomorrow and presented on July 30th
- Mr. Kinney will consider and consult with the DNR concerning any role the District might play in shoreland and shoreline regulatory oversight in light of present DNR personnel constraints.

13. Adjourn

- a) **Next special board meeting – July 30, 2020**
- b) **Next regular board meeting – August 13, 2020**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Oknich. Upon vote, the motion carried 5-0, and the meeting was adjourned at 9:21 p.m.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

Jen Oknich, Secretary _____