

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE – FOREST LAKE  
WATERSHED DISTRICT  
Thursday, January 25, 2018**

**1. Call to Order**

President Anderson called the January 25, 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, Assistant Treasurer Jackie McNamara.

Absent: Secretary Wayne Moe, Treasurer Steve Schmaltz.

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz (remotely) (CLFLWD staff); Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Jerry Grundtner, Jack MacKenzie (Citizen Advisory Committee); Steve McComas (Blue Water Science).

**2. Setting of Meeting Agenda**

President Anderson requested that the minutes be removed from the consent agenda and moved down to after the report of staff so that she may go over some requested revisions. She noted that she reviewed the Blue Water Science reports very carefully and has some comments. She requested that a more detailed discussion on the reports be had outside of this meeting because of the amount of time it is expected to take. There was discussion about scheduling for another meeting to discuss the reports as well as the topics of the 2018 AIS budget and Clean Water Partnership loan application. President Anderson requested that one item be added to the agenda: item 7c – Moody Lake Article from BWSR.

Manager McNamara moved to approve the agenda as revised. Seconded by Manager Spence. Upon a vote, the motion carried 3-0.

**3. Consent Agenda [none - items moved to after Agenda item 8 - Report of Staff]**

- a) **Joint Board Workshop Minutes – December 19, 2017**
- b) **Regular Board Meeting Minutes – December 21, 2017**

**4. Public Open Forum**

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

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

CAC Chair Jerry Grundtner reported that the CAC continues to meet monthly and make progress on planned 2018 activities. The committee is continuing to evolve with new members being appointed. President Anderson noted that the Board is happy to see that the awards program is progressing and encouraged the other managers to share their input on the program with staff.

## **6. New Business**

### **a) Blue Water Science Reports and Presentation**

Steve McComas explained his process for performing aquatic plant surveys, then provided a summary of the 2017 surveys and/or treatments including: Bone Lake curly-leaf pondweed (CLP) and Eurasian watermilfoil (EWM); Forest Lake CLP, EWM, and flowering rush (FR); and Comfort Lake CLP and EWM. He explained that his survey process systematically categorizes plant growth as light, moderate, or heavy. Light to moderate growth is typically not an ecological problem, nor is it much of a recreational problem, and therefore does not get recommended for treatment.

He summarized for Bone Lake that CLP growth is typically two or three weeks later than other lakes in the metro area. It could be attributed to the lake's depth or water temperatures. EWM in Bone Lake is heavier in the north and south ends, and is close to water lilies. He explained that water lilies are a species that are valuable for water quality and animal habitat. EWM herbicide can be harmful to water lilies, so keeping a distance with herbicide application is recommended. EWM can be found around most of the shoreline in Bone Lake at this point, though not much at heavy growth.

He explained the delineation and treatment process for EWM on Comfort Lake. Water lilies tend to be interspersed with EWM, therefore treatment needs to occur early in the season before water lily growth occurs. EWM has moved around the entire perimeter of the lake and can be found at moderate to heavy growth. CLP tends to be found at very low densities around Comfort Lake. There was discussion about EWM's typical growth cycle which includes an initial rapid expansion, then an eventual settling out and growth at lower densities after a few years. President Anderson asked Mr. McComas to describe the two types of treatment permits that can be obtained from the Department of Natural Resources (DNR). Mr. McComas explained that one permit is the Invasive Aquatic Plant Management (IAPM) permit which is for targeted control of an invasive plant such as EWM or CLP. The other is the Aquatic Plant Management (APM) permit which allows for broad spectrum herbicide application of both invasive and native species; this permit is typically obtained by shoreline residents. The District has historically obtained the IAPM permit for its treatments. In 2017, by the time the DNR was able to review the EWM site, water lily presence required reducing the proposed total treatment area from seven acres to three. In 2018, the District should attempt to proceed earlier in the season.

Forest Lake CLP is an ongoing challenge with widespread and heavy growth, but good herbicide control was achieved in 2017. EWM was first discovered in Forest Lake in 2015 and aggressive treatments were implemented each year since. This has somewhat contained the spread within the west basin, but the potential for EWM growth in the future is high according to predicted growth suitability based on sediments. Mr. McComas described the surveys and treatment of flowering rush including multiple rounds of herbicide treatments and hand cutting of flowers to remove the viable seeds and help prevent propagation. The removal of the flowers is suspected to be very effective in preventing new sites of flowering rush from popping up.

Mr. McComas reported that zebra mussels have been prolific in Forest Lake since their discovery in 2015, and have been observed attaching to plant material. He explained how zebra mussels reproduce by producing microscopic veligers which swim in open water. Zebra mussels were discovered in Comfort Lake at three locations in 2017. Mr. McComas described the discovery and rapid response process including a rapid response assessment survey. The outlook for potential population growth is not as heavy as Forest Lake due to the suboptimal substrate (not a lot of rocks) and food source (periodic blue-green algae in the summer months). The three identified locations suggests establishment and because of this and the substrate conditions, he recommends management rather than eradication efforts.

Mr. McComas concluded that the District's lakes, while they may have invasive species, are still generally considered healthy and safe. Introduction of invasive species will change a lake, which can be negative in some ways and positive in other ways. One of the negatives is likely to be economic due to the spending of money on management and control.

Jerry Grundtner asked about the possibility of zebra mussel veligers traveling from Forest Lake downstream into Comfort Lake; with the amount of wetlands along the tributary stream, is it likely that veligers could actually make it from one waterbody to the other? Mr. McComas explained that, though it is a torturous path, it is still possible for veligers as well as adults to make their way downstream over time. Mr. Grundtner noted that 90% of the zebra mussels in Lake Minnetonka are attached to vegetation; is that unique to that lake? Mr. McComas explained that it is not unique and is probably the more typical situation for more fertile (i.e. higher concentrations of nutrients) lakes.

**b) Blue Water Science 2018 Agreement [removed to a future meeting]**

**c) Citizen Advisory Committee Appointments**

Manager Spence moved to appoint Randy Schumacher to serve on the Citizen Advisory Committee. Seconded by Manager McNamara. Upon a vote, the motion carried 3-0.

Manager Spence moved to appoint Jerry Grundtner, Bruce Anderson, Sam Hathaway, Curt Sparks, Chris Mann, Jack MacKenzie, Melanie Castellano-Swanson, and Randy

Schumacher to serve as the District's Citizen Advisory Committee for 2018. Seconded by Manager McNamara. Upon a vote, the motion carried 3-0.

**d) Hayward Avenue Scope of Work**

Engineer Graske explained that the Hayward Avenue and Castlewood scopes of work result from the Forest Lake Diagnostic Study process which identifies key drainage areas that need to be evaluated more closely. He recapped other ongoing projects in the Forest Lake subwatershed including the Shields Lake Stormwater Harvest and Irrigation Reuse System, Forest Lake Wetland Treatment Basin (aka 3<sup>rd</sup> Lake Pond), and the Washington Judicial Ditch 6 (WJD 6) watershed feasibility study. The purpose of the feasibility studies will be to do more targeted monitoring in order to identify loading hot spots and potential projects. There was discussion about phosphorus reduction cost effectiveness. Mr. Graske noted that a project's life cycle needs to be factored into a cost-benefit calculation. President Anderson asked that these types of calculations be estimated for future scopes of work. Mr. Graske noted that these will be laid out in more detail as a result of the feasibility studies.

Manager Spence moved to authorize the Administrator, on advice of counsel, to enter into an agreement with Emmons & Olivier Resources in accordance with the January 10, 2018 scope of work and in an amount not to exceed \$31,666.50. Seconded by Manager McNamara. Upon a vote, the motion carried 3-0.

**e) Castlewood Scope of Work**

Mr. Graske provided more detail on the Castlewood watershed. It appears that the golf course is currently absorbing or at least diluting some of the phosphorus loading coming from upstream. There was discussion about potential reasons for this and loading sources upstream.

Manager Spence moved to authorize the Administrator, on advice of counsel, to enter into an agreement with Emmons & Olivier Resources in accordance with the January 10, 2018 scope of work and in an amount not to exceed \$28,129.50. Seconded by Manager McNamara. Upon a vote, the motion carried 3-0.

**f) One Watershed-One Plan Memorandum of Agreement**

Mr. Kinney recapped the discussion that the Board had on this topic at the January 16<sup>th</sup> regular board meeting. He took comments from the Board from that meeting into consideration along with comments from other organizations that were discussed at work group meetings, and worked with legal counsel to create some additional WHEREAS's for the Board's consideration that articulate the principles by which the District wishes to see implementation funds allocated within the Lower St. Croix effort. These have been provided to the Board. If the Board adopts a resolution approving the memorandum of agreement (MOA), it may choose to include any or all of these

WHEREAS's into that resolution. It is not staff's recommendation to try to include them in the MOA itself.

Mr. Kinney explained that the principles reflect the District's approach to prioritized, targeted, and measurable (PTM) goals and projects, and a similar policy statement adopted by the Minnesota Board of Water and Soil Resources (BWSR) at its December meeting, and noted how this type of approach should be included in the 1W1P effort. This was discussed and generally agreed by the Board at the January 16<sup>th</sup> regular meeting. President Anderson indicated that she needed more time to review the WHEREAS's before taking action on the topic.

Legal Counsel Holtman advised that the MOA has a provision that allows any partner to step out of the MOA upon 60-day notice. It is his understanding that there is a Board commitment to participate productively in the steps toward plan development under the BWSR planning grant, but there are still some questions that the Board has about how projects will be selected and how funding will be distributed. The thought behind the WHEREAS's is that next month the Board will presumably be taking up a resolution to adopt the MOA, and if the Board includes the WHEREAS's that reflect its opinions, then it is formally communicating to its partners and to BWSR that it wishes to see these principles incorporated into fund distribution policies moving forward.

Mr. Kinney asked that if the Board wants to suggest any changes or additions to the MOA, it do so by January 31<sup>st</sup>. President Anderson suggested incorporating the BWSR grant review criteria as well as the guiding principles document into the MOA. The more specific we can be, by showing a physical document for the principles and for the matrix, then we don't leave anything to guesswork or interpretation.

Mr. Holtman stated that if the Board's action is simply to incorporate the WHEREAS's, or some variation thereof, into the MOA approval resolution that will be brought to the February board meeting, no action is needed tonight. Mr. Kinney noted that BWSR wants a single MOA that all of the organizations agree to and approve of. The District can propose to incorporate the Board's desired language into the MOA itself, but the Board should be aware that the changes may not be approved by the group. Therefore, staff recommends that the Board express its opinion on the issues identified (i.e. stressing the importance of PTM) through the resolution that the Board adopts at the February meeting.

By unanimous consent, the Board directed that the Administrator pursue two approaches: 1) propose to revise the MOA to incorporate BWSR's guiding principles document and grant review criteria as addendums, and 2) include the additional WHEREAS's into the resolution to be adopted at the February regular meeting.

President Anderson expressed that, other than the statement of purpose, she found BWSR's method for approaching the watershed-based funding pilot program to be troubling. She reviewed parts of the statute that relate to the Clean Water Fund and expressed concern that the structure of the program is not following the law, and that

dollars out of the legacy fund, which were voted on by the public for a very specific purpose, are not being used for that purpose.

**g) One Watershed-One Plan Watershed Based Funding**

Mr. Kinney noted that two board members attended the BWSR meeting regarding the metro watershed-based funding program. He described discussions at past meetings regarding a suggestion to allocate funding simply based on acreage as opposed to PTM competitive standards. He expressed that it would be a missed opportunity if the Washington County group did not take the time to think how this framework might look going forward, because it would largely overlap with the Lower St. Croix 1W1P program. Manager Spence offered that the Board's position is against allocating by acreage and in favor of allocating on a competitive scale that focuses on PTM projects. Mr. Kinney further described the District's diagnostic and targeted methods for project identification. It is in alignment with the rule that states that oftentimes 80% of the problem can be attributed to 20% of the area; projects should be focused on finding that 20% area and implementing projects that have the biggest impact, rather than spending time and money on many small projects that cumulatively may not have as significant of an impact.

President Anderson explained how difficult it can be for an organization to implement projects if it does not have its own taxing authority and depends on the county for funding. She expressed that the purpose of the program is to bring funding to entities that don't have taxing authority so they can implement projects. She also expressed concern that Clean Water Fund implementation funds, legally directed toward project work, not be in effect diverted by being used to support a very substantial amount of planning work under the 1W1P process.

Manager Spence moved to direct the District Administrator to attend the initial meeting with watershed administrators and any additional board meetings on the topic, to bring information and recommendations back to the Board, and to communicate the Board's position on the program to the group. Seconded by Manager McNamara. Upon a vote, the motion carried 3-0.

**h) Metro MAWD Meeting Update**

President Anderson provided an update on the metro MAWD meeting that she recently attended. At the meeting she updated the group on the District's ongoing projects and how it is working through its Watershed Management Plan. She noted that after the meeting she received positive feedback from others about the District's level of activity. She recapped some of the projects and programs that were noted at the metro MAWD meeting including multiple capital improvement projects and AIS prevention and management programs.

President Anderson made note of other attendees of the metro MAWD meeting including several state agency representatives. She explained that one BWSR

representative talked about how BWSR has not established specific criteria for measuring success; it's not measuring "widgets" i.e. success on phosphorus reduction, but rather is going to be gauging how organizations are making progress towards their plans. She expressed concern about the apparent lack of emphasis on measuring pollutant reductions. Mr. Kinney noted that progress toward implementing the plan could be measured by, for example, number of projects completed and number of dollars spent; these projects may have very low pollutant reduction impacts, but would theoretically be counted equally as progress; there is no incentive to aim for the most pollutant-reducing/cost-effective projects. President Anderson noted additional topics from the metro MAWD meeting including ideas about funding allocation.

## **7. Old Business**

### **a) Rule Revisions**

Mr. Kinney explained how staff, engineers, and counsel have worked through the final details and comments on the rule revisions and recommend that the Board adopt the revisions at this meeting so that they may be made effective in advance of the 2018 construction season. Engineer Graske explained the comments received from MnDOT during the review period and responses given.

President Anderson explained that she had previously made several comments and suggested revisions on the rules draft, but could not find her original copy of marked up rules. She believed she had given it to one of the engineers. Engineer Graske summarized how several of President Anderson's comments have been incorporated. She expressed concern that all of her revisions had not been incorporated into the final proposed document and offered additional comments on the latest draft including the topics of municipal water management plan adoption, the groundwater section, and the lake classifications table.

President Anderson asked that EOR check their files for her marked up comments document so that she could review it and confirm that all of her comments were satisfactorily addressed. There was general agreement to postpone consideration of rule amendment adoption until the February regular meeting, so that the additional comments made at tonight's meeting can be considered and addressed.

### **b) Watershed Management Plan Minor Amendment**

Administrator Kinney recapped the amendment process including the public comment period in December and letter from BWSR accepting the proposed amendment as a minor amendment. In total 35 pages of the Watershed Management Plan (WMP) were changed.

Manager Spence moved to adopt the Watershed Management Plan as presented and direct the Administrator to print and distribute the amended Plan in accordance with

legal requirements. Seconded by Manager McNamara. Upon a vote, the motion carried 3-0.

**c) Moody Lake Article**

President Anderson recapped the discussion on this topic at a previous meeting. The Board was not happy with how the article characterizes the Moody Lake wetland project and that it seems to emphasize BWSR more than the District. Since then, BWSR has made some revisions to the article to include the District's name in the subtitle and mention the CLFLWD at other points in the article. President Anderson had some additional suggested edits to the article including providing more background on how the project was set up. She noted that she gave BWSR some additional suggestions for how to distribute the article to reach a wider audience including more media outlets that are local to the CLFLWD. She proposed that the Board not take action on this item at this meeting in order to allow time for the absent managers to review it and provide feedback.

**8. Report of Staff**

**a) Administrator**

Administrator Kinney noted the 2017 Year in Review summary infographic that was put together by Jessica Lindemyer, several turf talk presentations hosted by Master Water Steward Jack McKenzie are coming up, the project closeout for the 3<sup>rd</sup> Lake Pond project will be occurring soon, and an agenda item for the next board meeting will concern a policy for partial permit transfer for lots in residential subdivisions under an active CLFLWD permit.

President Anderson had multiple comments and questions on the Administrator's Report, specifically in the following sections:

- 1003 General Administration – Mr. Kinney clarified that he is simply seeking quotes at this point for the purpose of building an enclosed office on the second floor of the District's office space.
- 3002 Permitting – The number of active permits is 28, which includes carryover from last year.
- 3003 Monitoring and Data Assessment & 3004 Nonpoint Source Pollution Abatement – She asked why these sections do not contain information. Mr. Kinney noted that while nothing major is going on, some minor regular activities are taking place including initial outreach to CAMP monitoring volunteers, and the 2017 water monitoring report is expected from Washington Conservation District (WCD) in March or April. President Anderson suggested that the District create a schedule that mandates when consultants such as WCD submit large reports such as this so that the Board isn't overloaded with multiple big reports all at once.
- 3005 Education and Outreach – President Anderson asked if the two articles listed from Forest Lake Times and East Metro Water Area Voices are the same

article. Ms. Lindemyer clarified that Area Voices is EMWREP's online blog. President Anderson requested that the articles printed in the District's legal newspapers be physically distributed to the Board. President Anderson inquired if staff was creating a summary of the EMWREP partner meeting for the Board. Mr. Kinney noted that this will be brought to the next meeting.

- 3006 Technical Research Sharing and Interagency Communication - There was discussion about additional details on the items listed in this category.
- 3007 Research – At the request of President Anderson, Mr. Kinney provided additional detail on potential projects for the environmental science capstone courses that the District will be coordinating with local universities on.
- 3008 Measurement of Progress – President Anderson requested that the 2017 Progress Report be given to the Board by March.
- 3009 Grant Research and Preparation – President Anderson asked that an update on the recent meeting with BWSR regarding Clean Water Fund grants be brought to the next meeting.
- President Anderson also requested that some additional information be added to the 2017 Year in Review infographic and provided several examples for staff to include; she noted that she likes the format of the summary.

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

Engineer Graske provided updates regarding construction quote solicitation on the Shields Lake Fish Barrier Retrofit project and the Moody Lake Wetland Rehabilitation Project.

#### **c) Smith Partners**

Nothing to report.

### **9. Requested Revisions to Meeting Minutes**

President Anderson went through her requested revisions to the December 19 and December 21 meeting minutes in detail.

President Anderson moved to approve the minutes with her stated corrections. Seconded by Manager Spence. Upon a vote, the motion carried 3-0.

### **10. Report of Treasurer**

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

Manager Spence moved to accept the Treasurer's Report and pay the bills in the amount of \$158,698.12. Seconded by Manager Anderson. Upon vote, the motion carried 3-0.

### **11. Report of Officers and Managers**

President Anderson reported on a topic that was recently brought to her attention and will be discussed in further detail at a future meeting. She explained that the president of the Comfort Lake Association received an email from District staff indicating that the District did not budget for Eurasian watermilfoil (EWM) treatment in 2018. President Anderson noted that she and the lake association members were upset about this. She was concerned that, if the District does not perform the treatment itself (which would be under a permit that requires targeted control of invasive species only, Invasive Aquatic Plant Management “IAPM”), then homeowners would take to treating their own shorelines (which would be under a permit that allows treatment of all plants, including natives, Aquatic Plant Management “APM”). She indicated that, in a phone call with DNR staff, she learned that the DNR does not classify EWM differently than other invasive species. She said the DNR indicated that it has given up on the idea of invasive species eradication and focuses more on year to year management. She suggested that the District evaluate and communicate to the public the intent of the overall AIS management plan, and expressed concern that the Blue Water Science AIS reports were not as thorough as they should be. She described her communications with Blue Water Science owner, Steve McComas, and noted that this will be discussed further at a future special board meeting. Manager Spence noted that he was involved in the discussion at the July 13, 2017 board meeting regarding not budgeting in 2018 for EWM treatment. He indicated that he agrees with the decision to not treat and recalled the rest of the managers present at that meeting agreeing at that time as well. One of the issues is that the District is constrained by the DNR’s permit requirement to avoid treating near water lilies. This makes it difficult to gain effective control under the IAPM permit, so it is better for the homeowners to treat under the APM permit which allows them only to clear a navigation path for recreation purposes. He noted that the District did not support EWM treatment on Bone Lake for several years until after it was discovered on Comfort and Forest Lakes, and that EWM does not experience the same die-back and phosphorus release as curly-leaf pondweed. He expressed that the District can’t spend money on everything, and EWM is one of the lowest priority things to worry about.

## 12. Adjourn

### a) Next regular board meeting – February 22, 2018

Manager Spence moved to adjourn the meeting at 9:41 p.m. Seconded by Manager McNamara. Upon vote, the motion carried 3-0.

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