

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE-FOREST LAKE
WATERSHED DISTRICT
Thursday, March 25, 2021**

1. Call to Order

President Spence called the March 25th, 2021 regular board meeting to order at 6:32 p.m. by online video conference.

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

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Garrett Miller, Trey Jonas, Blayne Eineichner (CLFLWD staff); Dr. Meghan Funke, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); and Hanna Valento (Forest Lake City Council).

2. Setting of Meeting Agenda

Three changes were noted to the agenda: postpone items 6b Salary Survey and item 7b Clean Water Fund Alum Assurance until the April 8th Board meeting and add the Paleo Sediment Core contract amendment as item 7b.

Manager Schmaltz moved to approve the agenda as amended. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 4-0.

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

3. Consent Agenda

- a) Special Board Meeting Minutes - February 9, 2021
- b) Special Board Meeting Minutes - February 11, 2021
- e) ~~Regular Board Meeting Minutes - February 11, 2021~~
- d) ~~Regular Board Meeting Minutes - February 25, 2021~~

Manager Anderson requested that Meeting Minutes from February 11th and 25th be pulled from the agenda to allow for additional review and comment.

Manager Anderson moved to approve the consent agenda as presented (removing items C & D). Seconded by Manager Oknich. Upon a roll call vote, the motion carried 4-0.

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

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

Operations & Outreach Specialist, Jessica Lindemyer, stated the Citizen Advisory Committee (CAC) did not meet in the month of March but will meet next month for an in-depth review of the draft Watershed Management Plan. The CAC will compile its comments on the Plan into a memo to present at the Board meeting following the CAC meeting.

6. New Business

a) Permit 20-025 Forest Hills Farm

Mr. Graske introduced permit 20-025 to the Board. The permit is for a 27-acre development with 35 single family home sites, and two infiltration basins created from existing ponds for stormwater treatment and volume control. This permit triggers the District's buffer rule, requiring 25-ft and 50-ft buffers, however the steep slopes at this site require extending the buffer to the top of the slope - extending it to over 100 ft in certain areas. Mr. Graske recommended approval of the permit being contingent upon the conditions listed in the permit report. These conditions included the request for more detail on infiltration basin/pond excavation and the standard administrative items (maintenance instrument, sureties).

There was discussion regarding the permit. Manager Anderson asked if there is any excavation planned on the steep slopes and if retaining wall would be installed. She also inquired as to the exact location of the development.

Mr. Graske replied that some steps and retaining walls are included in the design. The retaining wall design is not subject to review under the District rules, but he could request additional design details if the board requires. He also stated that the shoreline rule is not triggered by this permit as it is not on the lake. The development is located along Hwy 97 and North Shore Trail, next to the first phase of this development.

Manager Schmaltz asked for explanation as to why the holding ponds need to be excavated and what is the maintenance for these best management practices (BMPs). He also emphasized the importance of annual stormwater BMP maintenance and the need for staff to monitor that maintenance is performed. He inquired as to the mechanism that is in place for this follow-up.

Mr. Graske responded that the pond excavation is needed to meet volume control requirements. The ponds will be converted into infiltration basins. Maintenance will be completed according to the standard O&M requirements of the permit and consists of annual inspections and report submittal. Manager Anderson reiterated that the maintenance requirements need to be enforced on all permits and asked that this subject be placed on an upcoming agenda for discussion. Ms. Heinz, District Planning Coordinator, stated that there is a mechanism for this included in the annual maintenance reports.

There was discussion regarding the applicant's request for additional piers along the lakeshore. Administrator Mike Kinney stated that the development is not on the lake but there is likely lake access provided for residents of the development similar to the first phase. This includes an access path, piers, and a common area along the shore.

Mr. Holtman asked if the retaining walls were to be constructed within the buffer areas. Mr. Graske responded that they are outside of the buffer area.

Manager Schmaltz moved to approve of permit #20-025 subject to conditions set forth in the engineering review memo. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 4-0.

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

b) 2020 Year in Review, Annual Report, Progress Report

Ms. Heinz described the three reports included in the memo: the 2020 Year in Review, the draft Annual Report, and the draft Progress Report. She stated that no motion is required at this time and that these documents are being presented for review by the Board. Ms. Heinz also mentioned the comments she has already received from Manager Schmaltz regarding permit inspections and follow-up. These comments will be incorporated into the final reports. Ms. Heinz stated that the reports need to be submitted by the end of April and they will be brought back to the Board at one of the April board meetings for approval.

Manager Schmaltz mentioned a section on chlorophyl that he would like EOR to look into and provide more detail.

Manager Anderson requested that budget pie charts on page 13 include percentages as they pertain to the whole.

c) 2021 Washington County AIS Grant Agreements

Watershed Assistant, Garrett Miller discussed the finer points of the 2021 Washington County aquatic invasive species (AIS) grant agreement. He stated that the agreement was similar to past years with the exception of an increase in contributions of nearly \$1,700 for curly-leaf pondweed and flowering rush management. This brings the total contribution to \$6,800 for each species.

Manager Anderson moved to authorize the District Administrator, on advice of legal counsel, to execute the Washington County AIS Prevention Aid grant agreements for flowering rush and curly-leaf pondweed management for a total of \$13,600. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

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

d) 2021 AIS Prevention & Management Plan

Mr. Miller presented the 2021 AIS Prevention and Management Plan. The plan will be similar to previous years with a few minor changes. He then described aspects of the plan for each lake.

Moody Lake: The Moody Lake aeration system will be deactivated next week as ice is already out. The winter dissolved oxygen levels on all district lakes was good this year due to the mild winter. Curly-leaf pondweed (CLP) surveys will be conducted again this year and he is hopeful to have full lake control like last year. Mr. Miller stated that the DNR hopes to do a bluegill gill netting survey on Moody Lake this year if time allows.

Bone Lake: The District will treat CLP again this year on Bone Lake. Eurasian watermilfoil (EWM) surveys will be completed, but no treatments are anticipated. The DNR will do a fish survey on Bone Lake this year focusing on walleye, pike, and perch populations. No carp management is scheduled for this year. Zebra mussel surveys will be conducted by staff and volunteer outreach for Zebra mussel plates and sighting notifications has been initiated. The District has funding for 500 hours of watercraft inspections on Bone lake this year, targeting weekends and holidays between May and mid-October.

Manager Anderson stated that there is no indication of Bone Lake Association EWM treatments in management plan or in tracking documents. She asked if we are capturing this information and reporting on it, and that we should be noting these activities. Mr. Miller stated that he is not aware of any EWM treatment by the Lake Association.

Little Comfort Lake: Mr. Miller stated that CLP meandering surveys will be completed by staff and that staff will develop a treatment plan based on the results. Staff is also

seeking volunteers to host zebra mussel plates on their docks for zebra mussel monitoring.

Manager Anderson inquired if there is a budget for the CLP treatment plan once developed? Mr. Miller stated that there is no budget for this but that hand pulling would be the likely treatment and it would be accomplished by staff.

Shields Lake: Mr. Miller Stated that CLP will be delineated and treated again this year. He then discussed the pros and cons of rough fish management on Shields Lake this year and requested guidance from the Board. Issues with a carp harvest center around its effectiveness and impact on the recent alum treatment. The long-term plan for rough fish management would be to encourage angler/bow removal by citizens as there is little carp recruitment and removal of adult fish would control the carp population effectively. Community events such as a fishing derby and/or other outreach could be undertaken to encourage carp angling. If the District would like to be more aggressive with rough fish management, an electrofishing population survey and removal could be made this fall. This effort would need to stay in shallows to avoid impact to the alum treatment and avoid disturbing game fish spawning /recruitment.

Manager Anderson stated her interest in a carp fishing contest as it would be a great outreach opportunity to engage all age brackets. Manager Schmaltz inquired as to the cost per fish removed during electro-fishing. Mr. Miller stated that the cost for a three day/pass population estimate was around \$3,500 and that 51 fish were removed during the 2020 effort. Manager Schmaltz stated that a fishing derby or a carp bounty could be a cost-effective mechanism for removing carp from Shields Lake and supported these ideas.

Keewahtin Lake: Staff will perform early detection vegetation surveys this year to look for invasive species such as EWM and CLP. Purple Loosestrife (PL) to be included in vegetation surveys as it has been located in abundance in areas of Keewahtin Lake in the past. Mr. Miller noted that there is evidence of PL-eating beetle populations at the lake though there is little evidence of their impact on the PL density and control. The District could supplement beetle populations or choose to control PL with herbicides. Mr. Miller would like to see results of PL herbicide applications on other lakes before making a recommendation to the Board on a proper course of action.

Forest Lake: – The District will be changing its treatment plan for CLP this year to get better control in all basins. Surveys and treatment will occur first on 3rd basin to allow the CLP in the other basins to mature and be more easily identified before treatment a few weeks later. Blue Water Science will be delineating EWM again this year and the Forest Lake Lake Association (FLLA) will be treating the EWM using a new chemical called ProcellaCOR. It is advertised to have up to three years of control from one application. The District will be treating Flowering Rush (FR) on Forest Lake again this year but will perform the treatment earlier in the season based on recommendations from scientific literature. Earlier treatment has been shown to be highly effective in eradicating FR, but may prove to be challenging as it can be difficult to determine where

FR it is located when it is not yet emergent. As such, treatment will focus on a few known FR patches to assess this treatment strategy in 2021.

The District has funds available for 2,400 hours of watercraft inspections this year on Forest Lake and efforts will prioritize 1st, 3rd, and 2nd boat launches (in that order) based on historic launch usage.

In addition, Mr. Miller stated that the District is looking for a few more volunteers to host zebra mussel plates. He mentioned that Steve McComas can estimate zebra mussel populations and water clarity improvements based on data from these plates.

Comfort Lake: Mr. Miller stated that Comfort Lake will likely not have a CLP treatment this year. The District will do EWM surveys, but the Lake Association will do the treatment, same as years past.

Manager Anderson added that the DNR approved 15 acres of treatment on Comfort Lake this year. The Lake Association will use ProcellaCOR as it is highly effective, impacts no other plant species, and there is no wait time to use the water.

Mr. Miller added that there is funding in place for 520 hours of watercraft inspection available for Comfort Lake - split between Chisago County and CLFLWD.

There was discussion regarding the AIS Management Plan.

Manager Schmaltz stated concerns about CLP abundance and growth this year. He expects rapid growth due to the mild winter and early ice out, and suggests treating CLP early this year.

Manager Schmaltz and Manager Anderson requested to see what the actual AIS expenditures for each year have been, and also compared to the budgeted amount for each year.

Mr. Kinney reported that the 2021 expenditure is budgeted for \$233,886.

Manager Anderson moved to approve the 2021 AIS Prevention and Management Plan. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

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

7. Old Business

a) Aquatic Invasive Species Treatment Cost-Share

Manager Anderson stated that she would like to postpone this topic so it can be developed further to be brought back at a future meeting.

Manager Schmaltz commented that he would like to see some objectives and goals included in the next version.

The Managers agreed and the topic was not discussed further.

b) Paleo Sediment Core Contract Amendment

Ms. Heinz introduced and provided background on the paleolimnological sediment core contract amendment. She discussed the high frequency water quality monitoring buoys to be deployed in each of the Forest Lake basins and mentioned their utility in understanding lake mixing and internal loading for each basin. These were included in the scope discussed at the October 22, 2020 meeting but approval was postponed. Ms. Heinz recommended a contract amendment to fund these efforts in the amount of \$7,200.

Manager Anderson moved to authorize the administrator, on advice of counsel, to amend the existing agreement with St. Croix Watershed Research Station to add high frequency water quality monitoring buoys at a cost not to exceed \$7,200. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 4-0.

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

c) Clean Water Partnership Loan Extension

Ms. Heinz introduced the Clean Water Partnership Loan Extension topic. The current loan disbursement period is set to expire on 6-13-21. The current loan balance is \$227,000. It would be difficult for the District to spend these funds prior to the expiration date, as there are not many large capital projects scheduled to be constructed between now and June. A request to extend the loan for one year would need to be made to the MN Pollution Control Agency (PCA) by May 1st. There are no penalties for spending the remaining balance early, so if the full year extension isn't needed, the District can close out the disbursement period early. With the extension, the District would have until 6-13-22 to use the remaining balance. Staff recommended that the District request the 1-year extension on the loan to allow time to use these funds.

Manager Anderson moved to direct staff to request a 1-year extension to the Clean Water Partnership loan disbursement period. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

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

d) Lower St. Croix One Watershed One Plan

Manager Anderson introduced the topic and the two options to consider. The first and shorter version does not have the addendum and comments from Manager Schmaltz included. Manager Anderson mentioned the March 22nd Lower St. Croix Policy Committee meeting. At this meeting the Committee discussed the plan implementation framework which includes a subcommittee and leader for each work plan activity. Manager Anderson mentioned that Mr. Kinney may not have the capacity/time to participate on several of these subcommittees. CLFLWD staff is listed on some of these subcommittees but the actual staff person who may participate was not fully identified – more of a placeholder for TBD staff. Manager Anderson stated that she has volunteered for the education and outreach subcommittee and indicated that this is the level where policy change can be made by the District. She would like the District to participate on as many of these subcommittees as possible.

There was discussion regarding the two resolution options that express the District’s dissatisfaction with the work plan (outline) that has been produced. Manager Anderson recommended the short version of the resolution without the addendum or extra “whereas” statement as the District has expressed its more detailed concerns at the March 22nd Lower St. Croix Policy Committee meeting. She stated that a more detailed version of the work plan is in development and will be presented in the coming months. She stressed the importance of the District having a voice in the subcommittees to help guide the final product.

President Spence inquired as to the advantage/disadvantage of the short and long versions of the resolution.

Manager Schmaltz stated the points presented in the longer version were well covered in the last Policy Committee meeting and presenting them again might not be taken well by the larger group. He recommended modifying the shorter version to include the one “whereas” statement regarding agricultural practices with the specific quantified numbers and percentages.

President Spence agreed that the agricultural practices “whereas” statement should be added to the shorter resolution. Manager Anderson disagreed with including this statement.

Manager Anderson stated that the District will have a chance to comment on the final version of the work plan after it has been completed and this would be the appropriate time for such a statement. She again stressed the importance of the District's involvement on the subcommittees. She stated the costs of tasking EOR staff members for these roles are offset by the amount of Mr. Kinney's time being saved. She recommended that the Board give clear direction on this to staff. Manager Anderson asked if there is a more fleshed out budget on the Lower St Croix website.

Ms. Heinz stated that there is not a more detailed version on the Lower St Croix website, but there is a detailed implementation framework document posted.

Manager Schmaltz stated that the work plan has several new attachments explaining communications and agriculture programs. He stated that all other LSC partners have submitted their signed resolutions already, so the District's resolution is late and should be based on knowledge dating back two weeks. He feels it is important to include the agricultural practices "whereas" statement in the shorter resolution to provide clarity for the layperson and explain how funds should be spent.

Manager Anderson mentioned discussion at the last Lower St. Croix Policy Committee meeting regarding the role that the Agronomist should have for all areas included in the Lower St. Croix and that they were combining the structural and non-structural Agriculture BMPs. This will reduce conflict between these two practices.

Manager Anderson stated that wetland sources of nutrients should be prioritized over agriculture land practices. She mentioned a Chisago County / US Army Corps of Engineers report and fact sheet that points to these wetlands as the larger source of nutrients.

President Spence agreed with Manager Anderson that the ag statement should not be included as it confounds the message and may take focus off the other elements in the statement. He stated his preference for the shorter version without the additional statement included. He also noted that under the joint powers agreement, the resolution is due by 3-26-21 so the resolution needs to be acted on tonight.

Manager Anderson moved to adopt the short version of resolution 21-03-01 with the minor edits but without the additional agricultural practices "whereas" statement or the addendum. Seconded by President Spence. Upon a roll call vote, the motion failed 2-2.

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

There was discussion regarding the vote, next steps, and the need to reach agreement on the resolution tonight.

Manager Oknich moved to adopt the longer version of resolution 21-03-01 as amended without the addendum (to be removed). Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 3-1.

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

Manager Anderson requested an update from Ms. Heinz on her progress with the grant application and work plan she is inputting. Ms. Heinz stated she has been working on the work plan to address Board of Water and Soil Resources (BWSR) comments, meet BWSR milestones and outcome requirements, and add needed details such as load reduction goals, metrics, and target waterbodies. Much of the additional content has been in the form of attachments. She stated that the work plan needs to be approved by March 28th and that the Policy Committee will meet next in May when the work plan will be presented.

Manager Anderson asked for comment on the two CLFLWD projects that are included in the work plan. Ms. Heinz stated that partner wetland projects are included in the work plan as an example of the detail that should be included in the work plan. The wetland project included is the Washington Judicial Ditch 6 (WJD-6) Wetland Enhancement Project. She also mentioned that Forest Lake is listed as a priority waterbody in the work plan, but Comfort Lake had to be removed from the work plan because it was not listed as a priority lake in Table 5-3 of the Lower St. Croix Comprehensive Watershed Management Plan (CWMP).

Manager Anderson stated that Anoka Soil and Water Conservation District staff is listed as the lead for the wetland subcommittee, and she mentioned that this is a reason that the District needs to be involved on these subcommittees - to help ensure a lead District role on work within the District.

Manager Schmaltz agreed and commented that the District is in situation to influence these efforts as it is in charge of project reporting. He recommended developing a format for project submittal including effectiveness monitoring and agreed to research and put together a format for project submittal and evaluation to be used by the subcommittees. He will investigate the BWSR application for project identification, prioritization, and effectiveness monitoring.

Manager Anderson elaborated on the free Prioritized, Targeted and Measurable application (PTMApp) from BWSR that helps to develop project outlines and how this might streamline project submittal. She also mentioned the review matrix tool in LSC CWMP Appendix C that can help to take the subjectivity out of project application review.

Ms. Heinz stated that her role is to report on project implementation and that this would occur post project and that project selection would be the duty of the subcommittees.

Manager Schmaltz, with assistance from Ms. Heinz, agreed to put together a proposal regarding the use the PTMApp at the subcommittee level, to put together a reporting format framework, and draw from BWSR documents the requirements for project submittal.

8. Report of Staff

a) Administrator

Mr. Kinney stated that the District is working on wrapping up the annual audit. He will be working with Manager Anderson and President Spence on finalizing the salary survey for presentation to the Board at the April 8th meeting. He also stated the District has been interviewing candidates for the open positions and that he will have several offer letters ready for new hires soon.

Manager Anderson stated that the Annual Report and Progress Report indicate permit site inspections heavily outweigh the number of permits. She requested some rationale be added to the reports to add clarity to the topic of inspections. Manager Schmaltz inquired about the outstanding permits from last year that may be still active and how that impacts the number of inspections. Ms. Heinz stated that some permits have many individual inspections associated with them. She stated that some permits, such as residential developments, may have multiple single family home inspections for just the one development permit. She noted that open permits from previous years have an effect on the high number of permit inspections as well. She indicated she will add some clarifying text to the reports.

b) Emmons & Olivier Resources

Dr. Meghan Funke provided an update on monitoring progress. Almost all monitoring equipment has been deployed and data are being collected. This includes the Forest Lake diagnostic water level loggers and the long-term stream ISCO units. One large rain event has been captured thus far. Several additional loggers will be installed in the next week at the Broadway iron enhanced sand filter (IESF), Shields Lake Reuse Project, and one ISCO unit in the Forest Lake West Basin.

Dr. Funke stated that the Forest Hills Golf Club (FHGC) 15th Green Restoration concepts meeting has been delayed until late April. Jason Naber will be presenting the EOR concept to the Golf Club at the upcoming FHGC meeting.

Dr. Funke noted that the Comfort Lake Diagnostic report will be uploaded to the April 8th board packet on March 26th to allow an extra week of review time for the Board, as it is a rather large document.

Manager Anderson asked if there has been any progress on getting a realtor for assistance regarding the land adjacent to the Sunrise River Wetland Restoration. Mr. Kinney responded that there has been no progress made as he was unsure of the board direction (i.e., RFP for design services or for realtor services). Manager Anderson and President Spence indicated that the Board's direction to develop an RFP pertained only to design services. Mr. Kinney stated that he will begin the RFP process.

c) Smith Partners

Nothing to report.

9. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Manager Schmaltz stated the District had income of \$21,589.56 for the month of March. The month's expenses total \$218,357.67. President Spence asked the Board to approve payment of monthly expenses.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$218,357.67. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 4-0.

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

10. Report of Officers and Managers

Manager Schmaltz commented that the Whereas statement in Resolution 21-03-01 still shows Agronomist funding at 50%, where it should be at 80%. He asked if Ms. Heinz could please check this and make the appropriate change.

Manager Anderson shared early ice out on Comfort Lake.

11. Summary and Approval of Board Direction

Directives from the meeting were summarized:

- 1) The Board requested a future agenda item to discuss the follow-up on BMP maintenance on Permits.

- 2) Regarding the 2020 year-end review, the pie chart on page 13 should include percentages of spending.
- 3) Regarding the 2020 year, Manager Schmaltz asked Dr. Funke elaborate on the chlorophyll information in the report and would like to discuss this information at a future meeting.
- 4) 2021 AIS prevention and management plan – Mr. Miller include lake association efforts in the District’s information base and in future reports.
- 5) Staff will investigate electro-fishing and a potential fishing contest on Shields Lake.
- 6) The Board would like to see yearend actual expenses and budget amount comparisons in the AIS reports.
- 7) Regulatory program reporting should be clear on separate lots being inspected, not just in developments.
- 8) Staff should review and correct the “Whereas” statement in the resolution regarding the 50%/80% Agronomist typo. The resolution should state 80% not 50%.
- 9) Manager Schmaltz and staff will pull together some Lower St Croix tools for project reporting.
- 10) Manager Anderson will send the Army Corps of Engineers report and other reports to Mr. Kinney for distribution to all Managers.

12. Adjourn

a) Next regular board meeting – April 8, 2021

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 8:33 pm.

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

Jen Oknich, Secretary _____