

**MINUTES OF THE REGULAR MEETING OF THE  
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT  
Thursday, January 27, 2022**

**1. Call to Order**

President Schmaltz called the January 27, 2022, regular board meeting to order at 6:30 p.m. 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; Emily Heinz, Planning Coordinator; Blayne Eineichner, Project Coordinator; Aidan Read, Land Management Specialist (CLFLWD staff); Greg Graske, Jason Naber, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Steve McComas (Blue Water Science)

**2. Setting of Meeting Agenda**

Manager Anderson moved to approve the agenda, with the addition of an Administrator's Review Update as item 8(a). Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

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

**3. Consent Agenda**

- a) **Special Board Meeting Minutes – December 14, 2021**
- b) **Regular Board Meeting Minutes – December 16, 2021**

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

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

#### **4. Public Open Forum**

There were no comments.

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

Mr. Read explained that the Citizen Advisory Committee (CAC) meeting notes were provided before the board meeting. He welcomed any questions regarding these notes.

Manager Anderson requested that the annual state of the watershed be discussed with the Citizen Advisory Committee (CAC). She would like to know if they would like to hold this meeting virtually for 2022. Mr. Read confirmed that he would run that by the group. He noted that the CAC would not be meeting in February due to a lack of availability of committee members. Although, he will be sending out materials for review.

Mr. Read summarized some major themes discussed by the CAC including:

- His efforts to reach out to local schools and involve local students.
  - Mr. Read explained that the Future Farmers of America (FFA) advisors had proposed a possible event in partnership with the CAC. He will further explore the concept with FFA advisors, the CAC, and other District staff in the months to come.
- The committee's interest in hosting a project tour.
  - The CAC would like to host a field day open to the public to showcase completed District projects.

#### **6. Aquatic Invasive Species Update**

##### **a) Blue Water Science Service Agreement**

Manager Anderson asked if a shoreline inventory would be included in the 2022 service agreement. Mr. Kinney explained that a shoreline inventory was not added to the Blue Water Science service agreement. Staff is exploring multiple different options to complete this inventory and assessment. These options include fieldwork partnerships and the use of technology. Staff believes data and information can be gathered by different means and then Blue Water Science would be asked to analyze and report on the data collected. Mr. Kinney noted that shoreline health and conditions assessment currently is being implemented in the Carnelian-Marine-St. Croix Watershed District. Manager Schmaltz asked if there is a budget for shoreline inventory and assessment. Ms. Heinz commented that this work can be completed utilizing budget line item 3004-A.

Manager Toavs asked what type of data are collected. Mr. Kinney explained that the condition of the shoreline is the information being gathered through photos, unmanned aerial vehicle (UAV) footage, and geographic information systems (GIS) technology. He explained how the data can be used to calculate the loss of natural shorelines and

assist the cities in their administration of tree preservation ordinances. Manager Anderson noted the importance of providing the information and data to local government units (LGUs) She explained that this gives the local LGUs the information needed to take enforcement action.

Manager Loth asked if the projects listed in the Blue Water Science agreement are regularly reoccurring. Mr. Kinney explained that the listed projects are consistent each year. President Schmaltz explained that aquatic invasive species management has always been reoccurring because it is a management effort and not an elimination effort.

Manager Anderson moved to authorize the Administrator, on advice of counsel, to enter into an agreement with Blue Water Science in accordance with the January 19, 2022, services agreement and in an amount not to exceed \$26,600; and authorize the Administrator to request additional services from Blue Water Science, not to exceed \$2,660 (10%), to be compensated in accordance with the 2022 service agreement. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 5-0.

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

**b) 2021 AIS and Watercraft Inspection Reports**

Manager Loth moved to approve the AIS Program Summary and Watercraft Inspection Report. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

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

Steve McComas gave an overview of his work completed in 2021. This included:

- Bone Lake
  - Curly-leaf pondweed (CLP) and Eurasian watermilfoil (EWM) delineation and assessments
  - Zebra mussel and starry stonewort search
  - Lake Overview: CLP varies from year to year, EWM is heaviest in the north and south ends of the lake, EWM control hampered by lilies, EWM 1<sup>st</sup> observed in 2006, no zebra mussels observed at the end of the 2021 season
- Comfort Lake

- Curly-leaf pondweed (CLP) and Eurasian watermilfoil (EWM) delineation and assessments
- Lake Overview: CLP is under control without treatment, EWM is mixed well with lilies; EWM 1<sup>st</sup> observed in 2014, EWM growth should be light to moderate in the coming years due to nitrogen conditions
- Moody Lake
  - Curly-leaf pondweed delineation and assessments
  - Point intercept surveys
- Shields Lake
  - Curly leaf pondweed delineation and assessments
  - Point intercept surveys
- Forest Lake
  - Curly leaf pondweed and Eurasian watermilfoil delineation and assessments
  - Flowering rush delineation and assessments

Manager Anderson moved to accept Blue Water Science’s AIS Reports. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

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

## 7. New Business

### a) Permit 21-033 North Shore Circle

Mr. Grasko explained that this is a street and utility project. He gave an overview of the project location. He explained that the focus of the project is the sanitary sewer replacement. He noted that the project does not increase impervious surfaces, but the City will have to remove and replace the existing road as a part of the project.

He gave an overview of the proposed best management practices to be completed along with this street and utility project. The best management practices to be implemented included:

- A bio-filtration basin
- Conversion of turf grass to native vegetation with a walkway
- Swale to send water to cottonwood trees for uptake

Mr. Grasko recommended approval of the permit pending a revised biofiltration mix to reduce phosphorus leaching. Permit number 21-033 has three stipulations including:

- Creation of bioabstraction practice provided District has acquired the underlying land consistent with the City's construction schedule.
- Submittal of as-built survey for stormwater infrastructure.
- Maintenance of swales and biofiltration practice in accordance with the terms of the “Cooperative Agreement for Maintenance of Stormwater Management Facilities and Watercourse and Basin Crossings” (November 9, 2012).

Manager Anderson thanked staff for their innovative ideas regarding the use of swales and vegetation to uptake water. She asked that before and after photos be taken to ensure the District has materials to promote this work. Manager Anderson asked questions regarding recommendations and enforcement. Managers discussed inspections for the permit.

Managers discussed the project and Hayward Avenue in terms of additional construction possibilities. Manager Schmaltz related his observation that there are damaged culverts that will require replacement. Topics covered included drainage issues, runoff prevention from fresh blacktop, and swale construction. Mr. Kinney explained that the petroleum associated with blacktop is an organic compound that would be broken down by microbial activity in the soil.

Managers discussed the excavation of the areas where dumping has occurred in the past. Mr. Kinney explained that staff would check in with the public works department at the City of Forest Lake. Managers discussed the legality and responsibility of cleaning out these ditches. Managers Loth and Schmaltz discussed following up with the City of Forest Lake to discuss the project.

Manager Anderson moved to approve permit application #21-033 with conditions stated in the engineer’s memorandum. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

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

**b) Natural Resources Inventory and Assessment**

Mr. Naber gave an overview of the natural resources inventory to be started in 2022. He noted the multiple combined efforts that will occur. He explained that the project will encompass three budgeted items including the 5-420-A Comprehensive Wetland Inventory, 5-520-A Natural Resource Inventory, and 5-620-B Groundwater Dependent Natural Resources Review. He explained that the first step is planning, the second step is a desktop analysis to identify data gaps, the third would be going into the field to

collect those missing data. He noted that EOR is proposing to utilize an online database for data collection. He explained that this will be a comprehensive effort.

Manager Anderson asked what would be used to analyze the missing gaps. Mr. Naber explained that staff has a web-based platform that was designed per the management plan to analyze data that are available or missing. He noted that staff also have access to data layers from outside sources like the statewide data. He explained that this will be analyzed using GIS. Staff will also collect data that are not available.

Manager Anderson requested that data be collected regarding lateral ditching to the former Judicial Ditch 1. She indicated that the goal should be to restore these areas to their natural conditions.

Manager Bakke referenced a gravel mine near Bone Lake and asked if the mine's impact on groundwater would be assessed. Mr. Graske confirmed that the bulk of this mine is in the Carnelian-Marine-St. Croix Watershed District. Mr. Kinney noted that if boundary changes were made, the area where the mine is located would become a part of the Comfort Lake–Forest Lake Watershed District. Managers discussed possible effects on the aquifers.

Manager Schmaltz noted that the District may look into involving outside professionals who assisted with the management planning process. Manager Anderson noted that staff stated they would be reaching out to outside agencies during the gap analysis process.

Manager Anderson moved to authorize the Administrator, on advice of counsel, to enter into an agreement with Emmons and Olivier Resources, Inc. in accordance with the January 13, 2022, EOR scope of work and in an amount not to exceed \$182,234. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

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

### **c) Citizen Advisory Committee Appointments**

Mr. Kinney explained that, per statute, the District is required to appoint an advisory committee each year. He explained that Mr. Read has been taking over management of the plant grant program through which he will attempt to recruit Citizen Advisory Committee members.

Manager Loth asked about the length of service of the listed CAC members. Mr. Kinney explained that the individuals have been involved anywhere from 3-10 years.

Manager Bakke explained that when he attended the advisory committee, he found the members to be very engaged. Although, he noted that he would appreciate adding some diversity to the group to better represent the District’s citizens.

Manager Anderson moved to appoint Tom Furey, Jerry Grundtner, Randy Schumacher, and Curt Sparks to serve as the District’s Citizen Advisory Committee for 2022. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

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

**d) Designation of Official Newspapers & Banks**

Manager Anderson moved to designate the official newspapers of the Comfort Lake-Forest Lake Watershed District for 2022 as the Chisago County Press and the Forest Lake Times. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

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

Manager Bakke requested an explanation of the rationale of having multiple banks. Mr. Kinney explained that multiple banks are utilized by the District because of the account limit that is covered by federal deposit insurance and otherwise requires the bank to provide collateral.

Manager Anderson moved to designate the First State Bank of Wyoming and Lake Area Bank as the official financial repositories of the Comfort Lake-Forest Lake Watershed District for 2022. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

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

**e) Governance Manual Annual Review**

Mr. Kinney advised that each year the governance manual is brought forward for consideration of any revisions that the managers may wish to discuss. He noted that in the past he has met individually with managers to discuss the manual. He welcomed managers to meet with him and legal counsel if needed.

Managers discussed the per diem policy. Manager Anderson suggested allowing the administrator to extend the deadline for a manager to file a per diem. Mr. Holtman stated that there would be no legal obstacle to adding this language. Managers discussed the Treasurer's involvement in approving per diem claims.

Managers discussed the rate of \$125.00 per day for manager per diem, as established by state statute. Mr. Kinney explained that special meetings, regular meetings, prep time for noticed meetings, and workshops have this flat rate. He noted that claims need to be submitted to staff in a timely manner for auditing purposes.

Manager Anderson requested to discuss the manual with the administrator and legal counsel and come back to the entire Board with a recommendation for amendments. The managers concurred.

**f) 2021 DIY and CAT Water Monitoring Report**

Mr. Kinney indicated the draft report is enclosed in the meeting packet, and Blayne Eineichner will give a presentation on this topic at the next regular board meeting.

**8. Old Business**

**a) Administrator's Review**

Manager Anderson summarized the discussion that occurred on January 12, 2022, regarding Mr. Kinney's employee review. She noted that the Board recognized a performance increase. As to cost-of-living increase, the Board agreed that Manager Anderson would review the cost-of-living determination of the Bureau of Labor Statistics (BLS) in comparison with the 2.2 percent figure presented by Gallagher in its contracted salary review for the District.

Manager Anderson advised from her subsequent investigation that the BLS cost-of-living figure also is 2.2 percent. She will distribute additional information to the managers for consideration at the second regular board meeting in February. She reminded the managers that this additional information is confidential.

Manager Bakke requested access to previous reviews of Mr. Kinney's performance. He explained that he would like to see continual growth. Manager Anderson noted that the review format has changed over the years.



## 9. Past Project Spotlight: Shields Lake Stormwater Reuse and Alum Treatment

Mr. Kinney gave an overview of the project. He included information on:

- Project phases: The first phase was a diagnostic phase that proceeded on the basis of issues brought to the District by landowners as well as the lake's impaired status.
- Design concepts: The District utilized a water storage area on the golf course that was not being used.
- Pre-project meetings: He explained the importance of gathering public input.
- Post-construction layout
- Before, during, and after construction photos
- Alum treatment: This addressed the remaining internal loading.
- Monitoring efforts: Groundwater use is being reduced greatly by the system.
- Assessment of progress: The large amount of pollutant load reduction from this project can be attributed to the use of diagnostic monitoring.
- Water quality in Shields Lake: If the quality remains high this lake could be de-listed from the Minnesota Pollution Control Agency's list of impaired waters.
- Cost-benefit analysis over a 25-year period

## 10. Report of Staff

### a) Administrator

Nothing further to report.

### b) Emmons & Olivier Resources

Mr. Graske stated that the District is having conversations with the City of Forest Lake regarding pre-permitting and planning. He noted that he will be attending a meeting at the city hall on February 2<sup>nd</sup> to obtain more information. He explained that several design projects are in the works. He noted that the materials provided for the Board have been updated for 2022 with new projects and timelines.

### c) Smith Partners

Nothing to report.

## 11. Report of Treasurer

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

Treasurer Schmaltz reported income for the period of \$710,183.71 and expenses in the amount of \$245,332.18.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$245,332.18. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

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

## 12. Report of Officers and Managers

Manager Anderson: Reported that the legislative session will be starting soon. She noted that the number one item on the Minnesota Association of Watershed District (MAWD) agenda is raising the cap on watershed districts' levy authority for general operating funds. She explained that it is now limited to \$250,000. She explained that multiple scenarios and options are currently being researched. Manager Anderson reported that at the MAWD meeting there was a presentation on stormwater reuse from the Minnesota Department of Health regarding the health risks of reused water. She explained that the report will now be reviewed by multiple watershed districts and water resource specialists.

Manager Loth: Reported that he has been having conversations with the District administrator regarding multiple public relations topics. He asked if the District has ever considered putting up road signage to denote that one is entering or exiting the District. Manager Loth also would like staff to consider adding manager bios on the District website.

Manager Bakke: Reported that he will have limited internet for the February 1<sup>st</sup> special board meeting.

Manager Toavs: Reported that he has signed up to be a member of the Sustainable Farming Association and will be attending its annual conference. He believes sustainable farming will be critical for improving District waterways.

Manager Schmaltz: Nothing to report.

## 13. Summary and Approval of Board Direction

A summary of the Board direction was presented as listed:

- Staff will ask CAC members what they think about holding the District annual state of the watershed meeting remotely.
- Staff will take photos of the innovative management practice involving the grading of soils for vegetative uptake of water under District permit 21-033.
- Staff will follow up with Forest Lake public works to discuss the effectiveness of the no-dumping campaign program in the Forest Lake area.
- Staff will follow up with the City of Forest Lake to gain additional information regarding the road and culvert work occurring off North Shore Trail under permit 21-033.

- Staff will add a focus on the JD-1 system along the Sunrise River and lateral ditches associated.
- Staff and Counsel will discuss the manager per diem policy with manager Anderson to prepare recommendations for amendment.
- Staff will develop manager bios to be included on the District website similar to the recent bios created for staff.
- Staff will look into the possibility of placing road signs around the District including language similar to “Welcome to the CLFLWD” or “You are now entering/exiting the CLFLWD”

**14. Adjourn**

- a) **Next special board meeting – February 1, 2022**
- b) **Next regular board meeting – February 10, 2022**

Manager Toavs moved to adjourn the meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 9:27 p.m.

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

Dave Bakke, Secretary \_\_\_\_\_