

**MINUTES OF THE SPECIAL MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, April 30, 2020**

1. Call to Order

President Spence called the April 30, 2020 special board meeting to order at 10:00 a.m. via online video teleconference.

Present: President Jon Spence, Vice President Jackie Anderson, Treasurer Steve Schmaltz, Manager Jim Dibble.

Absent: Secretary Jen Oknich

Others: Mike Kinney, Emily Heinz (CLFLWD staff); Doug Thomas, Lori Han (Houston Engineering)

2. Workload Analysis

Doug Thomas reviewed the meeting agenda, purpose and goals. The purpose of the workshop is to discuss visioning for the next ten years and how that vision relates to the current plan; this will help build the future workforce scenario. There would be three scenarios – core critical, current activity level, and future workforce scenario.

Framing Questions

- What is on the horizon
- What needs to happen that is not in your current ten-year plan
- Emerging issues (e.g. climate change)
- What/where do we need to do more to achieve our goals

Topic Areas

- Urban Areas (pond maintenance, chloride, green infrastructure, etc.)
 - Stormwater Treatment - treat vs infiltrate (if infiltration is not an option, how can we treat the water flowing through?)
 - Manager Anderson: Treatment of urban stormwater is a big issue. Need comprehensive stormwater maps (including culvert dimensions and inverts) from local municipalities. This is a foundational element that needs to be in place.
 - Development/Re-Development
 - Manager Anderson: The upcoming Highway 8 reconstruction project can have impacts on local lakes such as Comfort Lake. MnDOT needs to implement protection measures to reduce impacts. Need to accommodate excess stormwater runoff created by increased number of traffic lanes and associated increased impervious surface.

- Manager Schmaltz: Need to be aware of Broadway Ave. reconstruction in future. Need to project development patterns in the next ten years. Mr. Thomas indicated HEI will not do this as part of the workload analysis. Manager Schmaltz suggested we look at Metropolitan Council’s data. Are we growing at 4%? 6%? More commercial or residential? Mr. Thomas suggested the District understand the future conditions for modeling purposes. What will it look like if the cities’ comprehensive plans are executed as planned?
 - Engagement with Municipalities/MS4
 - Manager Anderson: We need to evaluate what is currently being done by municipalities/counties etc. If regulations are not being upheld, the watershed district needs to step in.
 - Administrator Kinney: Many cities, at the staff level, are more focused on economic development than compliance with environmental protection measures (watershed district rules, MS4 permit). Need to communicate with cities to understand how environmental protection is beneficial to economy/the citizens.
 - Manager Schmaltz: We need to work with the cities to be more aggressive in their work to adhere to MS4 requirements. More needs to be done in that area: help get grants, provide staff time to assist with activities. We need to work with the cities to come to an understanding on why we our regulations are as strict as they are. Cities often ask CLFLWD to relax our regulations, comparing CLFLWD to Rice Creek Watershed District, which is a very different watershed compared to CLFLWD, especially because RCWD is much larger.
 - Manager Dibble: Meet four times a year with city and MN Department of Transportation to find out what they are looking at for projects. Both sides need to know what the other is doing. There was discussion about the City of Forest Lake’s downtown district joint study.
 - Manager Anderson: We are not against development; we are for smart development. If we do not protect our resources to begin with, we will be spending millions of dollars later to clean them up.
 - Administrator Kinney: We used to have a monthly coordination meeting with the City of Forest Lake. This was in addition to the city’s regularly scheduled engineering meeting, which only focuses on CLFLWD a portion of the time. Mr. Kinney has made many requests to reestablish these monthly coordination meetings with the new city administrator. CLFLWD has board members appointed to specific city liaison roles. Managers could reach out and help get the ball rolling. Staff is working on preparing a memorandum of agreement for the Forest Lake downtown district joint study.
 - Manager Anderson: The board liaison is more of a public relations role. Managers cannot do the type of work that staff or consultants can do. This should be factored into the workload analysis.
 - President Spence: Urban areas are growing, and impervious surfaces are increasing, increasing runoff and degrading the lakes. We need to

get ahead of this rather than playing a game of catchup to counteract the decades of degradation.

- Rural/Agricultural Areas (erosion control, nutrient management, grazing management, manure management etc.)
 - Manager Anderson: Like with urban areas, need to understand what iss there before we can proceed in a comprehensive manner. The District’s Rules are designed around holding water on the property. This relates to non-inventoried ditch systems that need to be addressed because they are in opposition to the District’s rules’ intent. Need to map farms (big and small) as well as the ditches (inventoried and non-inventoried).
 - Manager Dibble: Are there zoning requirements for agricultural land use in Chisago and Washington counties?
 - Administrator Kinney: By and large, MN Department of Agriculture regulates this. If there is a compliance issue, there is some level of cost sharing offered to the landowner to rectify it. Nitrate contamination comes from overapplication of fertilizers. Need to consider situations such as: if someone wants to put in a new animal agricultural operation (e.g. poultry farm), this could be harmful to the lake. Need to help them create and implement a nutrient management plan.
 - Doug Thomas: Zoning in agricultural areas dictates what farmers can have. For example, may need to have one or two acres of grazable area for a horse. There is often no permitting for smaller animal feed operations because they do not fit the definition of a feedlot (over 1,000 animal units). We know agriculture at that level has an impact, but how do we approach and work in that area differently than today.
 - Manager Schmaltz: Other approach is to better understand what contribution to water quality issues does farmland in general pose. Do we need to implement a comprehensive agricultural outreach program? Not sure if the farming in CLFLWD is expansive enough.
 - President Spence: Need an understanding/inventory of CLFLWD’s ag areas. It is possible that most of these are not triggering the District’s rules because no new or redevelopment is occurring.
 - Doug Thomas: Agricultural activity is exempt from the District’s rules. However, if a serious violation occurs such as manure/soil dumping right near a creek or wetland, the District can coordinate with MN Department of Natural Resources for enforcement action.
 - Manager Anderson: How do federal restrictions get implemented?
 - Doug Thomas: MnDNR has authority to regulate acts that directly cause harm to waters of the state. Certain types of ag ditching are exempt under the federal clean water act. The act uses term “normal farming practices” – even if excessive erosion occurs one year, if a farmer shows they are using normal practices, there is not enforcement. We really rely on voluntary, incentive-based approach in our country.
Manager Schmaltz: So, the approach is opportunistic.
 - Manager Spence: If a channel has already been put in place, what recourse do we have to do anything about it? What can we put in place to help try to get ahead of those types of issues?

- Manager Anderson: Need to ID how many are out there to understand the inputs we are dealing with. Second question is legal question: if not authorized by ditch board, does the owner have the legal right to use that ditch system connected to a public waterbody to channel their stormwater? Does that legacy continue to be allowed even if its installation was improper or its use has changed (e.g. from ag to residential subdivision)?
- Doug Thomas: This is what is considered private drainage. The District can identify opportunities for corrective measures. This is articulating how we want to look at this issue area in the next ten years.
- Administrator Kinney: Need to look at how to put together a program to address this. District is currently working with two absentee landowners to convert crop fields with perennial cover which will protect waterbodies. Agree go with inventory process and ID which ones we want to approach landowners about.
- Manager Anderson: This should be included in our diagnostic studies. There are other damages that can occur besides phosphorus such as sediment, nitrogen, and quantity (e.g. flooding concerns, especially in the face of increasing precipitation patterns).
- Administrator Kinney: Our diagnostic studies are not as complete as one might think. For the most part they look at larger conveyance systems. Costs and staff capacity has prohibited checking every lateral tributary in the field. For Washington Judicial Ditch 6 (WJD-6), staff members are focusing this year to see if there is hot spot coming out of this system. Grab samples are not showing one specific source.
- Doug Thomas: These ditches were installed in the 1930's/1940's to create grazing for horses, etc. As we have more intense storm events it becomes more important to understand the full extent of the interconnectedness to identify areas of opportunity. There probably are not obvious smoking guns where big projects can be implemented. It is going to be smaller, more diffuse projects that are planned and strategized in a way that cumulatively makes a big difference.
- Lakes (aquatic invasive species, rough fish, shoreland, fisheries, lake levels etc.)
 - Manager Spence: aquatic invasive species (AIS) have been a growing concern in recent years. There's still more AIS to come, new species. There are concerns about how to handle some of the species (for water quality benefit or recreational benefit). We need to resolve these questions – is it a watershed issue that we need to spend tax dollars on, is it a resident issue, etc.
 - Manager Schmaltz: Lakes have always been a high priority for us, and we have made some tremendous progress on lake improvement. We are very close to achieving our water quality goals. Concerned about future grant availability as more funds are directed toward One Watershed One Plan (1W1P). If our grant revenue drops by half or more, how quickly can we move forward on projects?
 - Administrator Kinney: Things like changes in grant funding are another opportunity for adaptive management. Reviewed the draft street sweeping load reductions for Forest Lake, and the results are impressive. Need to be looking at more projects like this for other municipalities.

- Manager Anderson: Looking at section 3.2 of the current plan, recreational use is part of the opening statement for that issue area. People living on lakes are not happy when the watershed district doesn't strive to improve recreational value. All citizens have the right to use public lakes. Need to broaden the recreational value objectives beyond just phosphorus. Also need to increase the shoreline buffer program. Want to bring that in house rather than contracting out, and to provide staff available on weekends to address issues. Need to focus on factors other than phosphorus; sediment is a big issue for Comfort Lake. The current plan includes a note that implementation to occur "as appropriate to each lake." We cannot use one standard for all lakes.
- Manager Spence: We should understand what our regulations are, and what cities are responsible for. It is difficult to enforce because much work occurs on weekends/evenings.
- Manager Anderson: Need to look at the District Rules and see where changes need to be made, such as increasing enforcement of shoreline alterations.
- Manager Dibble: Recently re-staked some bogs on Forest Lake. Other residents did not want them near their shoreline, so he moved them and re-staked elsewhere.
- Creeks/Rivers/Streams (riparian corridors, beavers, buffers etc.)
 - Manager Anderson: The issues, goals and objectives stated in section 3.3 in the current plan are still relevant. The District has backed away from some of this in the last decade or so. Stream work is heavily dependent on input from engineers and staff. This is going to be based on available information and identify where new information is needed. Need to do water monitoring in streams and rivers. Need to understand where the actual headwaters are for the Sunrise River.
 - Manager Spence: Preservation of streambanks has not been worked on much. There are areas where we are losing streambank to erosion which is becoming an increasing issue for the next ten years.
 - Doug Thomas: Is there a vision about what stream work in the next ten years might entail? More protection for riparian corridors? Working with other groups to protect?
 - Manager Anderson: The District is working on objectives in the current plan through the regulatory and cost-share programs. Need to inventory these laterals so we understand if they're private or public. These are covered in existing objectives; we just need to implement a comprehensive program. Would this be a hired person, contracted person or entity?
 - Emily Heinz: Prioritization of District goals will be key to understanding what can be done by existing staff vs. hiring more staff or consultants.
 - Administrator Kinney: Staff member Blayne Eineichner and stream engineering firm, Interfluve, can be used to do some stream work.
- Wetlands (wetland buffers, regulatory assumption, restoration etc.)
 - Manager Anderson: Need an inventory of undisturbed wetland areas in order to evaluate sites for protection measures such as acquisition and/or coordinating with local municipalities.

- Manager Spence: Wetlands are key parts of our filtering and storage capacity, but we do not fully understand how degraded some of our wetlands are.
- Administrator Kinney: Degraded wetlands are probably more of an impact than we realize. For Shallow Pond, one of the biggest motivators for addressing the load is to make sure it does not become a source in the future. Right now, it is acting as a sink and storing phosphorus from upstream, but it won't be like that forever. It is important to use diagnostic monitoring to understand roles of wetlands impacting water quality because of legacy impacts from humans. These impacts are not obvious until a more comprehensive diagnostic study is done. Desktop analysis alone will not find these issues.
- Manager Anderson: What happens when wetlands are used to treat urban runoff or are subject to residential illicit dumping of yard waste etc. Need to look at the history of certain areas to understand the impact of downstream nutrient discharge. Research has always been part of our plan. We have done a good job using it where opportunities arise, such as new technologies becoming available.
- Manager Schmaltz: The Claros media and IORodeo monitoring equipment are significant technologies. Caution against overloading ourselves. Look at yard waste dumping in wetlands near residential areas. How much do we act on these wetland objectives? Look back at what we have done.
- Manager Anderson: We are not yet at a stage where we can start assigning tiers to everything. Step one is doing the inventory. When we do a diagnostic study of a lake, we're looking at all of the input sources of the lake, if they haven't been as comprehensive as they should be, we should make these last two remaining diagnostic studies more comprehensive so we have all the wetlands streams etc. identified. Then ultimately update existing diagnostic studies to be more comprehensive. Need to identify wetlands we want to maintain in their natural state.
- Emily Heinz: The District's Performance Review and Assessment Program (PRAP) evaluation table is updated annually, assessing progress toward each activity in the Implementation section of the Watershed Management Plan (WMP). Staff could apply this framework to the goals and objectives outlined in the Issues section of the WMP.
- Manager Spence: Need to identify the "gate" items we need to get through first in order to proceed further. Know that we need to be agile despite having a tier structure in place. I am not sure we want to take on the Wetland Conservation Act (WCA) authority, but we need to work with those who currently have that authority.
- Manager Anderson: The current plan is under the assumption of having only one or two people on staff. The District should be a resource for the community to go to for water issues. If that means taking over the WCA authority, then we should do it.
- Manager Schmaltz: Education is more the solution than enforcement. For example, try an educational approach to residential yard waste dumping in wetlands.

- Administrator Kinney: The City of Forest Lake is the WCA authority in their boundary, and they contract with Bolton & Menk for the technical work. BWSR/WCD/CLFLWD are all involved in technical review as well. The authority and associated contacts are very different for each municipality. All contractors should be aware of wetland impacts before taking a construction project.
- Manager Anderson: Consistency is important. If all WCA authority was with CLFLWD, there would be more consistency.
- Emily: Will there be a financial element of the workload analysis? How will increases in staffing/consultant services increase the District's levy?
- Doug Thomas: Taking on WCA authority needs to be in your plan. Because you did not do it at the beginning of WCA, you will need to do that in a cooperative spirit with the cities. It might be messy to work through, but something we will at least include in this future vision scenario and provide at least some idea if the District were to do that what that might look like in terms of additional workforce needed. Houston Engineering will make an FTE estimate. It is difficult to estimate wages/compensation but will advise whether it is better to have in-house vs contracted out.
- Manager Schmaltz: Recommended against taking over WCA responsibility. Recommended focusing on education instead. Will want a cost estimate for taking over WCA. Also need to prioritize things – what we want to do and what we cannot afford to do.
- Doug Thomas: The workload analysis will not get into explicit detail of procedures but will come up with a general estimate for necessary workforce. An increased education aspect will also be factored into the analysis.
- Manager Anderson: Want to underscore the value of taking on WCA authority – consistency of program implementation would be a good service to the community.
- Non-inventoried ditches and connections – this topic was largely discussed under other categories.
- Groundwater (drinking water, groundwater dependent resources)
 - Doug Thomas: This is a discussion of quantity and quality. The field is already pretty full, with many others doing work. Department of Health is responsible for drinking water municipal supply and protection. There is some township-level nitrate testing in well water. The District does have some groundwater dependent resources (e.g. Forest Lake groundwater fed springs).
 - Administrator Kinney: The District submitted a resolution to MAWD last year addressing what seems to be a gap in regulation where groundwater withdrawals are occurring. There should be a requirement to implement surface best management practices to increase infiltration and groundwater recharge, but that currently is not being enforced. There are also concerns about overapplying water just as nitrogen is often overapplied.
 - Manager Anderson: It could be beneficial for for the District to identify the sensitive water recharge areas. We can provide technical information to partners. The District can be a technical resource and help with education.

- Doug Thomas: There are some wetland complexes and springs in the District. Are they adequately addressed in the rules? Is this an area that needs to be focused on more?
- Manager Anderson: Need to gather full information together for our boundary area so other entities can come to us for technical assistance.
- Administrator Kinney: There is some data we can look at. DNR keeps track of wintertime vs summertime groundwater use. Relates to infrastructure, appropriate water line sizing etc. Can reach out to entities like homeowners' associations to implement water conservation practices.
- Public Education
 - Manager Anderson: This means not only educating but keeping the public informed of what we are doing. Would like to have an outside professional company help us with our public communication so that we are talking about our projects, getting them in the local papers, website, mailings etc. Put together a well laid out public relations program so we are letting people know in real time what we are doing, then recap that info in our annual reports. There is an effort to rebrand and get a new logo that is much more attractive. The logo can be used on clothing that our staff wear, vehicles etc. Working on getting a new website host and improving our website so we can add more project information such as real-time updates. The activity level is high enough that this program needs a full-time employee.
- Interagency Communication
 - Manager Anderson: I do not know that we have enough staff that we can do a good job maintaining relationships with cities and townships. If that is not able to be handled by existing staff, we need to look at that sometime in the next ten years. All this is not going to happen all at one time; we are looking ten years out.
 - Manager Dibble: The District should invite other watershed districts for a joint meeting to talk about best practices everyone is using. This could result in all attendees adopting practices which can improve efficiency and save time and money.
- District Office Space
 - Manager Anderson: The District could potentially hire a consultant to look at the new office building. Need to start working on that soon.
 - Manager Dibble: Remote working will be a factor to consider here. Can we save money on the office space by having more people work from home?
 - Administrator Kinney: On the topic of remote work and technology - we could give a presentation of new software staff is using to track programs and projects. Staff keeps bringing things to the table that help us coordinate more efficiently. Work is progressing just as well as we had hoped with everyone working remotely. Staff is saving a lot of time not driving around to other offices. Maybe remote meetings will become the new normal. Face-to-face communication is important to have, but maybe not needed as frequently as we used to think. Could use a rotating office space/shared desks where people work from home a couple days a week. We can talk to partners about their space needs. Maybe there is more interest/demand for a community space. We

know there is currently a need for trailheads, public restrooms etc. around local trails like the Hardwood Creek Trail. This all relates to public outreach and interagency communication.

- District Capacity
 - Manager Anderson: We should address in general terms in our plan the intent to use the number of outside firms (such as engineering firms) necessary to get things done. It does not always have to be one firm.
- Upland Resources
 - Emily Heinz: This is another issue area that is currently being discussed as part of the Watershed Management Plan Update.
- Research
 - Manager Anderson: The District is always looking at innovative ways to approach issues and maximize cost-benefit. Need to make sure that information gets out to the scientific community. The Watershed Management Plan should incorporate that aspect as well. The research initiatives we are involved in need more recognition in the scientific field.

3. Adjourn

a) Plan Update Issues Workshop – May 12, 2020

b) Next regular board meeting – May 14, 2020

Manager Anderson moved to adjourn the meeting. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 2:11 p.m.

Jen Oknich, Secretary _____