

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, October 8, 2020**

1. Call to Order

President Spence called the October 8, 2020 regular board meeting to order at 6:30 p.m. via online video conference

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

Absent: Secretary Jen Oknich.

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz (CLFLWD staff); Meghan Funke, Greg Graske, Cecilio Olivier, Camilla Correll (Emmons & Olivier Resources); Chuck Holtman (Smith Partners)

2. Setting of Meeting Agenda

Item 5d Land Acquisition Opportunity was added to the agenda.

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

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

3. Public Open Forum

There were no comments.

4. New Business

a) Floodplain Vulnerability Assessment

Administrator Kinney noted the memo was revised to reflect discussion held since this item was first presented to the Board. Camilla Correll explained the reason this is being presented to all three watershed districts (CLFLWD, Browns Creek WD and Carnelian-Marine-St. Croix WD) is that all three are experiencing changes as a result of increasing

precipitation patterns and elevated groundwater levels. She explained Emmons & Olivier Resources (EOR) presented the scope to all three watershed districts so they may consider cost-sharing in this effort. Additionally, the districts can compare impacts from one watershed to another. The scope proposes looking at a flood evaluation study under a future climate change scenario. This will help elaborate on an approach based on the latest science and climate data available. The Browns Creek WD board approved 1/3 of the total cost, and Carnelian-Marine-St. Croix WD is expected to approve the same amount at its board meeting October 14. Ms. Correll noted EOR discussed this topic with Matt Downing, Interim Administrator for Middle St. Croix Watershed Management Organization (MSCWMO), and while MSCWMO lacks the funds to be a financially contributing partner, it is interested in participating in the discussion. Dr. Funke noted this connects to the CLFLWD Board discussion about using the hydrologic & hydraulic (H&H) model to evaluate future precipitation scenarios and flooding responses. She noted the Technical Advisory Committee (TAC) met last Tuesday and discussed the floodplain vulnerability risk. The TAC felt it would be worthwhile to pursue this effort on a regional level, rather than individually.

President Spence clarified the proposed scope will lay the groundwork to do a vulnerability assessment and will not include the assessment itself. Dr. Funke explained the original scope was expanded beyond simply laying the groundwork, but EOR pared it back after discussions with the Board. The current scope includes initial discussion so to identify high risk areas. Manager Anderson indicated the Board does not want to have meetings just to be told there is a climate problem, of which the Board is already aware. She asked why Rice Creek WD isn't proposed to be included in the partnership considering its overlap with and impact on the City of Forest Lake. Ms. Correll indicated EOR would reach out to Rice Creek WD and see if it would be interested in participating. If so, the cost may be split four ways instead of three, resulting in a lower amount for all partners to contribute. Manager Anderson offered that a review should encompass not just a part of Forest Lake, but the whole city, so that if Rice Creek WD isn't interested, staff should seek to engage the city directly.

Dr. Funke noted that the proposed inter-watershed district meetings would help EOR ensure it is heading in the right direction as far as what modeling scenarios to run (e.g. a 16-in rain event vs a 14-in rain event). Manager Anderson asked how the results will be presented. Dr. Funke indicated the final presentation will be determined based on partners' desires – whether that is a graph, or figures for specific culverts, or in a map form such as a floodplain extent map showing the water level spreading out over the landscape. Manager Dibble asked if it would be helpful to coordinate with the Department of Natural Resources on this effort. Ms. Correll indicated she would reach out and the boards' direction coming out of the workshop will decide how much MnDNR should be involved.

Manager Schmaltz moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the September 8, 2020 scope of work and in an amount not to exceed \$6,219. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0.

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

b) Bone Lake “DCB” Wetland Restoration Contract Award

Mr. Kinney explained the Bone Lake Drained Wetland Restoration project has an associated Clean Water Fund grant. The Dunn-Casiday-Boudreau (DCB) wetland restoration is the final phase of this larger project. Manager Anderson asked if this project is the one addressing legacy phosphorus loading from a historic cattle feedlot. Mr. Kinney clarified this is a different project. The historic feedlot project is northeast of Bone Lake. The DCB wetland is located southeast of Bone Lake along a tributary shown to have high phosphorus loading. Dr. Funke noted the DCB wetland restoration was identified in the 2014 drained wetland inventory.

Manager Anderson moved to adopt resolution 20-10-01. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

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

c) Shields Lake Property Use Agreement

Mr. Kinney noted the District has a grant from DNR for a shoreline enhancement grant in the public park on the east side of Shields Lake. He noted staff has been working with the City of Forest Lake to install a new aerator system this year. The City has already approved the property use agreement. Manager Anderson asked why an agreement is needed if the site is a public park. Mr. Kinney explained the agreement will cover activities that go beyond normal use of a public park, including installing and maintaining the shoreline restoration project and aerator.

Manager Anderson moved to authorize the Board President to execute the Shields Lake Property Use Agreement. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		

Stephen Schmaltz	X		
Jen Oknich			X
Jim Dibble	X		

5. Old Business

a) Greenway Corridor Scope of Work

Mr. Kinney explained that after this scope was approved, it became evident that in order to keep making progress on project development, EOR needs to be working on task 3 in parallel to the other tasks. This specifically applies to the Washington Judicial Ditch 6 (WJD-6) subwatershed. President Spence clarified the Board had approved the entire scope of work but gave direction for staff to report back after tasks 1 and 2 are completed. Mr. Kinney confirmed EOR and staff would work on tasks 1 and 2 in parallel with task 3, then report back to the board in February. He added this work is critical to line up the District’s next Clean Water Fund grant applications. Manager Schmaltz agreed the District needs to keep moving forward and not lose time. Mr. Graskie clarified task 3 does not include working with landowners. It only includes putting together concepts to help frame what properties the District would need to talk to. He noted task 3 would not necessarily finish on the same timeline as tasks 1 and 2, but needs to be worked on concurrently.

There was consensus to direct EOR to proceed with task 3 concurrently with tasks 1 and 2.

b) Lower St. Croix One Watershed One Plan

Mr. Kinney explained he and Ms. Heinz have been attending meetings with the Lower St. Croix (LSC) Planning Team and Steering Committee. The LSC will have \$1.2 million in Watershed Based Implementation Funding (WBIF) for which it needs to budget. Mr. Kinney explained the Steering Committee is currently proposing to use almost half of those grant funds on staff (such as soil and water conservation district (SWCD) staff and East Metro Water Resource Education Program (EMWREP) staff) and performing subwatershed analyses (SWA). He indicated the agronomist position has been shifted to more of a conservation planner position. Mr. Kinney explained he had a meeting with Board of Water and Soil Resources (BWSR) Grants Coordinator, Marcey Westrick, today about BWSR’s stance that WBIF dollars cannot be used for diagnostic monitoring. He explained how diagnostic monitoring is key to ensuring modeling estimates and desktop analyses are accurate. He explained the Moody Lake Wetland Restoration Project, located along Moody Lake’s northwest tributary, was not identified in the SWA for that area. Mr. Kinney added that staff is working on a list of projects that could be proposed for WBIF in 2021/2022. He explained that many studies have already been completed in the LSC basin including Water Restoration and Protection Strategies (WRAPS), Total Maximum Daily Loads (TMDL), SWAs, as well as the diagnostic work that was done in CLFLWD.

Manager Anderson asked if board members should be attending Steering Committee meetings. Mr. Kinney confirmed the Steering Committee is composed of staff members, and no board members have been attending from other organizations. Manager Anderson requested Mr. Kinney send her the draft WBIF budget to review. Mr. Kinney indicated he would.

Mr. Kinney explained BWSR requires grantees to set milestones for grant funded projects. However, BWSR's example milestones focus on outputs (e.g. number of landowners contacted) rather than outcomes (e.g. tons of sediment reduced). Mr. Kinney notes that this is not ideal because number of landowners contacted does not provide any information as to the actual results achieved related to water quality. He stressed the importance of providing accountability to taxpayers and demonstrating achieved actions for the waterbodies of concern. Manager Schmaltz indicated it is surprising that the LSC group would want to hire people despite the statewide deficit and layoffs occurring this year.

Legal Counsel Holtman noted he has not been specifically involved in the LSC process, but his understanding is that the present agreement in place is just for planning and a joint powers collaboration (JPC) agreement covering the implementation phase will come forward soon. He indicated the annual work plan will need to be approved by at least two thirds of the Policy Committee. Ms. Heinz added that BWSR must approve the WBIF work plan prior to the end of March, otherwise the LSC group risks losing the \$1.2 million in grant funds. Ms. Heinz explained the Policy Committee will meet at the end of October to take action on the JPC agreement. Partner organizations such as CLFLWD should not take action until after that point. Though, they are still requested to act before the end of the year. Therefore, the CLFLWD board will be asked to take action at its November or December regular meeting.

c) Watershed Management Plan Update

Ms. Heinz provided a summary of the Technical Advisory Committee meeting. Main discussion points included prioritizing issue areas, focusing on equity, prioritizing contiguous corridors and projects with multiple benefits, maintaining public outreach and interagency communications, and ensuring goals are measurable. Manager Anderson indicated that cleaning up the lakes benefits everyone, not just lakeshore homeowners. She indicated the lakes belong to everyone, and that all of CLFLWD's major lakes, except Little Comfort Lake, have public accesses. She suggested the District may look into providing public access for Little Comfort Lake in the next 10 years. Manager Schmaltz added that protecting Forest Lake water quality has been a big issue for Forest Lake City Council in recent years, on the reasoning that a high-quality lake attracts others to the area and supports the local economy. He explained surveys showed that 80% of people that use Forest Lake do not live on the lake.

Manager Schmaltz agreed it is important to communicate that District goals go above and beyond state standards and minimum requirements. He indicated that the District should bring lakes to a better quality than the minimum standards, so they are not on the

brink of impairment. Mr. Kinney noted when the District installed the Bone Lake fish barriers a few years ago, there were complaints from Bone Lake residents about people fishing from the shoreline near the fish barrier. At that time there had been discussion about putting in a public fishing pier on Bone Lake, to which most Bone Lake residents were opposed. Mr. Kinney explained there is a large segment of the population that cannot afford a boat. These are the people that would most benefit from a public fishing pier, or a public park/beach. He noted there are ongoing discussions about adding a fishing pier on Forest Lake, and Forest Lake city staff are looking at upgrading the existing pier on Shields Lake. President Spence noted if a lake is high quality, the properties surrounding it increase in value, but this is a side effect rather than a main objective. He noted watercraft inspection surveys indicate people come from all over the state to boat on lakes within the watershed.

Dr. Funke explained the topic of equity also applies to targeted outreach, and that oftentimes the water resource people interact with most might be the wetland in their backyard. The District may use this targeting technique to increase public participation in stewardship. Manager Anderson agreed public outreach is important and it is equally important to work with municipalities to protect water resources. She referred to the MN Clean Water Roadmap and suggested staff cross-reference District goals to the Roadmap goals.

Ms. Heinz noted staff will work with the Board to schedule a workshop in early November to discuss the topic of AIS in more detail, as well as the 10-year WMP budget.

d) Land Acquisition Opportunity

Manager Anderson moved to convene in closed session to discuss potential offers for partial acquisition of the Banta Parcel (PID 21.10640.20) and for a purchase of the Franta Parcel (PID 21.10729.10). Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0, and the board convened in closed session.

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

The board reconvened in open session.

6. Summary and Approval of Board Direction

Board directives were summarized:

- EOR to check with DNR regarding January modeling presentation involving rainfall data
- Staff to identify local subwatershed when bringing items before the Board
- Administrator Kinney to provide proposed LSC JPC budgets to Manager Anderson and Manager Schmaltz prior to the next board meeting

7. Adjourn

a) Next regular board meeting – October 22, 2020

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon roll call vote, the motion carried 4-0, and the meeting was adjourned at 9:04 p.m.

Jen Oknich, Secretary _____