

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, June 25, 2020**

1. Call to Order

President Spence called the June 25, 2020 regular board meeting to order at 6:30 p.m. via online video conference.

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

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Abigail Ernst (CLFLWD staff); Meghan Funke, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Dan Fabian (Board of Water and Soil Resources).

2. Setting of Meeting Agenda

Wyoming Impervious Surface Ordinance and Lower St. Croix One Watershed One Plan were added to the agenda under New Business and Old Business, respectively. Administrator Performance Review was removed from the agenda.

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

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

3. Consent Agenda

- a) **Special Board Meeting Minutes – May 12, 2020**
- b) **Regular Board Meeting Minutes – May 14, 2020**
- c) **Special Board Meeting Minutes – May 26, 2020**
- d) **Regular Board Meeting Minutes – May 28, 2020**

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

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		

Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

Operations & Outreach Specialist Lindemyer reported that the Citizen Advisory Committee (CAC) canceled its regular June meeting, but is considering holding its July regular meeting via online video conference. Discussion items will include the watershed management plan update and Citizen Assisted Monitoring Program (CAMP). Ms. Lindemyer confirmed she recently received some emails from CAC member Curt Sparks.

6. Aquatic Invasive Species Update

Administrator Kinney explained he received a call from Jerry Grundtner, Forest Lake Lake Association President and CAC member, regarding significant advancement of purple loosestrife around Forest Lake. Mr. Kinney indicated he will discuss a management program with Watershed Assistant Garrett Miller, which may include biological control similar to the program on Lake Keewahtin. President Spence asked where the beetles were harvested from. Mr. Kinney answered that they are collected in a wetland near White Bear Lake.

7. New Business

a) Wyoming Ordinance Revision

Mr. Kinney explained District staff and engineer received a notice from City of Wyoming staff about a potential revision to the City’s impervious surface ordinances and subsequently met on June 22nd to discuss. Mr. Kinney noted he received a question from Manager Anderson on this topic, and legal counsel provided a response via email. The District is waiting to hear how City staff will further adjust their proposed language in response to the discussion at the June 22nd meeting. President Spence asked if the City has made a final decision on the matter. Mr. Kinney clarified that it has not; so far, the City has shared the proposed draft language and City staff seem open to addressing the District’s expressed concerns through text changes. The District will have more time to provide formal comments if desired, and the Board may discuss this further at the July 9th regular board meeting.

Manager Anderson and President Spence expressed concern about the proposed revisions allowing increased imperviousness in residential areas, especially in the shoreland overlay district. Engineer Grasko explained that there could potentially be a case where a shoreland single family home project lot receives a conditional use permit (CUP) instead of a variance. In this case, the District’s stormwater rule would not be

triggered, because the rule is triggered for single-family construction only if a hard surface variance is required from the local government unit. Mr. Graske explained he recommended to City staff to refrain from changing the ordinance for single family residential, and that the City replied that the target situations are commercial, industrial, and multi-residential buildings such as retirement homes. Manager Schmaltz asked about stormwater treatment requirements when a variance is granted. Mr. Graske clarified that, in the case described, the District is not granting a variance, the City is. District rules are triggered by the existence of a city variance (i.e. a stormwater management permit is required for “any project on a parcel riparian to a public water requiring a variance from the current local impervious surface requirements for the property”) meaning the District's stormwater treatment requirements must be met. Mr. Graske added that City staff indicated their intention is not to bypass District rules. Mr. Kinney noted the District is working with cities to identify regional stormwater treatment facilities for commercial sites with high imperviousness as well. President Spence indicated the Board will spend more time reviewing these materials and discuss further at the July 9th meeting.

8. Old Business

a) Emergency Executive Order 20-74

Administrator Kinney explained Executive Order 20-74 requires that by June 29, 2020, all businesses (i.e. entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments) fully adopt and implement a COVID-19 Preparedness Plan.

Manager Anderson moved to: approve the CLFLWD Preparedness Plan dated 6-19-2020 and authorize the Administrator to sign and implement the Plan, on advice of District counsel; authorize the Administrator, in consultation with the Board President and on advice of counsel, to adjust the CLFLWD Preparedness Plan as warranted by new circumstances including but not limited to changes in applicable legal directives or guidance, building management, or authorized CLFLWD work outside the home; and direct the Administrator to inform the Board of Managers of CLFLWD Preparedness Plan adjustments promptly after they have been made. Seconded by Manager Dibble.

Discussion: Legal Counsel Holtman explained the District has a policy constraining work outside the office. The Preparedness Plan does not change the existing policy; it just puts a plan in place that applies to activity outside the home.

Upon a roll call vote, the motion carried 5-0.

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

Jim Dibble	X		
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b) Watershed Management Plan Outline

Watershed Technician Heinz presented the proposed plan update outline and explained proposed reformatting compared to the current plan. The proposed changes aim to make the plan more readable and easier to reference, especially for readers interested in one particular lake or lake management district. The outline proposes including the issues, goals, and objectives for each lake management district in the same chapter as the implementation strategies for said district. This creates a lake management district “profile” which paints a comprehensive picture of that area. Goals, priorities, strategies, etc. will be different for each of the four lake management districts.

Manager Anderson pointed out a typo on page five of the outline and Ms. Heinz indicated it would be fixed. There were no further edits to the outline. Manager Schmaltz indicated he provided some comments to staff via email prior to the meeting. He indicated the Prioritized, Targeted and Measurable (PTM) philosophy does not seem to fit well with District programs, as opposed to projects. He recommended staff start with a few examples of the proposed language before drafting PTM language for all programs. Ms. Heinz explained PTM for programs will not look quite the same as projects but is still applicable. She agreed that staff will start with a few examples before completing the whole section. Dr. Funke explained the map provided in the sample lake management district profile is just an example. Maps will be tailored to each lake district based on the priorities specific to those subwatersheds. Multiple maps will be utilized so there are not too many layers placed on top of each other (making the map hard to read). One common map that will be utilized is a simplified flow direction map for each subwatershed. Dan Fabian indicated he is a proponent of the District’s current plan layout and coding structure. Ms. Heinz explained the coding structure will largely remain unchanged and will be more apparent in the Implementation Schedule and Cost Table section.

Manager Anderson moved to approve the Plan Update Outline as amended. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 5-0.

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

c) 2021 Draft Budget

Administrator Kinney indicated staff received and responded to several comments and questions from Manager Schmaltz prior to the meeting. President Spence explained he made several calculations comparing the 2020 estimated yearend expenses to the

proposed 2021 budget. He asked why there is such a significant increase in project spending in 2021 compared to 2020. Mr. Kinney indicated projects have a cyclical nature due to the District's adaptive management philosophy which includes iterative monitoring and planning between project implementation. Performing diagnostic monitoring and feasibility ensures the District implements the most cost-effective capital improvement projects. Mr. Kinney noted the District was recently awarded two significant Clean Water Fund grants for the Washington Judicial Ditch 6 (WJD-6) Iron Enhanced Sand Filter Project and the Sunrise River Wetland Restoration (Tax Forfeit Property) Project.

Manager Anderson expressed concern for a lack of budget dollars in the Comfort Lake and Little Comfort Lake subwatersheds. She also noted how large the reserve fund is expected to be. Dr. Funke noted that many projects are 80% grant funded, which helps cover the high project costs. She explained that she and Ms. Heinz have been working on updating the Lake District Budgeting table, which will provide more direction on project implementation. Dr. Funke explained she has done some preliminary updates to the water quality response models to better confirm the status of progress on District pollutant load reduction goals. With in-lake phosphorus concentrations getting closer to District goals, the District is getting a better sense of remaining phosphorus loads.

Manager Schmaltz expressed concern about underspending in the Projects category in 2020. He asked if the District has some backup projects it can move forward. Mr. Kinney advised against measuring progress by dollars spent and recommended focusing on outputs achieved such as phosphorus and total suspended solids reductions. There was discussion about a project prioritization framework including tiers for cost-per-outputs-achieved and consideration of outputs which are harder to quantify (e.g. habitat restoration). Mr. Kinney explained the District is very close to achieving its water quality goals, but there is still a need to implement a few more big projects. He suggested the Board discuss whether it wants to implement projects with a higher cost per pound of phosphorus reduced, because the "backup" projects would not be as cost-effective as the projects currently underway. Mr. Kinney explained the Board has also expressed a lot of interest in expanding other areas such as education and outreach, aquatic invasive species management, and permitting. These are programs which require a significant amount of time and funding, and result in many smaller practices scattered across the watershed. Manager Schmaltz clarified that his question is aimed at answering if the District is making progress on the projects and making sure it is accomplishing what was committed to. Manager Anderson agreed the District is not trying to spend money just to spend money. She agreed that a formal project scoring system is needed.

Mr. Kinney recommended discussing this topic further when the Board gets to the Projects section of the budget. Dr. Funke noted that the Lake District Budgeting table will aid discussion about projects. She explained the District is very close to achieving its goals, the remaining list of projects is manageable, and the Board is familiar with most of them. She suggested there is benefit to taking a more cautious approach and implementing the best projects first, rather than bringing forward less cost-efficient "back burner" projects. Manager Anderson indicated she would like to see Comfort

Lake and Little Comfort Lake cleaned up faster. Mr. Kinney explained the District is implementing projects and achieving goals much faster than the original plan (e.g. Comfort Lake, Bone Lake, Forest Lake, Heims Lake and Lake Keewahtin are meeting their 2030 goals as of 2020). He described how the District is currently finishing up the water quality projects and will then move into the operations and maintenance phase, as well as managing for other issue areas besides water quality (focusing more on groundwater, upland habitat, wetlands etc.). President Spence noted the tier structure will be more complicated if it includes outputs beyond phosphorus reductions, and that flooding concerns etc. need to be factored in as well.

d) Lower St. Croix One Watershed One Plan

Manager Schmaltz explained the Lower St. Croix (LSC) One Watershed One Plan (1W1P) Policy Committee will meet on Monday, June 29th to discuss the proposed responses to the comments received during the 60-day comment period. Manager Anderson and Manager Schmaltz reviewed the District's submitted comments and the received responses. The Policy Committee will meet again on July 27th to consider approving the revised draft plan to be submitted to the Board of Water and Soil Resources for its 90-day review.

9. Report of Staff

a) Administrator

Administrator Kinney expressed that he has been impressed with staff's work on the do-it-yourself (DIY) monitoring program. He indicated the diagnostic stream monitoring occurring in this program will be very helpful in compressing the timeline for project identification and advancing the District's adaptive management philosophy. He explained how this type of monitoring allows the District to base its project implementation strategy on actual data and not just a desktop analysis.

b) Emmons & Olivier Resources

Dr. Funke highlighted the Dunn-Casiday-Boudreau (DCB) wetland restoration project in the Bone Lake subwatershed. District staff and Emmons & Olivier Resources (EOR) have been working on publishing the construction request for quotes and obtaining permits for construction. EOR has continued monitoring activities in the field on lakes and tributaries throughout the District. Manager Anderson asked how the Banta property negotiations are going. Mr. Kinney indicated he has been conferring with legal counsel on this and preparing for price negotiations with the owner.

c) Smith Partners

Nothing to report.

10. Report of Treasurer

a) Approval of Bills and Treasurer’s Report

Treasurer Schmaltz reported income for the period of \$624,974.36, largely due to two Clean Water Fund grant payments.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$246,609.85. Seconded by Manager Oknich. Upon vote, the motion carried 5-0.

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

11. Report of Officers and Managers

Manager Dibble reported that he plans to go to the bank and sign the forms to become a signer on the District’s accounts. Ms. Lindemyer indicated she would call the banks in the morning and send Manager Dibble the necessary information. Manager Anderson and Manager Schmaltz indicated they would come to the office to sign the checks tomorrow.

Manager Anderson requested that a discussion point be added to the meeting with Wyoming: bluff work around Comfort Lake. She indicated she would send some photos to staff and requested they be compared with past years’ shoreland inventory photos. She recommended the Board and Council discuss working together to protect the shorelines and bluffs according to the city’s shoreland ordinances. Manager Anderson reported she attended a Metro MN Association of Watershed Districts (MAWD) meeting that lasted all day today. As of now, it is looking like the annual meeting will be held virtually this year. An official notice will be posted within the next few weeks.

12. Summary and Approval of Board Direction

Directives from the meeting were summarized.

- The Watershed Management Plan outline will have the typo corrected before finalization.
- Manager Anderson requested staff compare before and after Comfort Lake bluff work photos in advance of the joint board-council meeting with Wyoming.
- Ensure big capital improvement projects are noted during the Wyoming joint board-council meeting.
- Staff will present further information on projects for future budget discussions.

Mr. Fabian thanked the Board for its comments on the LSC 1W1P.

13. Adjourn

a) Next regular board meeting – July 9, 2020

Manager Anderson moved to adjourn the meeting. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:21 p.m.

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

Jen Oknich, Secretary _____