

**DRAFT MINUTES OF THE REGULAR MEETING OF THE
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT
Thursday, October 13, 2022**

1. Call to Order

President Schmaltz called the October 13, 2022, regular board meeting to order at 6:31 p.m. via online video conference.

Present: President Steve Schmaltz, Vice President Christopher Loth, Secretary Dave Bakke, Assistant Treasurer Douglas Toavs.

Absent: Treasurer Jackie Anderson

Others: Mike Kinney, Administrator; Bobbie Law, Office Manager; Emily Heinz, Planning Coordinator; Jessica Lindemyer, Operations and Outreach Specialist; Beth Carreno, Senior Program Manager (CLFLWD staff); Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners)

2. Setting of Meeting Agenda

Manager Toavs moved to approve the agenda as presented. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 4-0.

| Manager | Aye | Nay | Absent | Abstain |
|------------------|------------|------------|---------------|----------------|
| Dave Bakke | X | | | |
| Christopher Loth | X | | | |
| Doug Toavs | X | | | |
| Jackie Anderson | | | X | |
| Stephen Schmaltz | X | | | |

3. New Business

a) Lower St. Croix FY23 WBIF Work Plan

Ms. Heinz outlined the two recommended actions. The first is to approve the fiscal year 2023 grant work plan and the second is to execute sub agreements with the WBIF grant fiscal agent for the use of grant funds once the grant agreement has been executed.

President Schmaltz noted that the Lower St. Croix Policy Committee recommended approval of this fiscal year 2023 grant work plan. He asked how the grant procedure timeline might affect the CLFLWD project. Ms. Heinz explained that shepherding the work plan through the necessary partner approvals is of high priority for staff.

President Schmaltz asked if this is the last step for the board to take in obtaining the grant funds. Ms. Heinz indicated that the proposed motion is the largest remaining step

in the process, timing-wise. She explained that the next steps will be administrative and entail review by the Board of Water and Soil Resources.

Manager Toavs moved to approve the FY23 WBIF grant work plan as recommended by the Policy Committee, including authorizing the Planning Team to make non-substantive changes as required by BWSR and designating Chisago SWCD as the fiscal agent authorized to submit the work plan and execute the grant. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

| Manager | Aye | Nay | Absent | Abstain |
|------------------|------------|------------|---------------|----------------|
| Dave Bakke | X | | | |
| Christopher Loth | X | | | |
| Doug Toavs | X | | | |
| Jackie Anderson | | | X | |
| Stephen Schmaltz | X | | | |

Manager Toavs moved to authorize the District administrator to execute subagreements with the WBIF grant fiscal agent for the use of grant funds once the grant agreement has been executed. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

| Manager | Aye | Nay | Absent | Abstain |
|------------------|------------|------------|---------------|----------------|
| Dave Bakke | X | | | |
| Christopher Loth | X | | | |
| Doug Toavs | X | | | |
| Jackie Anderson | | | X | |
| Stephen Schmaltz | X | | | |

b) Lower St. Croix Plan Amendment Request

Ms. Heinz explained that this item is to include two creeks within the Valley Branch Watershed District as priority waterbodies in the Lower St. Croix One Watershed One Plan (LSC 1W1P). She noted that the Valley Branch Watershed District was less involved in the initial planning process, and this may have been a reason why these creeks were not included as priority waterbodies. Mr. Kinney stated that the partners in the LSC 1W1P are in favor of this amendment.

Manager Toavs moved to 1) Add Valley Creek and Kelle’s Creek to the other regionally significant streams listed in Table 5-2 and Figure 5-2 and 2) Add completed subwatershed assessments and inventories to Table 7-1 and Figure 7-1 as recommended by the Policy Committee. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

| Manager | Aye | Nay | Absent | Abstain |
|------------------|------------|------------|---------------|----------------|
| Dave Bakke | X | | | |
| Christopher Loth | X | | | |

| | | | | |
|------------------|---|--|---|--|
| Doug Toavs | X | | | |
| Jackie Anderson | | | X | |
| Stephen Schmaltz | X | | | |

4. Old Business

a) District Branding

Ms. Lindemyer described the components provided to the Board including a summary of branding and design work completed to date and a recommended motion. She clarified how design can be subjective by nature, but as a science-based organization staff has focused on current industry standards including the four principles of logo design (distinctiveness, visibility, adaptability, and simplicity). She noted that by combining these standards with design principles and data from multiple surveys, staff arrived at a recommended logo.

Manager Bakke clarified that the recommended logo includes a crane. The specific logo being recommended was confirmed. President Schmaltz shared his appreciation of the explanation and symbolism in the logo design.

Manager Loth moved to adopt the recommended logo. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 4-0.

| Manager | Aye | Nay | Absent | Abstain |
|------------------|-----|-----|--------|---------|
| Dave Bakke | X | | | |
| Christopher Loth | X | | | |
| Doug Toavs | X | | | |
| Jackie Anderson | | | X | |
| Stephen Schmaltz | X | | | |

Ms. Lindemyer gave an outline of the timeline for launching the new logo. The official launch of the logo and the website will take place at the end of 2022 / early 2023. In the meantime, the District will not create new materials with the old logo and will use the new logo. This will be a “soft launch” until everything is ready to move forward with the logo and website.

b) Board Meetings Update

Mr. Kinney highlighted the data compiled regarding board meeting attendance. He gave an overview of location options and the benefits and drawbacks of those locations. He highlighted the fact that the Forest Lake City Hall chambers are not being offered as a meeting place for the District like they had been in the past. He noted that the community room at the City Hall is available but comes with fewer technology features. Mr. Kinney added that the Minnesota Association of Watershed Districts (MAWD) is considering a member-proposed resolution that would expand remote meeting usage under the Minnesota Open Meeting Law.

Manager Loth asked if the City gave a reason for not allowing the District to utilize the chambers. Mr. Kinney stated that a reason was not given. Managers discussed the fact that the City would reserve the right to cancel the District's reservation for the community room space if the City decides it needs to use the space. Mr. Kinney stated that other community groups have had their reservations for the community room canceled with little notice.

Manager Bakke asked if the Board is required to resume in-person board meetings and if there is a timeline associated with it. Mr. Holtman reviewed the current laws. He explained that the Board president's emergency declaration indicates that meeting in person is not prudent due to the ongoing pandemic. He noted that if there is evidence that the COVID-19 pandemic is still a threat, there is a basis to keep in place the declaration to meet virtually. He stressed that as other public bodies return to in-person meetings there may be questions and pressures from outside sources to return to in-person meetings. Manager Bakke stated that according to Michael Osterholm at the University of Minnesota we are not out of the woods in terms of the COVID-19 pandemic posing a threat. President Schmaltz explained that he would like to look at the meeting location from month to month.

Manager Loth questioned how hybrid-style meetings were able to occur before the COVID-19 pandemic occurred. It was his understanding that meetings were occurring in a hybrid format. Mr. Holtman explained that there is a portion of the Open Meeting Law that allows for hybrid meetings. However, it has specific requirements including having one board member in the regular meeting location, availability for the public, ability to see and hear all attendees, and all managers must be in a public space. He noted that in terms of public space, managers wanting to join virtually from home would have to put up a sign welcoming the public into their home.

Manager Toavs stated that when looking at the numbers gathered by staff, it does not seem that virtual meetings have hurt the number of attendees and in some situations, it possibly helped to make the meetings more accessible. President Schmaltz agreed.

President Schmaltz requested staff research hybrid options to ensure the Board does not lose managers due to having to attend in person. He noted that Commissioner Miron explained that the City of Hugo had a similar attendance issue, and was able to obtain an exception of some sort to the Open Meeting Law requirement. He requested staff investigate what was done at the City of Hugo. Mr. Holtman responded to questions from Manager Schmaltz as to the practical meaning of a remote-attending manager needing to be in a space open to the public.

Managers discussed the importance of obtaining all managers' opinions on the matter, especially Manager Anderson's background information on MAWD's ideas regarding open meeting laws.

Manager Bakke asked if any individuals have raised a concern with the District meetings being held virtually. President Schmaltz explained that there had been a verbal concern from Washington County Commissioner Miron and a written inquiry from Chisago County Commissioner DuBose. Mr. Kinney highlighted the fact that these individuals do not realize the District does not have adequate meeting space or location to go to at this time. He noted that the county boards resumed meetings in their chambers.

President Schmaltz agreed that the loss of the City of Forest Lake chambers is a large shift for the District. He noted that he recently attended the Washington Conservation District meeting in person. Although the Washington Conservation District's meeting notice explains that the meeting will occur at its office, it encourages all meeting participants to join the meeting via Zoom rather than coming to the office space. He questioned how Commissioner Miron may respond to this meeting format style. He indicated that the District is moving at a pace that is in the best interest of the District and the public.

Mr. Kinney reiterated that all the District board meetings are open to the public. He also stated many consultants appreciate being able to present or attend virtually. This is just one example of how virtual meetings are more accessible than in-person meetings. He noted that this discussion runs parallel to the discussion on District office space.

c) Lessard-Sams Outdoor Heritage Fund Grant Application Update

Mr. Kinney explained that he and Ms. Heinz recently attended the Lessard-Sams Outdoor Heritage Fund hearing. He noted that the chair took input from members and then put forth a recommendation for the District to receive \$1.7 million for the Bone Lake South Wetland acquisition. He discussed the ongoing coordination process between staff and the landowner and explained that the council's recommendation will have to be passed by the legislature. He highlighted a conversation regarding why a watershed district would want to acquire property. He noted the resiliency and floodplain protection opportunities offered by this site. He explained that this project has many letters of support including one from MN House Representative Bob Dettmer.

Manager Bakke asked for an explanation of the allocation summary. Mr. Kinney explained that each committee member must submit their opinion. These are then aggregated to produce the data included in the packet document titled FY 2023/ FY 2024 LSOHC Member Allocation Summary.

President Schmaltz thanked Mr. Kinney and Ms. Heinz for their work on this grant application. He asked if the landowner will be willing to wait until the grant is awarded for the sale. Mr. Kinney explained that he feels the landowner is in support of the project planned for his property. He noted that the District is working to have a contingent purchase agreement in place. President Schmaltz recommended the District consider naming the property after the seller if that appeals to him. President Schmaltz recommended that name be decided before the purchase or agreement occurs.

5. Program/Project Update

Mr. Kinney explained that all projects are making forward progress. President Schmaltz recommended topics other than construction updates be provided for consideration at board meetings.

Manager Toavs asked how properties such as the one with a gravel pit on it are appraised. Mr. Kinney explained that an appraisal for the property in question has been received by District staff and will be discussed in a closed session at a future board meeting. He noted that the land is mostly unbuildable and wetland. He explained that the landowner is not willing to give a land easement for the District to access the landlocked property. He described how staff would be coming to the Board with additional information including options and recommendations.

6. Summary and Approval of Board Direction

A summary of the Board direction was presented by Mr. Holtman as listed:

- Staff will investigate other options for board meeting spaces and check with the City of Hugo on the arrangements it made to hybrid meetings (and if it is holding hybrid meetings).
- Administrator Kinney will solicit managers' viewpoints on the board meeting location status and location.
- Administrator Kinney will obtain additional information on the MAWD current interest in the Open Meeting Law matter.

7. Adjourn

a) Next regular board meeting – October 27, 2022

Manager Toavs moved to adjourn the meeting. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 7:36 p.m.

| Manager | Aye | Nay | Absent | Abstain |
|------------------|------------|------------|---------------|----------------|
| Dave Bakke | X | | | |
| Christopher Loth | X | | | |
| Doug Toavs | X | | | |
| Jackie Anderson | | | X | |
| Stephen Schmaltz | X | | | |

Dave Bakke, Secretary _____