

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, May 27th, 2021**

1. Call to Order

President Spence called the May 27th, 2021, regular board meeting to order at 6:33 p.m. via online video conference.

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

Absent: Secretary Jen Oknich

Others: Mike Kinney, Bobbie Law, Nick Bancks, Emily Heinz, Blayne Eineichner, and Garrett Miller (CLFLWD staff); Meghan Funke, Kyle Crawford, and Camilla Correll (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Hanna Valento, Forest Lake City Council.

2. Setting of Meeting Agenda

Item 3b – Regular Board Meeting Minutes – April 22, 2021, was removed from the consent agenda and postponed to the next regular meeting.

Manager Anderson moved to approve the agenda as amended. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 3-0.

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

3. Consent Agenda

- a) **Regular Board Meeting Minutes – April 8, 2021**
- b) ~~Regular Board Meeting Minutes – April 22, 2021~~
- c) **Special Board Meeting Minutes – April 28, 2021**

There were no changes to the April 8th and April 28th meeting minutes.

Manager Schmaltz moved to approve the consent agenda as amended. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 3-0.

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

4. Public Open Forum

There were no comments.

5. Public Hearing, Bone Lake Northeast Wetland Restoration Project

Dr. Meghan Funke gave a presentation to introduce meeting attendees to the Bone Lake Northeast Wetland Restoration Project. Dr. Funke explained that this project will be considered for ordering of final design and construction. Dr. Funke detailed the location of the project which is in the Bone Lake Management District.

Through conversations with the surrounding landowners Dr. Funke and Emmons & Olivier Resources (EOR) staff were able to determine a site near the wetland that was historically a feedlot. Dr. Funke explained that manure runoff from this feedlot is estimated to be the cause of excess sediment and nutrient loading. Dr. Funke explained that when wetlands are overloaded with sediment and phosphorus, they can become sources that pollute other waterbodies rather than being treatment areas. Dr. Funke described how soil samples were taken to evaluate the phosphorus concentrations in the wetland. Dr. Funke remarked that the samples collected showed high levels of phosphorus in the northern portion of the wetland.

Manager Schmaltz requested an explanation of why one of the soil sample locations showed high phosphorus concentrations despite being located further away from the historic feedlot. Manager Schmaltz also asked if this area would be a part of the excavation or not. Dr. Funke noted that it is near the southernmost end of the excavation area, and a portion will be excavated. Dr. Funke explained that the goal was to get most of the phosphorus-laden sediments without affecting native soils.

Dr. Funke gave an overview of the design plans including 1.5 acres of excavation and buffer extents. Dr. Funke noted that two of the key considerations for the Board are the phosphorus removal benefit and the open water area increasing. The total phosphorus load reduction for this project is expected to be 15 lbs per year.

Manager Anderson asked what the phosphorus load pre-project was. Dr. Funke explained that the phosphorus load coming out of the wetland is 38 lbs per year. Dr. Funke also noted that EOR would be monitoring phosphorus levels pre and post construction. Manager Anderson then asked if groundwater is also high in nutrients. Dr. Funke explained that it would be difficult to quantify without further research that would involve installing piezometers.

Dr. Funke introduced the project manager Kyle Crawford. Mr. Crawford led the group through the project cost, timeline, and next steps. Mr. Crawford explained that feasibility and design are completed, and that the District should be considering going out to bid in early fall with a goal of construction starting in the winter of 2021-2022.

There were no public comments. President Spence closed the public hearing.

6. Citizen Advisory Committee Update

Planning Coordinator Emily Heinz clarified to the group that Jessica Lindemyer, the District Operations and Outreach Specialist, is not in attendance to give a full CAC update. Ms. Heinz noted that the next CAC meeting is next Tuesday, June 1st.

7. Aquatic Invasive Species Update

Watershed Assistant Garrett Miller provided an aquatic invasive species update. The update included information on treatment of curly-leaf pondweed on Bone Lake, Forest Lake, and Shields Lake. Mr. Miller also noted that the MN Department of Natural Resources (DNR) behavior change grant materials such as signage, bins, and stickers have all been created and are ready to be utilized. Mr. Miller hopes to get the materials out at CLFLWD boat accesses by the first week in June.

Mr. Miller then gave a brief overview of the watercraft inspection program. He explained that the District has hired three inspectors and is in the process of onboarding two additional inspectors. Mr. Miller's goal is to have eight inspectors hired. Mr. Miller noted that the DNR is providing assistance for coming memorial weekend and the District should be fully staffed by the fourth of July.

Mr. Miller also gave an update on the flowering rush program. He noted that the District will be shifting from treatment in late July to late June with the goal of more effective treatment.

(Mr. Kinney joined the meeting at this time.)

8. New Business

a) Bone Lake Northeast Restoration Project Ordering

Administrator Kinney provided a memo to the Board regarding the project ordering, thanked EOR for giving a presentation regarding the project, and asked if the Board had any questions. Managers also discussed scope of work and cost associated with the project. Phase I of the project was approved on April 8th. It was noted that costs associated with engineering for phase II of the project will also need to be approved by the Board of Managers.

Manager Anderson moved to adopt resolution 21-05-02. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 3-0.

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

Manager Schmaltz moved to authorize the Administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the April 1, 2021 scope of work for work under phase II - final design and implementation, and in an amount not to exceed \$25,306.00. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 3-0.

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

b) Insurance Liability Coverage Waiver

Administrator Kinney explained that the insurance liability coverage waiver is an annual procedural requirement related to the District’s insurance with the League of Minnesota Cities.

Manager Anderson moved to elect “The member DOES NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.” option provided on the LMCIT Section 1: Liability Coverage Waiver form. Motion seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 3-0.

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

c) Boundary Review Planning

Administrator Kinney explained that further analysis of the District boundary would indicate areas where the District boundary doesn't conform to the hydrologic boundary and would establish the basis for an official adjustment of the District boundary. He also noted that a portion of the change would be with the Carnelian-Marine-St. Croix Watershed District (CMSCWD). Administrator Kinney explained that he and the CMSCWD District Administrator Mike Isensee have had some

informal discussion of the boundary changes. Mr. Kinney noted that the CMSCWD does not wish to pursue a boundary change at the current time.

President Spence inquired if Administrator Kinney would bring the changes forward as they come about. Mr. Kinney stated that he would bring forward a summary of possible locations for boundary changes at a future board meeting.

Manager Anderson asked if there would be more than one location change. Mr. Kinney confirmed that he would expect to find multiple locations that would be subject to a boundary adjustment.

9. Old Business

a) Floodplain Vulnerability Assessment

Camilla Correll presented her findings from the floodplain vulnerability assessment. Ms. Correll reminded meeting attendees that a climate change vulnerability assessment was approved by the Board of Managers in October of 2020. Ms. Correll noted that this effort to evaluate vulnerability was a collaborative effort between three watershed districts, Comfort Lake-Forest Lake, Carnelian-Marine-St. Croix and Browns Creek (CLFLWD, CMSCWD, and BCWD), due to high water levels and concern of climate change affecting these levels. Ms. Correll explained that the goal of this assessment was to answer the Board's question of how to map future flooding to better assess risk. Ms. Correll clarified that the state of Minnesota is currently also working to answer this question through multiple projects.

Ms. Correll described the steps involved in the flood risk assessment. The first step is to determine what the best approach would be. Ms. Correll communicated with the Board that there is a wide range of tools that could be used. The next step would be to select the appropriate tool or method, extract the data so that you can assess risk, interpret the results and perform a risk assessment. Ms. Correll explained that further work would need to be approved by the Board in the future.

As a part of the assessment EOR staff met with stakeholders via a workshop. Ms. Correll presented a memorandum that was shared with stakeholders that attended the workshop in January of 2021. The memo broke the approaches into two categories. The two categories include the use of historical data and climate change projections.

Ms. Correll gave an overview of the stakeholder workshop. Ms. Correll led the group through poll results compiled during the workshop. She explained the stakeholders' interest in using multiple approaches. The results showed a 70% interest in using historical data. Ms. Correll mentioned the hydrologic & hydraulic (H&H) model as being a possible tool to use that would get at those multiple approaches. President Spence asked if financial information was discussed when asking the group if they would like to use one approach or multiple. Ms. Correll explained it was not but would be good to include if they held another workshop.

Ms. Correll described how EOR staff met with the three district administrators (CLFLWD, CMSCWD, and BCWD) to discuss what their next steps should be. The recommendation from EOR to the three districts is to use GIS and LiDAR data to conduct an analysis that shows where a district may have flooding. Ms. Correll noted that this is a lower cost tool.

Manager Anderson asked how many of the communities in CLFLWD have a floodplain ordinance. EOR staff explained that all of the District's communities have 100-year FEMA floodplain maps, although they are outdated and aren't based on Atlas 14 precipitation data. The schedule for updating puts Washington County at an update for 2026.

Manager Anderson requested a demonstration from EOR that would run scenarios to see the data. Manager Anderson suggested selecting areas with possible zoning changes.

b) 2022 Budget

Administrator Kinney introduced the proposed the draft budget for 2022. He asked the Board to direct any questions they have to Emily Heinz as she is leading the effort to create the budget. Manager Schmaltz asked about the choice between using reserve funds or further loan funds. Manager Schmaltz inquired on how project spending is being prioritized and how the District will accomplish the project work for which it is budgeting. Ms. Heinz explained that studies and information gathering may be put off for future years, thus helping to balance the budget. The District office space was one of the larger line items that was reduced in the proposed 2022 budget compared to the draft 10-year Watershed Management Plan. This is because the purchase of a new office space likely wouldn't occur until 2023 or later. Manager Anderson requested the budget conversation and prioritization be continued at the next board meeting June 10th, 2021. She also emphasized the need to continue to perform the preparatory work that sets the foundation for projects to be implemented in subsequent years.

c) Watershed Management Plan Update

Emily Heinz explained that the Board must approve the responses to comments received during the 60-day review period. She recommended the Board take this action.

The Board of Managers also discussed the District's cost share and community grant programs. Manager Anderson noted that she has had several communications with Board of Water and Soil Resources Conservationist Dan Fabian about the procedure to adjust the District's cost-share program for grants to lake associations, and that this can occur separate from the plan revision. Manager Anderson requested that the Board work to re-institute the subcommittees encompassing cost share programs.

Manager Schmaltz moved to approve responses to 60-day comments as presented. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 3-0.

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

10. Report of Staff

a) Administrator

Administrator Kinney welcomed two new staff to the District. He noted that Bobbie Law is the new Office Manager and Nick Bancks will be working as the new Senior Land Management Coordinator. Bobbie Law and Nick Bancks each gave short introductions of themselves.

Mr. Kinney gave an overview of what is going on in the District in general. Mr. Kinney noted that communication with other agencies continues at a high-level using Zoom. No questions were presented from the board.

b) Emmons & Olivier Resources

Dr. Funke noted that she has been collecting water samples during rainfall events. She also remarked that EOR has also been assisting with project design relating to the Bone Lake Subwatershed Analysis (SWA) Implementation Project and land acquisition opportunity support. No questions were presented from the board.

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 \$428,751.13 and expenses in the amount of \$192,780.08.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$192,780.08. Seconded by Manager Spence. Upon a roll call vote, the motion carried 3-0.

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

12. Report of Officers and Managers

Schmaltz - Nothing to report.

Anderson – Manager Anderson gave a report on the One Watershed One Plan (1W1P) Policy Committee meeting. The most notable pieces of information included:

- Discussion about factoring tolerable soil loss (T) into the agricultural project selection process. The Policy Committee did not approve that recommendation to incorporate T into the project selection process.
- The Policy Committee had originally held monthly meetings. The meetings are now being moved to every other month, which will tend to move program implementation more away from the policymakers and toward staff.
- An educator has been hired to assist Angie Hong with East Metro Water Resources Education Program (EMWREP). Manager Anderson assisted with the interview process.

Spence – President Spence announced that he will no longer be a resident of the District as of July 7th and so no longer may serve on the board. He noted that Chisago County is moving to appoint someone as a board manager in his absence.

13. Summary and Approval of Board Direction

Board directives were summarized:

- Managers will email a list of proposed budget discussion items in advance of the next board meeting.
- EOR will coordinate with Administrator Kinney to provide the Board with a demonstration of modeling for the floodplain vulnerability assessment.

14. Adjourn

a) Next regular board meeting – June 10, 2021

Manager Schmaltz moved to adjourn the meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 3-0, and the meeting was adjourned at 8:34 p.m.

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

Jen Oknich, Secretary _____