

1 **DRAFT MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, March 9, 2023**

4
5 **1. Call to Order**

6
7 President Schmaltz called the March 9, 2023, regular board meeting to order at 6:30 p.m.
8 via online video conference.

9
10 **Managers Present:**

11 Steve Schmaltz, President
12 Christopher Loth, Vice President
13 Dave Bakke, Secretary
14 Jackie Anderson, Treasurer
15 Douglas Toavs, Assistant Treasurer

16
17 **Staff Present:**

18 Mike Kinney, Administrator
19 Bobbie Law, Office Manager
20 Blayne Eineichner, Project Coordinator
21 Emily Heinz, Planning Coordinator
22 Aidan Read, Land Management Specialist
23 Jess Hall, GreenCorps Member

24
25 **Others Present:**

26 Greg Graske, Emmons & Olivier Resources
27 Cecilio Olivier, Emmons & Olivier Resources
28 Kyle Crawford, Emmons & Olivier Resources
29 Chuck Holtman, Smith Partners
30 Leif Erickson, City of Forest Lake
31 Denise Martin, Chisago County Press

32
33 **2. Setting of Meeting Agenda**

34
35 President Schmaltz requested an addition to New Business – Forest Lake Lake Association
36 (FLLA) Annual Meeting and Alum Treatment Outreach. He explained that the FLLA wants
37 to work with East Metro Water Resources Education Program (EMWREP) to advertise its
38 annual meeting and discussion topics including the Forest Lake Alum Treatment and loon
39 habitat on Forest Lake.

40
41 Manager Bakke lost connection to the Zoom call.

42
43 President Schmaltz moved to approve the agenda as amended. Seconded by Manager Toavs.
44 Upon a roll call vote, the motion carried 4-0.

45

Manager	Aye	Nay	Absent	Abstain
----------------	------------	------------	---------------	----------------

Dave Bakke			X	
Christopher Loth	X			
Doug Toavs	X			
Jackie Anderson	X			
Stephen Schmaltz	X			

46
47
48
49
50
51
52
53
54
55

3. Consent Agenda

a) Regular Board Meeting Minutes – January 12, 2023

Administrator Kinney noted that the January 26th minutes are not yet ready to present to the Board and requested they be removed from the consent agenda.

Manager Anderson moved to approve the consent agenda as amended. 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			

56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80

4. Public Hearing – Moody Lake Capstone Project Ordering

President Schmaltz opened the public hearing. Kyle Crawford gave a presentation about the Moody Lake Capstone Project and associated feasibility report. This project entails a suite of multiple best management practices: Field Gully Repair, Round Barn Soil Excavation, Moody Park Improvements, and South Moody Wetland Dredging. The District was awarded a Clean Water Fund grant of \$239,500 for the project. Predicted total phosphorus reduction for the project is 62 pounds per year, and predicted total suspended solids reduction is 4.47 tons per year. Additional benefits include native vegetation restoration, habitat, public education, and heavy metal removal. Mr. Crawford indicated an estimated construction timeline of Fall 2023 through Summer 2024.

President Schmaltz determined that no members of the public wished to speak to the project and closed the public hearing.

President Schmaltz noted Leif Erickson from Forest Lake City Council is in attendance. He welcomed him to the meeting and thanked him for attending. Mr. Erickson indicated he appreciated the opportunity to be part of the meeting.

5. Public Open Forum

There were no comments.

6. New Business

81 **a) 2023 AIS Prevention & Management Plan**

82 Administrator Kinney introduced the topic. Manager Anderson noted the Comfort Lakes
83 Association recently mailed a check for \$500 to the District as a contribution to the
84 watercraft inspection program. She requested additional detail regarding the native
85 aquatic plant transplanting project on Moody Lake, noting that Moody Lake is classified
86 by the Minnesota Department of Natural Resources as a Natural Environment lake. Mr.
87 Kinney indicated Moody Lake previously had more curly-leaf pondweed growth, prior
88 to the District’s recent treatments. The District has been successful in decreasing curly-
89 leaf pondweed growth through these treatments, but the native vegetation in the lake
90 still isn’t very diverse. Mr. Kinney explained that Moody Lake generally has no boat
91 traffic, good water quality, and low curly-leaf density, making it a good candidate for
92 the transplants.
93

94 Manager Anderson noted her support for increasing aquatic invasive species (AIS)
95 management budgets for District lakes. She suggested that staff add another column
96 onto the lake charts to illustrate the starting points for AIS on these lakes. She called
97 attention to the Secchi depth trends for Little Comfort Lake and Lake Keewahtin,
98 indicating declining clarity, as well as the declining phosphorus concentration for Forest
99 Lake, and asked if it they are accurate. She suggested the report make note of last year’s
100 Eurasian watermilfoil surveys and treatments.
101

102 President Schmaltz moved to approve the 2023 AIS Prevention and Management Plan.
103 Seconded by Manager Anderson.
104

105 Manager Bakke noted that he has regained Zoom connection via telephone at 7:00 pm.
106

107 Upon a roll call vote, the motion passed 5-0.
108

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

109
110
111 **b) CLFLWD and Chisago County WCI Joint Powers Agreement**

112 Manager Anderson moved to approve the joint powers agreement between Chisago
113 County and the Comfort Lake-Forest Lake Watershed District for cost sharing of the
114 boat launch inspection program. Seconded by Manager Bakke.
115

116 Administrator Kinney explained that this is a joint powers agreement the District has
117 entered into with Chisago County each year since 2007. Manager Bakke observed that
118 the Washington County AIS Prevention contribution for Bone Lake is \$1,000, and for
119 Forest Lake it is \$14,354. Chisago County contributes \$5,000 to Comfort Lake. He
120 noted that the contribution to Bone Lake seems disproportionate. Mr. Kinney explained

121
122
123
124
125
126
127

that the District needs to apply for the Washington County AIS Prevention Aid grant funds, and Washington County allocates the majority of those funds to the Washington Conservation District. Washington County establishes the framework for these grant dollars and how much funding goes to each waterbody.

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

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

128
129
130
131
132
133
134
135
136
137

c) Moody Lake Capstone Project Ordering & Scope of Work

Mr. Kinney noted that the resolution has been bifurcated, and there are now two resolutions: 23-03-01a and 23-03-01b. Resolution “A” concerns an element of the project that is located on Manager Toavs’ property. Manager Toavs has the option to abstain from that discussion and vote, if he wishes, but counsel has advised that Manager Toavs reasonably may find that he does not have a conflict of interest, and accordingly may participate if he chooses.

Manager Anderson moved to adopt Resolution 23-03-01a. Seconded by President Schmaltz.

140
141
142
143
144
145

Mr. Kinney referenced the life cycle costs that were presented during the public hearing. He indicated these projects will physically, permanently remove sources of legacy phosphorus loading. As such, the project lifespans will likely be longer than indicated, and these projects will be low maintenance.

146
147
148
149
150

Manager Toavs noted that he will abstain on this matter, as the project is occurring on his property. This project will remediate legacy phosphorus loading that occurred before he took ownership of the property. Manager Anderson noted that Manager Toavs’ participation in the project is an overall benefit to the project and the District.

Upon a roll call vote, the motion carried 4-0-1.

151
152

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

153

154
155
156

Manager Schmaltz moved to adopt Resolution 23-03-01b. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

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

157
158
159
160
161
162
163
164

Manager Anderson moved to authorize the administrator on advice of counsel to enter into an agreement with EOR in accordance with the March 2nd scope of work, tasks 2 and 3, and in an amount not to exceed \$36,152. Seconded by Manager Loth.

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

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

165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182

d) Little Comfort Infiltration Basin Feasibility Scope of Work

Manager Anderson moved to authorize the administrator on advice of counsel to enter into an agreement with EOR in accordance with the February 16th scope of work, Task 1, and in an amount not to exceed \$31,295. Seconded by Manager Toavs.

Mr. Kinney noted that the originally proposed suite of projects was different from the currently proposed projects. He explained how the District continually strives to collect data and evaluate project cost-effectiveness. During the feasibility phase (concept design and modeling) for the East Wetland Impoundment Project, engineers discovered that the project would result in raised water levels on neighboring properties, which was not originally foreseen. The newly proposed gravel pit infiltration project (“Little Comfort Infiltration Basin”) would achieve the same water quality benefits, without the impacts to neighboring parcels.

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

Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs	X			
Jackie Anderson	X			

Stephen Schmaltz	X			
------------------	---	--	--	--

183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227

e) Residential Cost-Share Program Framework

Mr. Kinney explained the District’s process for creating the proposed cost-share program framework, which included reviewing cost-share programs of other watershed districts and government units. He indicated that this program will be a big component in the next phase of the District’s implementation – changing public perception of shoreline buffers and encouraging lakeshore stewardship.

Aidan Read gave a presentation on the proposed program. He noted the cost-share program is just one element of the District’s comprehensive shoreline program which involves education & outreach, technical assistance, financial assistance (i.e., cost-share and incentive payments), and regulatory enforcement (i.e., the permitting program). Mr. Read explained the District’s partnership with the MN Pollution Control Agency GreenCorps program, through which Jess Hall was hired. He provided an overview of program participation in 2022 (25 requests for site visits, 7 plant grant applications, 1 application for a shoreline project). Mr. Read indicated the existing Plant Grant Program isn’t well suited to furthering the District’s shoreline restoration goals. He explained that staff worked with the Citizen Advisory Committee to workshop the proposed program framework, resulting in the draft policy that is now being presented to the Board.

The revised residential program includes two new grants (“Mini-Grant” and “Community Water Cost-Share”), one incentive program (“Watershed Legacy Payments”), and enhanced technical assistance. Mr. Read presented two flow charts: one for the cost-share programs and one explaining the Watershed Legacy Payments.

Manager Bakke indicated that the Bone Lake Association is very interested in promoting this program on Bone Lake and encouraging shoreline homeowners to implement shoreline buffers.

Manager Loth asked about the legacy payment amount. Mr. Read explained the recommended amount in 2023 is \$300. Residents meeting the highest tier would receive the full \$300, and residents meeting a lower tier would receive \$150. The Board can choose to change these payment rates, if it would like.

Manager Anderson indicated this program is a long time coming and appears very professional. She congratulated the team that worked on this and indicated she is excited to implement the program and see the response. She asked about the property tax payment program on page 12 of the policy. Mr. Kinney indicated staff has contacted the counties about this and confirmed that the District can pay toward any resident’s property taxes.

President Schmaltz stated that people need to understand the importance of shoreline buffers before they’ll participate in a program like this. He referenced the District’s Shoreline Homeowner Tools & Rules Guide, which can be a useful outreach tool.

228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249

President Schmaltz asked how staff would like managers to provide feedback on the policy. Mr. Kinney indicated that he would like to have the program ready for implementation by the time the snow melts this spring. He suggested that managers email their comments and questions to him by Wednesday, March 15th.

f) Washington County Tax Forfeit Properties

Mr. Kinney described the tax forfeit properties in question, noting their proximity to Forest Lake and the Parson’s Wetland, on which the McNamara family trust recently donated a different piece of land to the District. He explained that either the District or the City of Forest Lake could acquire the parcels and protect this swath of wetland. The proposed resolution would direct staff to communicate its interest to the County, and ask the County to initiate steps to classify the property as conservation property.

President Schmaltz moved to adopt Resolution 23-03-02. Seconded by Manager Anderson.

Manager Anderson indicated it’s a good idea to pursue opportunities like this and protect properties so close to the lake.

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

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

250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266

g) Forest Lake Lake Association Annual Meeting & Alum Treatment Outreach

President Schmaltz explained the Forest Lake Lake Association’s (FLLA) interest in working with the East Metro Water Resource Education Program (EMWREP) to write an article promoting the FLLA’s annual meeting. The article would advertise the meeting itself, as well as the discussion topics at the meeting which include the Forest Lake Alum Treatment and loon conservation on the lake. Manager Anderson noted that the Chisago County Press Editor, Denise Martin, is currently in attendance at the board meeting. Manager Anderson suggested the FLLA reach out directly to the local papers to spread the word as well. Managers expressed support for President Schmaltz’s proposition to work directly with EMWREP.

7. Old Business

a) Comfort Lakes Association Funding Request

Mr. Kinney explained that this topic has been discussed in the past, and there was more information provided in the February 23rd board packet. He referenced guidance from

267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295

legal counsel recommending the Board consider two questions when considering the funding request:

- (1) Did the Comfort Lakes Association (CLA) perform the treatment under a reasonably founded understanding that the District would be contributing \$15,000 to the cost?
- (2) Is there support in the Watershed Management Plan (WMP) as presently written for this expenditure (e.g., as research)?

Manager Anderson moved to approve the Comfort Lake Association’s funding request for \$15,000. Seconded by President Schmaltz.

Manager Anderson indicated this request is tied in with the start of the discussion about the lake association grant program and has transitioned into a discussion about the District’s research fund. She noted the treatment was a research initiative and was partially funded under the DNR’s innovative grant program specifically for lake associations.

President Schmaltz noted that last year the District approved approximately \$7,000 for the Comfort Lakes Association for EWM management in 2021. This funding was provided outside of a formalized cost-share program. President Schmaltz noted the EWM management framework that was approved at the February 9th board meeting, which involves the District treating high densities of EWM (>180 stems per square meter), and lake associations/residents are free to treat more if they would like (as permitted by DNR).

Upon a roll call vote, the motion carried 3-1-1.

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

296
297
298
299
300
301
302
303
304
305
306

8. Program/Project Update

a) Project Update

Blayne Eineichner provided an update on the Sunrise River/Highway 61 Wetland Enhancement Project. The project will restore the hydrology of a wetland adjacent to the Sunrise River, upstream of Comfort Lake. This project was identified through the District’s diagnostic monitoring process. The estimated phosphorus reduction at the project edge/Sunrise River is 89 pounds per year. The estimated phosphorus reduction achieved at Comfort Lake, which is located further downstream, is 65 pounds per year.

307 Construction is underway, and the diversion weir and excavation were completed earlier
308 this week. The northern ditch connection, revegetation and site restoration will be
309 completed this spring. Manager Anderson asked about sediment reductions, and Ms.
310 Heinz answered the estimated sediment reduction at the project edge/Sunrise River is
311 51,740 pounds per year, and the reduction at Comfort Lake is 18,630 pounds per year.
312

313 Manager Anderson expressed concern about construction vehicles tracking sediment
314 onto Highway 61, particularly northerly. She asked if there were more preventative
315 measures the contractor could take in order to reduce sediment tracking. Mr. Eineichner
316 explained that the District requires a rock entrance for the construction site and street
317 sweeping at the entrance to pick up any tracked sediments. He advised that the District
318 will request an increased sweeping frequency.
319

320 **9. Summary and Approval of Board Direction**

321
322 Board directives from the meeting were summarized.

- 323 • Manager Anderson requested the 2023 AIS Management Plan be revised to clarify
324 statements and figures regarding Secchi disk trends on Lake Keewahstin and Little
325 Comfort Lake and phosphorus concentration on Forest Lake, incorporate a note
326 about the spring delineation of EWM related to last year’s treatment, and consider
327 adding the 2010 phosphorus concentrations for each lake so as to provide
328 background on the starting point for each lake at the beginning of the AIS
329 program.
- 330 • President Schmaltz requested that the shoreline program outreach methods include
331 literature educating residents about the importance of shoreline buffers.
332

333 President Schmaltz suggested the Board discuss COVID-19 protocols and board meeting
334 format at the next meeting.
335

336 There was general consensus among the managers to schedule one or two special meetings
337 to discuss the administrator’s S.M.A.R.T. goals and have legal counsel provide an
338 overview/refresher on the District governance manual. President Schmaltz will
339 communicate with legal counsel to determine how much time the governance manual
340 discussion will take, and if it requires its own meeting.
341

342 **10. Adjourn**

343
344 **a) Next regular board meeting – March 23, 2023**

345
346 Manager Loth moved to adjourn the meeting. Seconded by President Schmaltz. Upon a
347 roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:20 p.m.
348

Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs	X			

Jackie Anderson	X			
Stephen Schmaltz	X			

349

350

Dave Bakke, Secretary _____

DRAFT