

1 **MINUTES OF THE REGULAR MEETING OF THE**  
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**  
3 **Thursday, May 11, 2023**  
4

5 **1. Call to Order**  
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7 President Schmaltz called the May 11<sup>th</sup>, 2023 regular board meeting to order at 6:30 p.m.  
8 at the District offices at 44 Lake Street South, Suite A, Forest Lake, MN. The meeting was  
9 also made available via Zoom teleconference.  
10

11 **Managers Present:**

12 Steve Schmaltz, President  
13 Christopher Loth, Vice President (attending remotely)  
14 Dave Bakke, Secretary (attending remotely)  
15 Jackie Anderson, Treasurer  
16 Douglas Toavs, Assistant Treasurer (attending remotely)  
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18 **Staff Present:**

19 Mike Kinney, Administrator  
20 Beth Carreño, Senior Program Manager  
21 Bobbie Law, Office Manager  
22 Emily Heinz, Planning Coordinator  
23 Jessica Lindemyer, Operations and Outreach Specialist  
24

25 **Others Present:**

26 Greg Graske, Emmons & Olivier Resources  
27 Cecilio Olivier, Emmons & Olivier Resources  
28 Joe Pallardy, Emmons & Olivier Resources  
29 Chuck Holtman, Smith Partners  
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31 **2. Setting of Meeting Agenda**  
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33 Agenda item 5a – Update on City of Forest Lake Wetland Bank Ordinance was added to  
34 the agenda.  
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36 President Schmaltz moved to approve the agenda as presented. Seconded by Manager  
37 Anderson. Upon a roll call vote, the motion carried 5-0.  
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Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			

Doug Toavs	X			
Jackie Anderson	X			
Stephen Schmaltz	X			

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### 3. Public Hearing: Forest Lake Alum Treatment Project Ordering

President Schmaltz opened the public hearing.

A pre-recorded project presentation was played. In the presentation, Ms. Lindemyer explained the definitions of phosphorus, external loading, and internal loading. Alum treatments address internal phosphorus loading. She explained how the licensed alum treatment applicator applies liquid alum to the lake via a specialized barge. She noted that the District has completed several projects which address the majority of external phosphorus loading to the lake. The alum treatment will occur in the middle basin in areas where the depth exceeds 15 feet, but the water quality improvements will be realized in all three basins. After the alum treatment, Forest Lake will have improved water quality, increased water clarity, and fewer algae blooms. Increased clarity may result in increased aquatic plant growth in areas of the lake less than 15 feet deep.

President Schmaltz determined that no public comments had been submitted and no members of the public were present and closed the public hearing.

### 4. New Business

#### a) Forest Lake Alum Treatment Project Ordering

Manager Anderson moved to adopt resolution 23-05-01. Seconded by Manager Toavs.

Manager Anderson stated that the presentation was very well done, and the Board has received informative reports from Emmons & Olivier Resources (EOR) thus far, so she does not have any questions. President Schmaltz asked staff to speak on the risks associated with pH impact and what is being done to mitigate those risks. Administrator Kinney noted that the alum applicator will perform pH testing with oversight by EOR throughout the alum treatment process. Joe Pallardy explained how the pH testing and monitoring work. He noted that the treatment will include a sodium aluminate buffer, which will help maintain a safe pH.

Manager Bakke noted that the project is scheduled to include the first split-dose in 2023, monitoring in 2024, and a second dose in 2025 if needed. He asked if the project cost would be reduced by almost half if the second dose isn't needed. Mr. Pallardy

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confirmed the cost would be reduced if the second application isn't needed. He explained how the 2024 monitoring will inform this decision.

President Schmaltz asked how the alum treatment in the middle basin would affect the east basin, given that the predominant flow is from east to west. Mr. Pallardy noted that there actually is a significant amount of flow from the middle basin into the east basin and vice-versa; inter-basin mixing is prevalent throughout the entire lake. Responding to a question from Manager Anderson, Mr. Pallardy advised that full water quality measurement would occur in the middle and east basins, with surface water quality measurement in the west basin as well. Based on the monitoring, the targeting of the second treatment may be adjusted.

Manager Bakke asked what other outreach is being done with respect to the lakeshore owners around the lake. Ms. Lindemyer explained that, given this project's visibility and magnitude, this is the first District project with its own outreach plan. Communications include emails, direct mailers, watercraft inspector handouts at the public launches, social media campaigns, and Arts in the Park in Forest Lake Lakeside Park every week throughout the summer.

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			

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**b) Forest Lake Downtown Agreement**

Administrator Kinney explained that he and the District Engineer, Greg Graska, have been working with the City of Forest Lake on this topic for a few years. As a part of the City's downtown redevelopment planning efforts, the City and CLFLWD staff began a discussion in 2019 regarding stormwater management in this area. In 2020, the District committed to assisting in funding a portion of the study used to support this agreement. The results of the study were presented to the Board on October 28, 2021. The reimbursement for the District's portion of the study was made in January 2022. Staff and legal counsel have since been collaborating on the many elements of the vision regarding how this work would be accomplished. He noted that the agreement includes specific elements that required negotiation.

112 Greg Graska highlighted the downtown area, which is located just west of Forest  
113 Lake's west basin. He noted that treatment options are limited here due to the limited  
114 depth to groundwater in this area. Manager Toavs asked about the size of and  
115 maintenance for the hydrodynamic separators. Mr. Graska indicated they are a bit  
116 larger than a manhole. He estimated the City would need to clean them out once or  
117 twice per year, which is included in the maintenance requirements in the agreement.  
118 President Schmaltz asked how much phosphorus the hydrodynamic separators  
119 would remove. Mr. Graska indicated the treatment area is roughly 3 acres, and the  
120 phosphorus removal is approximately 3-5 pounds per year. Manager Anderson  
121 noted that sediment and chemical runoff will be filtered as well, which is also  
122 important.

123  
124 Manager Anderson asked if these projects are going to reduce or increase the  
125 amount of water flowing northward to the Sunrise River. Mr. Graska indicated these  
126 would neither increase nor decrease flows. He explained that the regional treatment  
127 facility may reduce stormwater volume in the future.

128  
129 Mr. Graska noted the City plans to build some of the best management practices  
130 (BMPs) this year. He explained the City's plan is to build a few BMPs and sell off the  
131 associated stormwater credits, then continue to build more BMPs afterward. Mr.  
132 Graska stated that it would be prohibitively expensive to build all of the potential  
133 BMPs right away. Manager Bakke asked if the District has any financial obligations  
134 under this agreement. Mr. Kinney stated that the District would not.

135  
136 Manager Loth noted the study identified 5.5 acres to be treated. He asked if there are  
137 any other parts of the city in need of these types of projects. Mr. Graska noted that  
138 the study included two other subwatersheds – the Highway 61 corridor to the north  
139 and the Broadway Ave corridor to the west. Mr. Graska explained that space is often  
140 restricted on many of these redevelopment sites, making it difficult to place BMPs to  
141 treat stormwater onsite. The BMPs as part of this study will be an alternative for such  
142 sites, and the developers could purchase treatment credits from the City rather than  
143 building BMPs on their sites.

144  
145 Manager Anderson indicated there are innovative treatment options available, such  
146 as underground treatment systems. Mr. Kinney noted that Mr. Graska does a good  
147 job working with permit applicants to identify innovative practices to meet  
148 stormwater treatment requirements. Manager Anderson suggested adding  
149 language to the agreement that indicates that the District and the City mutually  
150 support innovative practices. Mr. Holtman indicated that such a recital could be  
151 added.

152  
153 Manager Anderson moved to authorize the President on advice of counsel, to make  
154 final non-substantive changes, including adding a recital expressing the mutual

155 interest of the parties in innovation, and to enter into the Forest Lake Downtown  
 156 Agreement with the City of Forest Lake. Seconded by Manager Loth. Upon a roll call  
 157 vote, the motion carried 5-0.  
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Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs	X			
Jackie Anderson	X			
Stephen Schmaltz	X			

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 160 **c) Comfort Lake Point Intercept Survey**  
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162 Mr. Kinney explained that the Comfort Lakes Association (CLA) is requesting that the  
 163 District complete a point-intercept survey on Comfort Lake in 2023. He noted the 2023  
 164 budget does not contain dedicated funding for a point-intercept survey on Comfort  
 165 Lake. Rather, the budget only contains enough for the regularly planned meander  
 166 survey, which is less expensive. Manager Toavs asked if this survey is required by the  
 167 Minnesota Department of Natural Resources as a condition of the Eurasian  
 168 watermilfoil treatment that the District cost-shared. Manager Anderson confirmed it  
 169 is.  
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171 Manager Bakke asked for more explanation of the cost differential. Mr. Kinney  
 172 explained the District schedules point intercept surveys for its major lakes on a 5 -  
 173 year rotation, and Comfort Lake isn't due for another until 2024. The 2023 Blue Water  
 174 Science service agreement was approved by the Board at the January 26, 2023,  
 175 meeting. The 2023 AIS Prevention & Management Plan was approved by the Board  
 176 at the March 9, 2023, meeting. Neither the service agreement nor the plan includes a  
 177 point-intercept survey on Comfort Lake. Currently, Blue Water Science is scheduled  
 178 to perform a less expensive meandering survey that is standard for most years. If  
 179 contracting for a point-intercept survey alone, it would cost \$2,700. However,  
 180 upgrading the planned meander survey (which costs \$1,800) to a point-intercept  
 181 survey (which costs \$2,700) will merely cost an *additional* \$900.  
 182

183 President Schmaltz moved to perform a budget transfer of \$900 from Comfort Lake's  
 184 (3-004-D) Lake Association Grant Program line item to cover the additional expense  
 185 of a point intercept survey. Seconded by Manager Bakke.  
 186

187 Manager Loth asked if the CLA has the funds to pay for this on its own. Manager  
 188 Anderson said the CLA has the funds to pay for the survey, but it is a small lake  
 189 association with a small budget. Manager Bakke confirmed the next point-intercept  
 190 survey would be scheduled for 2024, so this action merely moves up the schedule by

191 one year. Manager Loth asked if the 5-year schedule would then be adjusted  
192 accordingly. Mr. Kinney indicated it would, and the next point-intercept survey after  
193 this will be scheduled for 2028.

194  
195 Upon a roll call vote, the motion carried 4-0-1.

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

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198 **5. Old Business**

199 **a) Update on Wetland Bank Ordinance**

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201 President Schmaltz asked for an update on the staff discussions on this topic. Mr.  
202 Kinney explained that he and Ms. Carreño will meet next week with other staff from  
203 City of Forest Lake, Rice Creek Watershed District, and Washington County. He noted  
204 the Planning Commission meeting is on May 22<sup>nd</sup>. Managers discussed the ordinance  
205 language and potential additional language to reflect the science of wetlands.

206  
207 Manager Anderson moved to authorize President Schmaltz, on behalf of the District,  
208 to take such steps as he believes appropriate with respect to the City's ordinance  
209 consideration. Seconded by Manager Bakke.

210  
211 President Schmaltz indicated it is important for the ordinance to reflect the science,  
212 and the District is looking out for landowners' rights to make use of their land for  
213 economic purposes, if they choose, by means of wetland bank creation.

214  
215 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			

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218 **6. Program/Project Update**

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220 Administrator Kinney referred to the project update presentation slides prepared by  
221 Blayne Eineichner. He noted the Little Comfort Lake Infiltration Basin/Gravel Pit project is  
222 on hold because the landowner may no longer be willing to sell. Mr. Kinney noted that  
223 conversations with the landowner are ongoing. Manager Anderson noted the Lower St.  
224 Croix Watershed Partnership Policy Committee is excited to see the Sunrise  
225 River/Highway 61 Wetland Enhancement Project completed. Manager Bakke asked for  
226 an update on the County Road 50 Iron Enhanced Sand Filter Project. Mr. Graska noted  
227 the electrical panels are installed, but connection still needs to be made by the power  
228 company.

229  
230 Emily Heinz presented an update on the Grant Research & Preparation Program and  
231 other funding/financing updates. The District utilizes three main sources of  
232 funding/financing. Major revenues include an ad-valorem tax levy on properties in  
233 District boundaries and grants. The District also utilizes a zero-interest Clean Water  
234 Partnership loan, which is not categorized as revenue, but as debt. Ms. Heinz explained  
235 how the levy has increased over time and is generally in line with increases in property  
236 values. She described that grant funding requires that the District complete an agreed-  
237 upon action or project, per the associated grant agreement. The District is on track with  
238 its grant program goals from the Watershed Management Plan, which include obtaining  
239 grant awards equal to 25% of the District's levy, applying to one new grant program per  
240 year, and keeping up on grant reporting requirements to ensure timely disbursement of  
241 funds.

242  
243 Ms. Heinz explained how the Clean Water Partnership loan functions on a reimbursement  
244 basis during the 3-4 year disbursement period. The repayment period is 10 years. She  
245 recommended that, although there is zero interest, the District must still be conscious of  
246 how much debt it is taking on, because the loan repayments can add up as the District  
247 takes on more debt in the short term. She noted that it is the Board's decision whether to  
248 take on more debt or reduce expenditures.

249  
250 Ms. Heinz noted there is a budget workshop scheduled for Wednesday, May 24<sup>th</sup>. She  
251 recommended the Board discuss high-level priorities in order to decide what can be  
252 funded in the 2024 budget and what isn't feasible to include. She stated these priorities  
253 should be cross-referenced to be in alignment with the Watershed Management Plan.

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## 255 **7. Summary and Approval of Board Direction**

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- 257 • Manager Anderson requested to discuss the aquatic invasive species program
- 258 for both Bone Lake and Comfort Lake with staff.
- 259 • Staff will research possibilities for larger signage for Highway 61 project and all
- 260 projects.
- 261 • Staff will send a link to the May 11th grants presentation to all the managers via
- 262 email.

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**8. Adjourn**

**a) Next regular board meeting – May 25, 2023**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:29 p.m.

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

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Dave Bakke, Secretary -----