

1 **DRAFT MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, September 14, 2023**

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5 **1. Call to Order**

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7 President Schmaltz called the September 14, 2023, regular board meeting to order at 6:30
8 p.m. at the CLFLWD office at 44 Lake Street South, Forest Lake, MN and via online video
9 conference.

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11 **Managers Present:**

12 Steve Schmaltz, President
13 Christopher Loth, Vice President (virtual attendance)
14 Dave Bakke, Secretary (virtual attendance)
15 Jackie Anderson, Treasurer (virtual attendance)
16 Douglas Toavs, Assistant Treasurer (virtual attendance)

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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 Mike Sandager, Permitting Coordinator

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25 **Others Present:**

26 Greg Grasko, Emmons & Olivier Resources
27 Kyle Crawford, Emmons & Olivier Resources
28 Chuck Holtman, Smith Partners
29 Todd McLouth
30 Doug Schultz

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32 **2. Setting of Meeting Agenda**

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

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

[Manager Loth arrived at 6:32 p.m.]

3. New Business

a) Permit 22-043 Rolling Acres 61

Greg Graska summarized the proposed project, which entails residential development and associated stormwater treatment facilities. Mr. Graska explained that there are wetlands and required wetland buffers, all of which are contained within an outlot that is being enrolled in a RIM (Reinvest in Minnesota) easement. The RIM easement protects the entire lot including the required CLFLWD buffer area. The recorded declaration required by the District rule will overlay the RIM easement on the delineated buffer areas. Mr. Graska noted that the District will require that the permittee install wetland buffer signage prior to home construction.

Manager Toavs moved to approve permit application #22-043 with conditions stated in EOR's September 12, 2023 memorandum. Seconded by Manager Bakke. 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			

b) WJD-6 Wetland Enhancement Contract Award

Kyle Crawford presented the recommendation for contract award for the Washington Judicial Ditch 6 Wetland Enhancement Project. The District received ten bids. The lowest responsive bidder was Peterson Companies with a total bid, including all add alternates, of \$296,653.54.

Resolution 23-09-02 was discussed, and at Administrator Kinney's request, there was Board consensus to amend paragraph C on page 2 to read as follows: "c. The District administrator is authorized, in their discretion, on advice of counsel and in consultation with the Board President, to sign task orders increasing the contract price in an aggregate net amount not to exceed the original remaining budget of \$89,500."

President Schmaltz moved to adopt Resolution 23-09-02, Awarding Contract for the WJD-6 Wetland Restoration Project, with the amendment as discussed. 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			

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Manager Anderson asked for clarification that this project is, in fact, not located on a public ditch. Mr. Holtman and Mr. Crawford affirmed that it is not.

c) Moody Lake Capstone Solicitation of Bids

Mr. Crawford presented the recommendation to solicit bids. He indicated that the engineer's estimate for construction is \$299,040, including add alternates.

Manager Anderson moved to adopt resolution 23-09-03, Approving Plans and Directing Solicitation of Bids for the Moody Lake Capstone Project. Seconded by President Schmaltz.

Manager Anderson indicated she hopes staff is keeping a photo log documenting the evolution of the site for projects like this one.

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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d) Great River Greening Cooperative Grant Agreement

Administrator Kinney explained that this cooperative grant agreement will fund restoration work on the North Shore Trail Nature Area property (formerly known as the Cranberry Lake Channel Property).

President Schmaltz moved to authorize the District administrator, on advice of counsel, to enter into a cooperative agreement with Great River Greening for the purpose of executing the ENRTF grant. 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			

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e) Partnership Grant Opportunity

Manager Toavs moved to direct the administrator to pursue shoreline grant partnership opportunities with MN Lakes and Rivers and provide a letter of support. Seconded by Manager Bakke.

Emily Heinz reported that staff have been in communication with MN Lakes and Rivers (MLR) in pursuit of a partnership to apply for grant funding together. MN Lakes and Rivers has experience winning large grants for partnership efforts, most recently to engage in aquatic invasive species prevention outreach with a partnership elsewhere in the state. MLR also does a lot of work in coordination with lake associations throughout the state. The District might partner with MLR to apply for grant funds in a similar way to do shoreline restorations and shoreline outreach in the Comfort Lake-Forest Lake Watershed District and potentially elsewhere in the East Metro Area. Ms. Heinz noted that staff will bring another proposal to a future meeting with respect to another potential partnership to replicate MLR’s aquatic invasive species outreach campaign as well. Ms. Heinz recommended that partnerships such as this can help the District’s efforts go further and win larger grants such as those from the Environment and Natural Resources Trust Fund (ENRTF). She noted that the next ENRTF grant round will begin in early 2024, and funds, if awarded, would be available July 2025. Ms. Heinz explained how larger grant sources often have longer lead times, such as this. She noted the list of shoreline grants provided in the board packet memorandum and indicated that the District is building a diverse portfolio of grant applications to support this work.

Manager Toavs indicated that utilizing partnerships and planning ahead for grants like this is a smart thing for the District to do. President Schmaltz asked about the staff time commitment involved. Ms. Heinz explained that working in a partnership, especially if MLR is the grant fiscal agent, would result in a smaller staff time commitment compared to the District seeking these types of grants on its own.

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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4. Old Business

a) MN Watersheds Resolution – Expanding Watershed Districts

Manager Anderson moved to approve support of the proposed resolution as developed by Manager Bakke, and reviewed by Manager Anderson and Mr. Holtman, and submit the resolution to the Minnesota Watersheds Board. Seconded by President Schmaltz.

Manager Bakke explained that this issue came to his attention when he joined a lake association near Lake Vermillion. He noted that there isn't a watershed district present in that area of the state. He indicated that the other lake association members supported the idea of establishing a watershed district in that area.

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) Board Meeting Schedule – Amendment

Manager Anderson moved to amend the 2023 Board Meeting Schedule to move the December meeting to December 20th. Seconded by President Schmaltz. 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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c) Office Space/ISG Update

Beth Carreño provided an update on the office space process including coordination with ISG, work on the pro forma, and tours of other watershed district office spaces. President Schmaltz asked for a timetable for the office space process, including upcoming meetings and deliverables.

162 Manager Anderson asked to confirm the Board’s opinion on renting the 2nd floor
163 additional space at 44 Lake Street South (i.e., “Suite C”). Manager Loth asked Mr.
164 Kinney if anything has changed since this was last discussed. Mr. Kinney indicated
165 he spoke with Manager Anderson about this, and the opportunity for additional
166 storage is a consideration, but generally nothing has changed since this topic was
167 last discussed. Manager Anderson stressed that if the District does not take the
168 opportunity to lease this space now, someone else will likely take it. She
169 recommended the Board and staff consider the future of office space needs over the
170 next 3 years. Manager Toavs indicated that the price of \$20,000/year is too high for
171 a space that doesn’t fully meet the District’s needs. He recommended the District
172 focus its efforts on the new office space, and not lease a sub-optimal space in the
173 meantime.

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175 Mr. Kinney noted that, with Jessica Lindemyer’s resignation, he will be taking her
176 enclosed office space for himself. He noted that he is working on having Gallagher
177 update the salary survey so that the District can be competitive with other watershed
178 districts when it comes to staff compensation. Mr. Kinney indicated that foregoing
179 the opportunity to lease the additional space in Suite C would result in cost savings
180 for the District. Such savings could be devoted to the salary survey and potential
181 subsequent salary adjustments. He indicated that, whichever option the Board
182 decides, he will be able to manage. Manager Loth reiterated Manager Anderson’s
183 statement that the District may miss out on the opportunity to lease Suite C if it does
184 not choose to enter into the lease now. He indicated that, in light of this consideration,
185 he is changing his vote to be in favor of leasing Suite C now.

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187 Manager Anderson and Manager Loth indicated they are in favor of leasing Suite C.
188 President Schmaltz, Manager Bakke, and Manager Toavs indicated they are not in
189 favor of leasing Suite C.

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191 **d) Floodplain Vulnerability Assessment**

192 Administrator Kinney indicated this is an informational update to inform the Board
193 that a scope of work will be brought to the next board meeting on September 28th.
194 This proposal is in light of the Board’s budget discussions and expressed interest in
195 moving forward with this effort this year. This effort is expected to result in a prioritized
196 list of projects to proceed with to improve flood resiliency in the watershed.

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198 Manager Anderson asked for clarification on what the Floodplain Vulnerability
199 Assessment entails. Mr. Kinney explained that the recent effort to update the District’s
200 hydrologic and hydraulic (H&H) model was simply to ensure the model is in the most
201 up-to-date working order. This previous effort did not include the engineer’s time to
202 use the model to run scenarios. The Floodplain Vulnerability Assessment will, in part,
203 involve running scenarios in the model in order to identify flooding concerns in the
204 watershed and target projects to address those concerns.

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5. Program/Project Update

a) Project Update

Administrator Kinney reported that construction has been completed for the Sunrise River-Highway 61 Wetland Enhancement and CR50 Iron Enhanced Sand Filter projects, and these projects are slated for closeout in October. The Moody Lake Capstone Project and WJD-6 Wetland Enhancement projects are proceeding on schedule. Mr. Kinney noted that staff and EOR are evaluating the feasibility of a water quality improvement project off Heath Avenue near Little Comfort Lake. As authorized by the Board at the last meeting, staff will submit a grant application for acquisition of the underlying land on which a project could be constructed.

6. Summary and Approval of Board Direction

Board directives were summarized:

- Manager Anderson asked that staff and EOR be diligent about keeping before and after photo logs of projects.
- President Schmaltz indicated he would connect with staff to share with the other managers information about Rice Creek Watershed District’s floodplain vulnerability assessment.

Beth Carreño noted that the District will have an educational native plants roots display available at the office, and managers are encouraged to take a look next time they are at the office.

7. Adjourn

a) Next regular board meeting – September 28, 2023, 6:30 pm

Manager Anderson moved to adjourn the meeting. Seconded by President Schmaltz. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:06 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 _____