

1 **DRAFT MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, October 12, 2023**

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5 **1. Call to Order**

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7 President Schmaltz called the October 12, 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 Blayne Eineichner, Project Coordinator
21 Emily Heinz, Planning Coordinator

22
23 **Others Present:**

24 Cecilio Olivier, Emmons & Olivier Resources
25 Greg Grasko, Emmons & Olivier Resources
26 Anne Wilkinson, Emmons & Olivier Resources
27 Kyle Crawford, Emmons & Olivier Resources
28 Chuck Holtman, Smith Partners

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30 **2. Setting of Meeting Agenda**

31 Agenda items 3a EOR Staff Introduction and 4c Credit Card Policy were added to the
32 agenda.

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34 Manager Toavs moved to approve the agenda as amended. Seconded by Manager
35 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 | | | |

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| Stephen Schmaltz | X | | | |
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3. New Business

a) EOR Staff Introduction

Cecilio Oliver introduced the new Emmons & Olivier Resources (EOR) staff member, Dr. Anne Wilkinson. Dr. Wilkinson introduced herself to the Board. She is a limnologist and water quality scientist. She received her PhD from the University of Minnesota as a researcher at the St. Anthony Falls Laboratory. She has expertise in watershed modeling, subwatershed assessments, diagnostic and feasibility studies, aquatic invasive species management, grant preparation, and lake eutrophication/algae management. Dr. Wilkinson noted she specializes in algae identification. Managers welcomed her aboard.

4. Old Business

a) Moody Lake Capstone Project Contract Award

Kyle Crawford presented the recommended contract award. He explained that the low bidder out of seven bidders is Dimke Excavating. The project includes three components: Moody Lake Round Barn Soil Excavation, Park Improvements (raingardens, path stabilization), and South Moody Wetland Excavation.

President Schmaltz moved to adopt resolution 23-10-01, awarding the contract, consisting of the base bid and three add alternates, to Dimke Excavating in the amount of \$167,843.10. Seconded by Manager Bakke.

Manager Anderson noted that the low bid is significantly lower than the engineer's estimate and the grant budget. She recommended increasing the administrator's authority to approve change orders that increase the contract amount. She proposed item c under Therefore Be It Resolved read as follows: "The District administrator is authorized, in his discretion and on advice of counsel and the Board President, to sign task orders increasing the contract price to an aggregate amount equal to the portion of the grant allocated to the construction contract."

The motion was amended accordingly by unanimous consent.

Manager Toavs suggested planting more shoreline buffer vegetation. Mr. Crawford explained that the District has been coordinating closely with Chisago Lake Township on this project, as the Township is the landowner. He indicated that the Township hasn't been interested in planting an extensive buffer, but staff can discuss this again with the Township. Manager Anderson recommended that staff try to utilize excess grant funds in respects that enhance the project.

79 President Schmaltz noted that the District has not worked with Dimke Excavating
80 before. Mr. Crawford explained that EOR has worked with Dimke on a few projects
81 recently and has been satisfied with its work.

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83 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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86 **b) Lessard-Sams Outdoor Heritage Fund Grant Agreement**

87 Administrator Kinney noted that the first resolution is similar to past resolutions
88 authorizing execution of the grant agreement. He noted that the second resolution
89 would adopt a conflict of interest policy that is a requirement of the Lessard-Sams
90 grant.

91

92 Manager Toavs moved to adopt resolution 23-10-02, authorizing the Board President
93 to execute the Lessard Sams Outdoor Heritage Fund grant agreement. Seconded by
94 President Schmaltz.

95

96 Mr. Kinney reported that staff will meet with the landowner again within the next few
97 weeks to discuss the landowner's asking price for the acquisition. Manager Anderson
98 noted that the Lessard-Sams grant is not enough to cover the entirety of the
99 acquisition cost. She expressed concern that this project may require a larger
100 amount of local funding from the District than most of the District's other projects. Mr.
101 Kinney explained that he is keeping this in mind during his discussions with the
102 landowner. Mr. Kinney noted that the purchase price decision will ultimately be up to
103 the Board's discretion, and he will bring a recommendation forward to a future board
104 meeting. Manager Bakke indicated that he believes this property presents an
105 opportunity to achieve a multitude of water resource benefits, and he believes it is
106 worth devoting the time necessary to close the deal.

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108 President Schmaltz noted the Lessard-Sams Outdoor Heritage Council's requirement
109 that grantees cannot pay more than 110% of the appraised price of a property. Mr.
110 Kinney explained that this requirement is intended to prevent land prices from
111 becoming inflated and to ensure public funds are being spent wisely. Mr. Kinney
112 noted that Washington County will not pay more than the appraised value for an
113 acquisition or an easement.

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115 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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118 Manager Anderson moved to adopt resolution 23-10-03 establishing a conflict of
119 interest policy for the purpose of the grant agreement. Seconded by Manager Toavs.

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121 Manager Anderson asked if the conflict of interest policy is meant to be a protection
122 for the District. Mr. Holtman noted that the District already has a conflict of interest
123 policy in its bylaws. This additional policy is meant to address the specific language
124 that the State stipulates. It does not change the District's existing policy.

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126 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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129 **c) Credit Card Policy**

130 Manager Anderson requested that the first bullet under Therefore Be It Resolved in
131 the resolution be amended to read as follows: "The District Administrator is the
132 account administrator, and the Board Treasurer is the secondary administrator
133 for the District's credit card account(s)."

134
135 Manager Anderson moved to adopt resolution 23-10-04 as amended. Seconded by
136 Manager Toavs. 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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139 **5. Program/Project Update**

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141 **a) Project Update**

142 Blayne Eineichner provided an update on the following projects:

- 143 • Forest Lake Alum Treatment: SOLitude Lake Management completed the
144 treatment during the last week of September. The District held a
145 demonstration day/kickoff meeting on Tuesday, September 26th. Mr.
146 Eineichner noted that staff and EOR monitored the water and ensured pH was
147 maintained. President Schmaltz noted that there were high winds during the
148 week of the alum treatment, and he asked if the alum treatment effectiveness
149 is at risk. Mr. Kinney indicated that SOLitude would have implemented the
150 treatment within the acceptable conditions range, and the floc should have
151 good coverage, as planned. Ms. Wilkinson noted that wind and precipitation
152 conditions were within the acceptable range, according to the plans and
153 specifications. Mr. Graske noted that the District will collect soil cores and
154 perform additional testing next year in order to determine treatment
155 effectiveness and inform required dosing for a treatment in 2025.

- 156
- 157 • WJD-6 Western Tributary Wetland Enhancement: Mr. Eineichner reported that
158 the contract was recently awarded, an open house is scheduled for
159 November 8th, and construction is slated for this winter.

- 160
- 161 • Moody Lake Capstone Projects: Mr. Eineichner reported that the contract was
162 just awarded at this meeting, this project will be covered during the
163 November 8th open house, and this project is also slated for winter
164 construction.

- 165
- 166 • Sunrise River/Highway 61 Wetland Enhancement: Project closeout to occur
167 shortly.

- 168
- 169 • CR50 Iron Enhanced Sand Filter: Project closeout to occur shortly.

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- 171 • Little Comfort Lake Subwatershed Enhancement: The District is working with a
172 landowner off Heath Avenue and is evaluating feasibility for a potential
173 stormwater treatment project.

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176 **6. Summary and Approval of Board Direction**

177 No board directives were recorded.

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179 **7. Adjourn**

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181 **a) Next regular board meeting – October 26, 2023, 6:30 pm**

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Manager Anderson moved to adjourn the meeting. Seconded by Manager Bakke.

President Schmaltz noted he will not be able to attend the next board meeting.

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

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Dave Bakke, Secretary -----