

1 **DRAFT MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Wednesday, December 20, 2023**

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5 **1. Call to Order**

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7 President Schmaltz called the December 20th, 2023, regular board meeting to order at
8 6:30 p.m. at the CLFLWD office, 44 Lake Street South, and via online video conference.

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10 **Managers Present:**

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

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17 **Staff Present:**

18 Mike Kinney, District Administrator
19 Beth Carreño, Senior Program Manager
20 Emily Heinz, Planning Coordinator
21 Mike Sandager, Permitting Coordinator
22 Aidan Read, Land Management Specialist
23 Garrett Miller, Aquatic Invasive Species Coordinator

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25 **Others Present:**

26 Greg Graska, Emmons & Olivier Resources
27 Anne Wilkinson, Emmons & Olivier Resources
28 Cecilio Olivier, Emmons & Olivier Resources
29 Chuck Holtman, Smith Partners
30 Allison Strohl, Washington County

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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 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. Consent Agenda

a) Regular Board Meeting Minutes – November 16, 2023

Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Toavs. 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. Public Comments on the 2024 Budget & Levy

There were no comments.

5. Public Open Forum

There were no comments.

6. Citizen Advisory Committee Update

Administrator Kinney reported that December Citizen Advisory Committee (CAC) meeting was canceled. Aidan Read noted that he will be sending out a schedule so managers can sign up to attend CAC meetings in 2024.

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7. Aquatic Invasive Species Yearend Reports

Administrator Kinney noted that Garrett Miller pre-recorded a presentation which is available online.

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Manager Bakke indicated that the presentation online was thorough and answered all of his questions. President Schmaltz asked for clarification about expenditures on Forest Lake. He asked Mr. Miller to send him a copy of the 2024 aquatic invasive species funding agreement for Forest Lake and the reconciliation of 2023 expenditures.

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Mr. Miller explained that there are multiple reports available for review on the board packet webpage. He explained that, since there is a large amount of content, he recommended the managers take a few weeks to review and consider approving the reports in January. He noted that Steve McComas will give a presentation on his surveys in January. Mr. Miller summarized some of the highlights from the year including aquatic invasive species surveys, treatments, and watercraft inspection numbers.

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8. New Business

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a) Washington County All-Hazard Mitigation Plan

Allison Strohl, Emergency Management Senior Planner with the Washington County Sheriff's Office, provided an overview of the County's All-Hazard Mitigation Plan. She noted there are FEMA grants available for flood mitigation projects, and the District's adoption of the County's plan will enable the District to be eligible for these grants.

Manager Anderson moved to adopt resolution 23-12-01 adopting the Washington County All-Hazard Mitigation Plan. Seconded by Manager Toavs.

Emily Heinz noted she has had conversations about these grant programs with staff from Homeland Security and Emergency Management (HSEM), Minnesota Department of Public Safety. She indicated the District is primed to apply for grant funding once the flood risk assessment is complete and projects are identified. Manager Anderson noted the importance of interagency cooperation when it comes to flood risk mitigation.

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			

Manager Anderson asked for an update on the status of the Chisago County All-Hazard Mitigation Plan. Ms. Heinz explained that Chisago County is in the process of updating its plan. She indicated she will attend the first planning meeting in January, and the County expects to have its plan completed by the end of 2024.

b) Permit 22-036 Mayorga Meadows

Mike Sandager explained the proposed project is located at 7580 250th Street, City of Wyoming. Most of the site drains to Little Comfort Lake, and the northern section drains to Comfort Lake. Greg Graske explained the project consists of the subdivision of a lot into two buildable lots and no building projects are currently being planned. The subdivision of the lot triggers Rule 4.0: Lake, Stream, and Wetland Buffer Requirements. Five wetlands and a creek are located within the lot and will require a buffer. The five wetlands are classified as Manage 3, which requires a 25 ft buffer, while the creek requires a 75 ft buffer. A proposed buffer plan submitted to CLFLWD includes these buffers and meets the rule requirements of Rule 4.0.

108 Manager Anderson moved to approve permit application #22-036 with conditions
109 stated in EOR's December 11, 2023, memorandum. Seconded by Manager Toavs.

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111 President Schmaltz asked what staff is doing to ensure wetland buffer signage is in
112 place. Mr. Sandager explained that the staff has increased oversight of buffer
113 signage placement in order to ensure buffer compliance.

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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 **c) Permit 23-015 Beltz Park Improvements Phase 1**

119 Mr. Sandager noted that the City hasn't submitted any additional information since
120 the original permit application last month, and that the City had submitted a
121 complete application as of November 2nd. He related that EOR has since provided a
122 supplemental memo discussing the questions posed by the Board last month about
123 regional treatment opportunities. Mr. Graske explained that there isn't enough space
124 to implement a regional stormwater treatment facility on this site or on the nearby
125 streets/properties. He noted this site is on the watershed border with Rice Creek
126 Watershed District, and as such, the drainage area to Forest Lake isn't very large.
127 There is not much opportunity for a regional treatment facility in this location. He
128 recommended approving the permit application with the conditions stated.

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130 President Schmaltz moved to approve permit application #23-015 with conditions
131 stated in EOR's November 8, 2023 memorandum. Seconded by Manager Anderson.

132 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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135 **d) Permit 22-040 CSAH 33**

136 Mr. Sandager explained the proposed project will widen County State Aid Highway
137 (CSAH) 33. Rules 2.0, stormwater management, 3.0, erosion control, and 6.0,

138 watercourse and basin crossings, are triggered. Mr. Graske explained this site is
 139 located just south of the Menards building in Forest Lake. Stormwater management
 140 is achieved through a stormwater pond, greenspace for infiltration, and three
 141 hydrodynamic separators. Sediment and erosion control requirements are met by a
 142 detailed SWPPP (Stormwater Pollution Prevention Plan) which includes silt fences,
 143 bio-logs, inlet protection, revegetation plan, and an implementation schedule.
 144 Replacement of a ditch crossing under Everton Ave triggers rule 6.0. The existing pipe
 145 will be replaced at the same size and inverts but at a longer length. This change has
 146 a negligible impact on pipe capacity, flood elevations, water quality, navigability, and
 147 fish and wildlife satisfying Rule 6.0 requirements.

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 149 Manager Anderson moved to approve permit application #22-040 with conditions
 150 stated in EOR's December 11, 2023, memorandum. Seconded by President Schmaltz.
 151 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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154 **e) County Road 50 Iron Enhanced Sand Filter Project Closeout**

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156 Administrator Kinney explained that construction has been completed. He
 157 recommended project closeout.

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159 Manager Anderson moved to accept the engineer's certificate of completion and
 160 authorize final payment of \$53,764.41 to Dresel Contracting. Seconded by Manager
 161 Toavs.

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163 President Schmaltz remarked that this is a good water quality project.

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165 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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f) 103D Housekeeping Items

168 President Schmaltz thanked Mr. Holtman for preparing the letter summarizing the
169 changes to statute 103D. Manager Anderson indicated it is important for agencies to
170 coordinate with each other on statute cleanup such as this.

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172 President Schmaltz and Mr. Holtman summarized three main points:

- 173 • 103D.321: Would define a WD’s “principal place of business” as the location of the
174 office. This is required to be within the WD’s legal boundary (absent a BWSR
175 exception).
- 176 • 103D.357: Would give explicit authority to a county board to remove a manager
177 that it has appointed “for cause.”
- 178 • 103D.401: Would clarify that a WD retains its own authority to adopt and
179 implement its watershed plan even if it is participating in a IWIP entity. This has
180 been an issue of contention where BWSR has taken some confusing positions.

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182 Manager Anderson noted some additional points in the statute that could use
183 cleanup. She indicated she would provide these in writing to Mr. Holtman.

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185 **g) Year-end Financials & Manager Reimbursement Requests**

186 Administrator Kinney reminded the Board of the reimbursement request deadline
187 and noted it is important to adhere to this deadline to maintain compliance with the
188 annual audit.

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190 **9. Old Business**

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192 **a) 2024 Budget and Levy**

193 Mr. Kinney recommended affirmation of the 2024 budget and levy as previously
194 adopted. He noted that staff will notify the counties before year-end.

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196 President Schmaltz moved to make no change to the 2024 budget or certified levy
197 at this time. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 4-
198 1.

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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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201 **10. Report of Staff**

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203 **a) Administrator**

204 Administrator Kinney noted that the Board will hold a special meeting to discuss the
205 Office Space Feasibility Study on January 9th. He reported that the Board of Water
206 and Soil Resources (BWSR) did not approve the District's grant amendment request
207 for the Little Comfort Lake Clean Water Fund grant; a return of grant funds is included
208 in this month's accounts payable. Mr. Kinney explained that, despite this and other
209 setbacks, he is optimistic about a project alternative – an iron enhanced sand filter
210 on a property on Heath Avenue. He noted that the District obtained an appraisal for
211 associated property acquisition, and he will present this to the Board in January.
212 President Schmaltz noted that he wishes to complete the annual administrator
213 performance review process in a timely manner. Mr. Kinney noted the District has
214 begun construction on the Washington Judicial Ditch 6 (WJD-6) Western Tributary
215 Wetland Restoration project off Highway 97, and the new Office Manager starts on
216 January 2nd.

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218 **b) Emmons & Olivier Resources**

219 Greg Graske reported two project constructions – WJD-6 Wetland and Moody Lake
220 Capstone Projects. He noted the Flood Risk Assessment is ongoing. He provided an
221 update on the Highway 8 reconstruction project, per an update he received from
222 Chisago County. Through its environmental review process, the County identified the
223 presence of long-eared bats in the project vicinity, which are an endangered
224 species. This has put the project on hold because the County needs to incorporate
225 mitigation strategies into its plans. Mr. Graske reported that the County continues to
226 work on potential stormwater treatment best management practices (BMPs) along
227 the Highway 8 corridor. He also noted that he discussed the Little Comfort Lake-
228 Comfort Lake culvert with County staff. The County will try to minimize its impact in
229 this area and minimize the amount of fill it needs to bring in. Mr. Graske indicated
230 that he discussed the District's desire to implement a regional stormwater treatment
231 basin with this project. He explained that the County's timeline for this project is yet
232 uncertain, but he will continue to stay in contact with the County and work on
233 incorporating as much stormwater treatment as possible. Manager Anderson
234 indicated she attended the first meeting with respect to this project in 1994. She
235 asked if the County mentioned Blanding's turtles. Mr. Graske indicated the County is
236 considering Blanding's turtles as well, and is looking to incorporate a "critter crossing"
237 underneath the highway.

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239 **c) Smith Partners**

240 Nothing to report.

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242 **11. Report of Treasurer**

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244 **a) Approval of Bills and Treasurer's Report**

245 Treasurer Anderson reported income for the period of \$16,939.39 and expenses in the
246 amount of \$292,146.57.

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Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$292,146.57. Seconded by President Schmaltz. Upon 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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12. Report of Officers and Managers

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President Schmaltz reiterated that the Board will hold a special meeting on January 9th. He indicated that ISG’s Office Space Feasibility report is lengthy, and hard copies are available at the office. He encouraged the other managers to start thinking about the office space and come prepared to discuss it at the special meeting.

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Manager Bakke reported that he enjoyed the MN Watersheds conference, and he learned a lot at the presentation sessions. He thanked Manager Anderson and Chuck Holtman for their work on refining the resolution that the District submitted to the MN Watersheds Board. The resolution, which proposes outreach to expand watershed districts in the State, passed with a vote of 26-16.

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Manager Anderson reported a dirt pile on Greenway Avenue. She spoke with the City of Wyoming about this, and apparently the CLFLWD issued a permit for this work. She indicated that the La Pointe company is parking its vehicles within the setback for the Sunrise River and directed staff to investigate this. She also asked that staff to look into the website feature that indicates “this event has passed” on the day of an event. She indicated that she expects staff to organize a big 25th anniversary celebration in 2024. She asked staff to make the recent aerial lake photos available to the lake associations. She suggested that prints could be sold as part of a fundraiser.

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Manager Toavs reported that the local newspaper recently interviewed him and the Chisago Lake Township as part of a piece on the Moody Lake Round Barn.

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13. Summary and Approval of Board Direction

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Board directives were summarized.

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- President Schmaltz asked for a copy of the AIS agreement with City of Forest Lake.
- Manager Anderson will send her comments regarding the 103D revisions to Mr. Holtman.

- 283 • Manager Anderson asked staff to look into the dirt pile on Greenway Avenue
- 284 and the associated permit.
- 285 • Manager Anderson asked staff to look into the vehicles parked within the
- 286 Sunrise River setback at La Pointe.
- 287 • Manager Anderson asked staff to look into the website language indicating the
- 288 event has passed.
- 289 • Manager Anderson asked staff to share the aerial lake photos with the lake
- 290 associations.

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292 **14. Adjourn**

293 **a) Next special board meeting – January 9, 2024, 5:30 pm**

294 **b) Next regular board meeting – January 11, 2024, 6:30 pm**

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296 Manager Anderson moved to adjourn the meeting. Seconded by Manager Toavs.

297 Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:08

298 p.m.

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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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301 Dave Bakke, Secretary -----