

1                   **DRAFT MINUTES OF THE REGULAR MEETING OF THE**  
2                   **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**  
3                   **Thursday, July 25, 2024**

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5   **1. Call to Order**

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7       President Schmaltz called the July 25, 2024, regular board meeting to order at 6:30 p.m.  
8       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      Jackie Anderson, Treasurer  
14      Douglas Toavs, Assistant Treasurer (virtual attendance)  
15      Dave Bakke, Secretary (virtual attendance)

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17      **Staff Present:**

18      Mike Kinney, District Administrator  
19      Tori Philippi, Office Manager  
20      Blayne Eineichner, Project Coordinator  
21      Emily Heinz, Planning Coordinator  
22      Garrett Miller, Aquatic Invasive Species Coordinator

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24      **Others Present:**

25      Cecilio Olivier, Emmons & Olivier Resources  
26      Anne Wilkinson, Emmons & Olivier Resources  
27      Greg Grasse, Emmons & Olivier Resources  
28      Chuck Holtman, Smith Partners

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30   **2. Setting of Meeting Agenda**

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32      Office Lease Update was added to the agenda.

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34      Manager Anderson moved to approve the agenda as amended. Seconded by Manager  
35      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) **Special Board Meeting Minutes – June 4, 2024**
- b) **Regular Board Meeting Minutes – June 13, 2024**
- c) **Special Board Meeting Minutes – June 20, 2024**
- d) **Regular Board Meeting Minutes – June 27, 2024**

Manager Anderson moved to approve the consent agenda. 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 Open Forum**

There were no comments.

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**5. Citizen Advisory Committee Update**

Administrator Kinney reported the Citizen Advisory Committee (CAC) met on July 16th. He noted the CAC will hold a shoreline tour on August 21<sup>st</sup> and is asking attendees to RSVP by August 9<sup>th</sup>. Manager Bakke asked staff to provide an update on the wake boat study being performed by the St. Anthony Falls Lab at a future meeting.

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**6. Aquatic Invasive Species Update**

Garrett Miller reported that his last day with the District is Friday, July 26<sup>th</sup>. Mr. Miller provided an update on recent Eurasian watermilfoil and flowering rush surveys. He noted that the District should receive the results of the Eurasian watermilfoil/hybrid milfoil genetic testing by the end of September. He explained that the Forest Lake flowering rush treatment program has been delayed due to high water levels affecting growth but will begin soon.

Mr. Miller noted the District is almost halfway through the watercraft inspection season, and it is approximately halfway toward its watercraft inspection hours goals. President

71 Schmaltz thanked Mr. Miller for his contributions to the District and commended him on  
72 his work.

## 74 **7. New Business**

### 76 **a) MN Watersheds Annual Conference**

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78 Manager Anderson indicated she will bring more information regarding proposed  
79 resolutions to the next meeting.

### 81 **b) Mid-Season Monitoring Update**

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83 Blayne Eineichner provided an update on the 2024 water monitoring program  
84 including climate context, available data, lake monitoring, Citizen Assisted Tributary  
85 (CAT) and Do-It-Yourself (DIY) monitoring, operations & maintenance monitoring,  
86 and adaptive management. This year's heavy spring precipitation has resulted in a  
87 busy monitoring season so far. Mr. Eineichner provided a summary of 2024 lake  
88 monitoring data gathered thus far. He cautioned that it could be problematic to draw  
89 conclusions from this limited dataset and recommended waiting until yearend to  
90 make data-driven decisions.

91  
92 Administrator Kinney noted that the stormwater runoff and associated nutrient flush  
93 from heavy rains can have a negative impact on lake water quality. Mr. Eineichner  
94 reported chloride monitoring in Comfort Lake and Little Comfort Lake show  
95 concentrations well below the state standard. He explained that roadway runoff is  
96 often associated with high phosphorus readings, and he noted the importance of  
97 city street sweeping programs. He summarized DIY diagnostic monitoring efforts  
98 within the Comfort Lake and Little Comfort Lake drainages. Early trends show  
99 elevated readings in ditches of the County Line subwatershed and suggest that  
100 roadway runoff is a significant source of pollution. Mr. Eineichner reported that the  
101 District has collected monitoring data for some of its water quality improvement  
102 projects, and the data suggests no major maintenance is needed at this time. Mr.  
103 Eineichner recommended additional monitoring sites near Moody Lake, Shields Lake,  
104 and Comfort Lake. He recommended the District prioritize its data collection sites and  
105 investigate wetlands of interest.

## 107 **8. Old Business**

### 109 **a) 2024 State of the Watershed**

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111 Administrator Kinney referred to the event summary posted in the board meeting  
112 packet. President Schmaltz stated that the summary looks good. Mr. Kinney noted  
113 the District will offer its watershed champion award program this year as well.

114 Administrator Kinney offered to send the event invitation list to managers for review  
115 and managers' suggestion of additional invitees. Manager Anderson stated the  
116 invitation list should be sent to the full board. She recommended inviting more  
117 business owners to District events. Manager Bakke noted the last State of the  
118 Watershed event was poorly attended and recommended the District consider  
119 offering an incentive for people to attend. Mr. Kinney noted the location of this year's  
120 event is closer to the Forest Lake city center, and there will be food and refreshments.

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122 **b) Office Lease Update**

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124 Manager Anderson reported that she and Tori Philippi met with the office building  
125 manager earlier this week. She explains that she expects to have the office lease  
126 executed soon. The District will receive a reimbursement from the building owner for  
127 taxes paid as part of the common area maintenance, as a result of the tax  
128 abatement applicable to the District as a public body. This lease would end  
129 December 31, 2028. Manager Anderson noted that the building manager offered to  
130 assist the District with its office space search, provided the building manager owns  
131 the new office building, and the District utilizes a lease agreement.

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133 Manager Anderson indicated that she had asked counsel to review the proposed  
134 final lease. Counsel Holtman advised that he has reviewed the lease, that several  
135 final edits are warranted, but that they are not substantial and that the Board may  
136 authorize the President to sign the lease with final changes on advice of counsel.

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138 Manager Anderson moved to authorize the Board President, on advice of counsel, to  
139 sign the office space lease agreement. Seconded by Manager Bakke.

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141 Manager Bakke thanked Manager Anderson for her efforts resolving this matter.

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143 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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146 **9. Report of Staff**

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148 **a) Administrator**

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150 Administrator Kinney commended Mr. Miller on his past contributions to the District  
151 including the preparation of offboarding materials and guidance documents, as well  
152 as other staff who are stepping in to fulfill his duties while the District moves forward  
153 to hire a replacement. Manager Toavs asked for clarification on the “Get the Lead  
154 Out” initiative. Mr. Kinney explained that it is an initiative to stop anglers from using  
155 lead fishing weights, because lead is detrimental to the health of lakes and fisheries.  
156 Manager Bakke indicated he is excited to begin the strategic planning work.

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158 **b) Emmons & Olivier Resources (EOR)**

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160 Dr. Wilkinson reported the Moody Lake Capstone Project and Washington Judicial  
161 Ditch 6 (WJD-6) Wetland Enhancement projects are in the process of project  
162 closeout. EOR is working on 30% plans for the Heath Iron Enhanced Sand Filter. EOR  
163 has completed initial modeling for the flood risk assessment and will bring results to  
164 a future meeting.

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166 **c) Smith Partners**

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168 Nothing to report.

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170 **10. Report of Treasurer**

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172 **a) Approval of Bills and Treasurer’s Report**

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174 Treasurer Anderson reported income for the period of \$183,019.46 and expenses in  
175 the amount of \$189,078.06.

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177 Manager Anderson moved to accept the Treasurer’s Report, transfer funds in the  
178 amount of \$227,800 and pay the bills in the amount of \$189,078.06. Seconded by  
179 Manager Bakke.

180  
181 Manager Bakke asked for clarification regarding the Dimke Excavating expense. Mr.  
182 Kinney explained that this is for the Moody Lake Capstone Project, and it is not the  
183 final payment. Manager Bakke referenced the Board’s previous discussion regarding  
184 requiring contractors to attend training regarding water resource protection best  
185 practices. Mr. Kinney noted that large capital improvement projects like this go  
186 through the public bidding process, as required by statute. This process results in a  
187 contract award to the lowest responsible bidder. Manager Anderson asked if  
188 government entities have discretion to consider other factors when deciding  
189 contract awards.

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191 Legal Counsel Holtman explained that there are two ways to consider a contractor’s  
192 competence and prior performance when a project is procured by sealed bid:

- 193 1) In the contracting documents posted as part of the bid solicitation, the District  
 194 may articulate standards for determining competent bidders.  
 195 2) After bids are received, the District may reject a low bidder, but it must provide  
 196 explanation and have sufficient basis to determine a contractor is not  
 197 “responsible.”

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 199 Manager Bakke noted that the issue that arose during the project regarding  
 200 excavation spoils disposal resulted in frustration among Bone Lake residents.

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 202 Upon 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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 206 **11. Report of Officers and Managers**

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 208 Manager Anderson noted she has appreciated the weekly lake water level reports by  
 209 staff. She reported that the Comfort Lakes Association is planning a carp survey at the  
 210 end of August, paid for by a grant from Chisago County AIS Prevention Aid.

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 212 Manager Anderson explained the Clean Water Council (CWC) decides how Clean Water  
 213 Funds are distributed to the associated grant programs. She reported that MN  
 214 Watersheds recently distributed a notice that the CWC is projecting fewer Clean Water  
 215 Funds to be available in the coming biennium. The Lower St. Croix (LSC) Watershed  
 216 Partnership Policy Committee discussed this topic on Monday. The LSC Partnership will  
 217 provide a letter, and partner organizations are asked to provide their own letters to be  
 218 appended to the main letter. In these letters, partners will demonstrate the importance  
 219 of these funds for improving water quality.

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 221 President Schmaltz noted the importance of Clean Water Fund competitive grants, such  
 222 as Projects & Practices, which have provided a significant amount of funding for CLFLWD  
 223 projects over the years. He expressed concern that these grant funds would be reduced  
 224 in favor of Watershed Based Implementation Funds which are routed through One  
 225 Watershed One Plan partnerships. Manager Anderson indicated that the intent of the  
 226 letters is to demonstrate the need for Clean Water Funding overall. She stated that she  
 227 does not expect these letters to result in a further reduction in Clean Water Fund  
 228 competitive grants.

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## 12. Summary and Approval of Board Direction

Board directives were summarized.

- Manager Bakke asked for an update on the wake boat study.
- Staff will provide the managers with the State of the Watershed list of invitees, and staff will work on developing outreach for the event.
- The Board will continue the conversation regarding contractor selection at a future board meeting.

## 13. Adjourn

### a) Next regular board meeting – August 8, 2024, 6:30 pm

Manager Anderson moved to adjourn the meeting. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0, and the meeting adjourned at 8:24 p.m.

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

Dave Bakke, Secretary -----