

**DRAFT MINUTES OF THE REGULAR MEETING OF THE  
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT  
Thursday, August 25, 2022**

**1. Call to Order**

President Schmaltz called the August 25, 2022, regular board meeting to order at 6:31 p.m. via online video conference.

Present: President Steve Schmaltz, Vice President Christopher Loth, Secretary Dave Bakke, Treasurer Jackie Anderson (arrived at 7:00 p.m.), Assistant Treasurer Douglas Toavs.

Others: Mike Kinney, Administrator; Bobbie Law, Office Manager; Blayne Eineichner, Project Coordinator; Emily Heinz, Planning Coordinator; Jessica Lindemyer, Operations and Outreach Specialist; Aidan Read, Land Management Specialist; Garrett Miller, Watershed Assistant (CLFLWD staff); Greg Graske, Kevin Biehn, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners) Hanna Valento (City of Forest Lake)

**2. Setting of Meeting Agenda**

Manager Loth moved to approve the agenda as presented. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 4-0.

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

**3. Consent Agenda**

- a) **Regular Board Meeting Minutes – June 23, 2022**
- b) **Regular Board Meeting Minutes – July 14, 2022**
- c) **Regular Board Meeting Minutes – July 28, 2022**

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

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

#### **4. Public Open Forum**

There were no comments.

#### **5. Citizen Advisory Committee Update**

Mr. Read indicated that the committee met on August 16<sup>th</sup>. He noted that they have an ongoing discussion regarding District shorelines. The Citizens Advisory Committee will meet on September 6<sup>th</sup> to further discuss the topic.

Managers discussed a recent article, shared by District staff and the Forest Lake Lake Association, regarding the protection of lakeshore/waterfront investments.

#### **6. Aquatic Invasive Species Update**

Mr. Miller gave an AIS update. He covered multiple topics including:

- A Forest Lake flowering rush growth assessment that was completed on August 9<sup>th</sup>, 2022. A general growth spurt of flowering rush on Forest Lake. A second herbicide treatment is planned for late August. He noted that treatment areas have been added based on resident calls and concerns. Flowering rush seed head removal has exceeded 2,000 seed heads. These seed heads are staff collected. President Schmaltz noted the population level in the western basin and the importance of preventing movement over the dam and downstream. He asked that staff consider what action might be prudent.
- Purple loosestrife on delineation survey and planned treatment for Forest Lake.
- A meandering survey was completed on Little Comfort Lake that showed less curly leaf pondweed than in 2021, light growth of purple loosestrife present, and the presence of Eurasian watermilfoil.
- A purple loosestrife treatment is planned for the end of August on Lake Keewahtin. Mr. Miller noted the heavy infestation on Keewahtin.
- A veliger tow for zebra mussels was completed on Bone Lake in July. Mr. Miller noted that the samples taken were analyzed by a lab in Minnesota. The lab samples had no veligers. To be conclusive that Bone Lake is free of zebra mussels, staff will be conducting multi-year monitoring.
- The watercraft inspection program is coming to an end in October. The District will have five watercraft inspectors on staff for the remainder of the season.

#### **7. New Business**

##### **a) Permit 22-010 AZMN Minor Subdivision**

Mr. Graske gave an overview of the permit location. The project includes a land subdivision into three parcels. Mr. Graske explained that the owner will not build but will sell the parcels. Mr. Graske recommended approval with the following conditions on permit issuance:

1. Revegetation specifications and implementation schedule for all disturbed areas including the proposed swale and infiltration basin.

2. Survey of existing buffer vegetation and incorporation of revegetation plan acceptable to the District Engineer (as he deems necessary per rule 4.5.2).
3. Specification of minimum low floor and low opening elevations for each lot complying with requirements of Rule 7.3.
4. Execution of a maintenance instrument satisfactory to the CLFLWD addressing the ongoing operation and maintenance of the proposed stormwater management features and the protection of vegetated wetland buffer. The proposed instrument shall be provided to the District for review prior to execution, and documentation of recording with the County must be provided before permit issuance.
5. Additional permit review deposit of \$1,500.
6. Financial Assurance in the amount of \$4,000 for grading and alteration.
7. Financial Assurance in the amount of \$12,500 for stormwater management or demonstration that the applicant has provided the municipality with a financial assurance of equal or greater value.

Manager Bakke moved to approve permit application #22-010 with conditions stated in the engineer's memorandum. Seconded by Manager Toavs. Upon a vote, the motion carried 4-0.

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

**b) Sunrise River/HWY 61 Wetland Enhancement Solicitation of Bids**

Mr. Kinney outlined the project's funding sources including a Clean Water Fund grant, Section 319 Small Watershed Focus grant, a pending Lower St. Croix Watershed Based Implementation Funding grant, and the District's levy. Mr. Biehn explained that the project has a favorable cost-benefit despite an increase in the engineer's estimate due to recent inflation.

(Manager Anderson entered the meeting.)

Manager Toavs moved to adopt resolution 22-08-01 Approving Plans and Directing Solicitation of Bids for the Sunrise River Hwy 61 Wetland Enhancement Project. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs	X			
Jackie Anderson	X			

Stephen Schmaltz	X			
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**c) Agricultural Cost Share Policy**

Mr. Read explained that the Bone Lake Subwatershed Assessment (SWA) Implementation cost-share approach is a prototype in advance of creating a more general agricultural cost-share policy. In response to a question from President Schmaltz, Mr. Read indicated that payment rates are based on statewide data. Managers discussed the inspection and maintenance of such projects.

Manager Bakke moved to adopt the Agricultural Cost-Share Policy and authorize the District Administrator to make non substantive changes to the policy as necessary. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

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

**8. Old Business**

**a) 2023 Draft Budget**

Ms. Heinz summarized the budgeting timeline. She noted that a special meeting was held on August 18<sup>th</sup> to discuss the budget at a deeper level. Ms. Heinz gave an overview of the recent updates regarding the 2023 budget. She highlighted the fact that the total expense budget and the levy amount remain unchanged. Manager Bakke clarified the fact that administrative staff time is covered by levy. The Clean Water Partnership loan finances staff time for eligible water-resource related work under programs and projects.

Managers discussed the recommended reallocation of funds to different areas of the budget. Ms. Heinz noted that the estimated budget for the Forest Lake alum treatment is much lower than originally anticipated, resulting in lower associated grant revenue. She explained that the Board had expressed an interest in keeping the total budget the same, despite the lower project cost and associated revenues. She explained that the District will need to make up for that lost revenue through some other means, such as other grant programs associated with the newly allocated line items or the Clean Water Partnership loan.

Manager Anderson asked multiple questions regarding the budget focusing on:

- Administrative budget numbers
- Reserve dollar amounts
- Dedicated funds and non-dedicated

- Earned and unearned revenues
- Fund balance amounts to be used in 2022 and 2023
- Cash flow for 2023
- Clean Water Partnership loans

Managers directed staff to work with the District accountant to create a projected cash flow scenario for January-June 2023.

**b) State of the Watershed and District Tour Update**

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Ms. Lindemyer indicated that the purpose of the agenda item is to highlight upcoming District events. She gave an overview of event details.

Ms. Lindemyer asked for a volunteer from the Board to serve on the Watershed Champion Award review committee. Manager Bakke volunteered.

**9. Reports of Staff and Consultants**

**a) Administrator**

Mr. Kinney asked whether a special meeting should be scheduled to further discuss the 2023 budget. Manager Anderson clarified that she would like to cover the work plan and how it relates to the 2023 budget.

**b) Emmons & Olivier Resources**

Mr. Graske reported on permitting meetings occurring including a potential Ford dealership location in Forest Lake and county road improvements. He also highlighted multiple projects to be completed in the near future.

**c) Smith Partners**

Mr. Holtman noted that his firm recently transmitted to the managers guidance related to manager reappointment stemming from the Circle Pines v. Anoka County case decided by the Minnesota Supreme Court. He invited managers to contact him with any questions. President Schmaltz asked whether this guidance should be incorporated into the District bylaws. Mr. Holtman replied that the matter did not specifically relate to Board operation but concerned steps individual managers should take to advance their interest in reappointment. However, he said, it might be useful to include the guidance in the District's governance policies for informational purposes.

**10. Report of Treasurer**

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

Treasurer Anderson reported income for the period of \$251,652.42 and expenses in the amount of \$172,885.35.

Manager Bakke moved to accept the Treasurer’s Report and pay the bills in the amount of \$172,885.35. Seconded by Manager Toavs. Upon vote, the motion carried 5-0.

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

### 11. Report of Officers and Managers

[1:33:05]

**Manager Bakke:** He is excited for the District tour. Noted that he will be driving separately.

**Manager Loth:** Nothing to report.

**Manager Toavs:** Nothing to report.

**Manager Schmaltz:** Reported on the MAWD summer tour. He noted his disappointment at observing the limited use of conservation agricultural practices. He indicated the possibility of research and collaboration efforts.

**Manager Anderson:** Reported that she attended the MAWD summer tour and the MAWD board of directors meeting. She explained that the executive director of Minnesota Association of Watershed Districts (MAWD) resigned in August of 2022. A previous watershed district administrator will be serving as interim executive director. She also noted that governing board positions will be shifting on September 15<sup>th</sup>. She explained that the new president will be Linda Vavra from the Bois de Sioux Watershed District. Manager Anderson will serve as the Board Treasurer. Manager Anderson noted deadlines including the MAWD conference resolution deadline which is the end of September. She explained that she is preparing multiple resolutions. Manager Anderson will be sharing the MAWD strategic plan with the entire board.

### 12. Summary and Approval of Board Direction

A summary of the Board direction was presented as listed:

- Staff will send an article regarding protection of shoreline investments to all managers to share with their lake associations if they wish.
- Staff will investigate the flowering rush situation on Basin One of Forest Lake and determine best management practices to implement moving forward to control migration of seed heads and plants into other District waterbodies.
- Staff will examine the cash flow needs regarding grant projects with a focus on Minnesota Pollution Control Agency (MPCA) proceeds.
- Staff will schedule a special meeting to review the workplan questions posed by Manager Anderson and their relation to the 2023 budget.
- Manager Anderson will coordinate with District staff to send out the Minnesota Association of Watershed Districts (MAWD) strategic plan to all managers.

### 13. Adjourn

**a) Next regular board meeting – September 8, 2022**

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 8:19 p.m.

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

Dave Bakke, Secretary \_\_\_\_\_