

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, June 11, 2020**

1. Call to Order

President Spence called the June 11, 2020 regular board meeting to order at 6:30 p.m. via online video conference

Present: President Jon Spence, Vice President Jackie Anderson, Secretary Jen Oknich, Treasurer Steve Schmaltz, Assistant Treasurer Jim Dibble.

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Blayne Eineichner, (CLFLWD staff); Meghan Funke, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners)

2. Setting of Meeting Agenda

Item 4b City of Wyoming Financial Assurance Agreement and item 5c Board Meeting Agendas with Timestamps were added to the agenda.

Manager Anderson moved to approve the agenda as amended. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

3. Public Open Forum

There were no comments.

4. New Business

a) 2020 Monitoring Update & Diagnostic Scope of Work

Project Coordinator Blayne Eineichner presented an update on monitoring efforts to date in 2020. As of now, the program is slated to come in under budget. There are several “do-it-yourself” (DIY) initiatives occurring this year including initiation of a Citizen Assisted Tributary (CAT) monitoring program and use of IO Rodeo technology to perform diagnostic monitoring in the Washington Judicial Ditch 6 (WJD-6) and Heims

Lake drainage areas. The Citizen Assisted Monitoring Program (CAMP) was delayed for several District lakes due to the COVID-19 pandemic, but volunteers have now been trained and are taking samples. This program has been ongoing at the District for several years. Watershed Assistant Garrett Miller is leading the CAMP program and Watershed Technician Trey Jonas is leading the CAT program. Mr. Eineichner explained these volunteer-based programs are very cost-effective and staff expects to continue them in future years.

Dr. Meghan Funke provided an update on Emmons & Olivier Resources (EOR) work on stream monitoring including long-term stream sites, diagnostic monitoring, and effectiveness monitoring. Loggers and ISCO units were installed between March 12 and April 6. Five water quality grab samples were collected throughout March-May; Dr. Funke indicated this is a good amount to have taken. Dr. Funke presented maps of the various sites for each type of monitoring (long-term stream, diagnostic, and effectiveness). The first five grab samples collected in the Bone Lake Management District ranged from low phosphorus concentration (below 100 micrograms per liter) to medium (100-200 micrograms per liter) to high (greater than 200 micrograms per liter). EOR will continue to monitor Moody Lake Wetland Rehabilitation project effectiveness, which is currently showing medium to high concentrations of phosphorus. Low phosphorus concentrations are coming out of Moody Lake's northeast tributary from Fourth Lake. Dr. Funke explained the high concentrations may be accompanied by lower flow volumes, and calculating the flow weighted mean concentrations will help provide more context for those concentrations. Closer to Bone Lake, there is a low to moderate range of phosphorus concentrations. Effectiveness monitoring is occurring for the Shields Lake Stormwater Reuse Project. Phosphorus concentrations around Shields Lake range from low to high. Concentrations at the outlet of Shields Lake are noticeably low. In addition to the diagnostic monitoring being led by staff in the WJD-6 drainage area, EOR installed several level loggers which will provide useful data to accompany the water quality monitoring already occurring. There are several long-term stream monitoring sites in the Comfort Lake Management District. Most of the sites had consistently low phosphorus concentrations this spring. One exception is the drainage ditch near Highway 35 which is showing higher concentrations. Dr. Funke provided an update on the in-lake monitoring occurring around the District on Birch, Shields, School, Little Comfort, Moody, Keewahtin, Second, Bone, Comfort and Forest Lakes. A variety of parameters are being sampled. Bottom water phosphorus concentrations on Shields Lake are quite low, which is expected after the first phase of the alum treatment performed last fall. Dr. Funke noted that there are cost efficiencies with combining multiple types of monitoring under one roof.

Manager Anderson had several questions surrounding monitoring occurring in the Comfort Lake and Little Comfort Lake management districts. She wished to understand budgeting for monitoring within the Little Comfort and Comfort Lake management districts, and the planned monitoring to support diagnostic and effectiveness assessments within those districts. She asked about stream monitoring at the Little Comfort inlets and in the laterals to the Sunrise River from Shallow Pond, and a broader chemical panel for lake monitoring generally. Dr. Funke explained the overall

monitoring approach which is to rotate through the lake management districts. The Bone Lake Management District is next in line for a hydrologic & hydraulic (H&H) model update, which is planned for next year. Other monitoring sites are focused around the two FY20 Clean Water Fund projects (Sunrise River/Tax Forfeit Wetland Restoration and WJD-6 Iron Enhanced Sand Filter). An updated H&H model is critical when it comes to project design and targeting in the Little Comfort and Comfort Lake management districts. Dr. Funke explained EOR is planning to present ideas for the Heath Avenue drainage area and results of H&H model update in the Comfort Lake Management District at the July 9th board meeting. There is monitoring occurring around the Heims Lake outlet which has shown in the past to be a high source of phosphorus loading. Some of the modeling work that the City of Forest Lake is doing right now will help identify projects in the Comfort Lake Management District as well. Manager Schmaltz expressed that the team has done a great job planning the monitoring program this year and appears to have the program well under control.

Manager Schmaltz moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the June 3, 2020 scope of work and in an amount not to exceed \$55,314.20. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

b) Wyoming Financial Assurance Agreement

Legal Counsel Holtman noted that the proposed agreement would allow the District and the City to coordinate a single letter of credit for stormwater management purposes under District permit 19-028. He explained that the Administrator’s authority is not explicit in the matter of executing financial agreements with municipalities related to the permitting program. This matter is, otherwise, a standard permitting administrative item. He explained that the District Rules allow that if the permittee provides a financial assurance to the city, that may satisfy the District’s stormwater financial assurance requirement. The purpose of this agreement is to ensure the City of Wyoming maintains at least the District’s required amount of \$457,000 in its letter of credit for assurance of constructing required stormwater management facilities. As such, the City will not spend the letter of credit to a point below that amount without the District’s concurrence. Resolution 17-10-01 Delegating Permitting Authority to the Administrator doesn’t specifically give authority for this type of agreement, but it is not a frequently executed agreement. Mr. Holtman noted it is possible the City may tweak the agreement language once it has the chance to review. Manager Schmaltz asked what is the District’s recourse if the City does spend below the agreed amount. Mr. Holtman indicated the District would have a legal claim against the City but may wish to handle the situation through

a cooperative manner. Manager Anderson requested that language be added to the agreement to clarify that the purpose of the stormwater management amount is for the CLFLWD specifically. Mr. Holtman clarified that the District rule does not require the District have access to the letter of credit; it just states that the requirement is satisfied by providing that amount to the City. The District would need to revise its financial assurance schedules to make that more rigorous if desired.

Manager Anderson moved to authorize the administrator on advice of counsel to enter into an agreement with the City of Wyoming for joint administration of financial assurances for permit #19-028, as amended to state that the indicated amount will be reserved for the District's requirements. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

5. Old Business

a) Watershed Management Plan Update

Watershed Technician Emily Heinz explained the District held the last of its issues workshops on June 9th. She noted the joint meeting with Scandia City Council scheduled for June 22nd. Manager Schmaltz suggested prioritizing the joint meeting agendas so the discussion doesn't get bogged down in the multitude of possible topics. He noted that a lot of things have been discussed in the past four issues workshops. Administrator Kinney suggested these meetings will try to focus on things that are of concern to the citizens such as aquatic invasive species, as well as coordinated tasks such as H&H modeling. He indicated the discussion topics will be tailored to each city. Manager Anderson agreed that the District should personalize each of these issue areas that are in the Watershed Management Plan to accommodate the particular community with which the District is meeting. Mr. Kinney indicated most of the District's partners have been quite interested in meeting and have been providing good input on topics.

b) Lower St. Croix One Watershed-One Plan

Mr. Kinney explained how managers and staff coordinated recently on this topic to provide several comments on the draft management plan for the Lower St. Croix (LSC) Basin. President Spence agreed that the comment letter contained a lot of good information, and even if all the comments were not incorporated, at least they are on the record. Manager Anderson indicated she is encouraged by how many of the other agency comments were similar to CLFLWD's. The Board of Water and Soil Resources (BWSR) made a comment about being more focused in the plan. Manager Schmaltz

explained the LSC objectives were very broad and did not seem to set the stage for implementation of projects with significant measurable outputs. CLFLWD's comment letter made several suggestions on how to improve the scoring system and scoring team and Manager Schmaltz thanked Manager Anderson for her good high-level comments. Manager Anderson advised that she and Manager Schmaltz will bring a concept of a more focused implementation plan to the next policy committee meeting. The overall objective is to achieve more measurable outputs (e.g. phosphorus reductions) using the limited funds available. Manager Schmaltz asked for a printed copy of CLFLWD's comments. Manager Dibble thanked Manager Anderson and Manager Schmaltz for their time and effort on this initiative.

c) Board Meeting Agendas with Timestamps

President Spence explained the proposition to include timestamps on agendas moving forward. He noted these would be *guiding* timestamps. There are two objectives with this change: 1) to get a sense ahead of time how much is on the Board's plate for the meeting, and 2) for the benefit of the public to join the meeting at the approximate time when they know a topic of interest is coming up. President Spence indicated this is a practice of some other boards, particularly Chisago County. He suggested managers review the agenda once they receive the meeting packet and let the board president and staff know if there are any issues with the proposed timing. President Spence indicated he hoped this would avoid having 4-hour long meetings. Manager Schmaltz supported the idea, indicated the City of Forest Lake does this as well, and expressed that it is good for the public to see approximately when items will come up on the agenda. Manager Anderson indicated she supports the change, so long as it does not get abused or create a barrier to public discourse. She explained how the LSC Policy Committee meetings are run by the time clock and not by the importance of the issue. She indicated this has made it difficult to get an item on the agenda. President Spence agreed and explained this will help prevent overloading the agenda with too many topics that each require a certain amount of time. If a certain discussion runs past its proposed timestamp, the Board may have to decide to defer one of the topics to the next meeting. Mr. Holtman suggested adding a note that says the timestamps are estimated or advisory, so it doesn't appear that the District is in violation of the Open Meeting Law if discussion gets ahead of schedule and an agenda item is concluded before the timestamp.

6. Summary and Approval of Board Direction

Directives from the meeting were summarized:

- EOR will adjust monitoring locations and scheduling between Comfort Lake and Little Comfort Lake and review the lake monitoring panel. The maps will be updated before posting. EOR will also reach out to District staff about monitoring for additional chemical parameters and monitoring the highway culvert outlet of Little Comfort Lake. The rest of the questions were answered by the H&H model which will be presented in July.
- CLFLWD's comments on the LSC draft plan will be printed for Manager Schmaltz.

- The agreement with the City of Wyoming will be updated, and staff will make a note to propose an adjustment of the financial assurance schedule and possibly revise the financial assurance rule during the next rule revision process.

7. Administrator Performance Review

Manager Anderson explained more time is needed to prepare for the Administrator’s performance review. Due to time constraints and availability, Manager Oknich is stepping down from the Administrator Review Committee, and President Spence will take her place on the committee. Manager Anderson and Administrator Kinney still need to schedule a self-evaluation interview as well. There was discussion about salary survey information including comparing Noah & Associates’ report with Gallagher’s report and inclusion of a salary increase matrix comparing across other watershed district administrators. Manager Anderson indicated these data are informational and will help the Board know whether it is in a competitive range for compensation. President Spence suggested the Board aim to hold the review at the June 25th meeting, but be prepared to be flexible in case the review needs to be pushed back again due to timing constraints. He indicated a separate meeting may be needed for the review so that the process isn’t rushed.

Manager Schmaltz moved to accept the replacement of President Spence for Manager Oknich on the Administrator Review Committee. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

8. Adjourn

- a) **Scandia joint board-council meeting – June 22, 2020**
- b) **Next regular board meeting – June 25, 2020**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0, and the meeting was adjourned at 8:17 p.m.

Jen Oknich, Secretary _____