

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, December 19, 2019**

1. Call to Order

President Spence called the December 19, 2019 regular board meeting to order at 6:30 p.m. in the Council Chambers of the Forest Lake City Center, 1408 Lake Street South, Forest Lake.

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

Others: Mike Kinney, Jessica Lindemyer, Blayne Eineichner, Peter Brennhofer (CLFLWD staff); Meghan Funke, Greg Graske, Jason Naber, Chris Long (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Paul Girard (City of Forest Lake).

2. Setting of Meeting Agenda

Items 6d – Bone Lake Legacy Load Investigation and 7f – Accounting Contract were added to the agenda.

Manager Oknich moved to approve the agenda as amended. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

3. Consent Agenda

- a) **Special Board Meeting Minutes – November 6, 2019**
- b) **Regular Board Meeting Minutes – November 21, 2019**

Manager Oknich moved to approve the consent agenda as presented. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

4. Public Open Forum

Paul Girard, Forest Lake City Councilmember, thanked the managers, on behalf of the Mayor and City Council, for their hard work and for the good the District does for the surrounding community.

[Manager Anderson arrives.]

5. Citizen Advisory Committee Update

Watershed Assistant Jessica Lindemyer reported that the Citizen Advisory Committee (CAC) approved its 2020 meeting schedule, Committee Member Curt Sparks attended a

session at the MN Association of Watershed Districts (MAWD) Annual Meeting, and the CAC discussed 2020 education and outreach initiatives with Angie Hong of the East Metro Water Resource Education Program.

6. New Business

a) Permit 19-009 Cherry Hill Minor Subdivision

Engineer Graske explained that the proposed project will split a 40-acre parcel into two parcels with the addition of a cul-de-sac that will replace the existing turnaround at the end of Hamlet Avenue. The construction of the cul-de-sac will remove over 5,000 square feet of vegetative cover. Construction of the house is not included with this permit and will need to be permitted separately at a later time when the landowner is ready to build. All wetlands require a 25-foot surrounding buffer. The nearby ditch is classified as a stream per the District's rules and therefore requires a 75-foot buffer. Some areas within the buffer zone are currently being farmed and will need to be converted into a native vegetative buffer and no longer farmed. Additionally, the buffers need to be recorded with the county and financial assurance must be submitted. Permit stipulations include placing buffer markers and application for a new permit once the house is ready to be built.

Manager Schmaltz moved to approve permit application #19-009 with conditions stated in the engineer's memorandum. Seconded by Manager Dibble. Upon a vote, the motion carried 5-0.

b) 2020 Board Meeting Schedule

Administrator Kinney noted that the schedule includes two meetings per month, except in November and December due to holidays. He indicated that he will be unable to attend the March 26th meeting as he'll be out of town. President Spence noted that the date for the District Tour, or even whether to hold a District Tour this year, can be decided later. In past years the District held a tour every other year. It was noted that any of the additional meetings could be canceled if there isn't a need to hold them.

Manager Anderson moved to approve the 2020 Board Meeting Schedule as presented. Seconded by Manager Oknich. Upon a vote, the motion carried 5-0.

c) 2020 Work Plan

Mr. Kinney explained that the 2020 work plan is an overview of where staff plans to spend its time in the upcoming year. It is based on the Watershed Management Plan as well as historic activities that have been needed in past years. It is adaptable and able to adjust to the needs as they arise in 2020. President Spence asked if there is any time allocated to One Watershed One Plan (1W1P). Mr. Kinney indicated that there is some time under 5800 Interagency Communication, which may or may not be accurate

depending on the Board's direction to Mr. Kinney on how to participate moving forward.

Manager Schmaltz compared the work plan to last year's plan, noting that the proposed increased staff activity cost increased from 2019 to 2020. This increase represents an increase from 13 to 25 percent of the budget. He noted the significant increase in Administrative time and smaller increases in Programs and Projects. He explained that the District struggled with being understaffed in previous years, which explains the increases as the District tries to create a more structured staff organization. He indicated that the District can't sustain this sort of increase every year. He recommended that staff show the breakdown of actual time spent for 2019 compared to what was in the work plan. Manager Anderson indicated that it makes sense that staff is increasing, considering how much work the District has been doing. Mr. Kinney noted that increasing the number of board meetings and increasing communications with managers causes an increase in the proportion of Administration time in the work plan.

Manager Anderson moved to approve the 2020 work plan. Seconded by Manager Oknich. Upon a vote, the motion carried 5-0.

d) Bone Lake Legacy Load Investigation

Emmons & Olivier Resources (EOR), with help from Project Coordinator Blayne Eineichner, recently collected soil samples from the wetland just northeast of Bone Lake in order to investigate legacy loading from a historic feedlot in the area. Preliminary results are summarized in a handout and the final report is expected next month. Mr. Kinney described flow patterns from the historic feedlot location into the wetland, which are reflected by high phosphorus concentrations in the soil in the flow path. Historic photos show cattle in this area as well. As of now, there is every indication that this is a phosphorus loading hot spot. Dr. Funke explained that past Bone Lake studies and tributary monitoring didn't identify this hot spot, rather conversations with nearby landowners helped identify the need to monitor this area. Engineer Grasko noted that the wetland flows south into a ditch which flows into Bone Lake during rain events and extended wet periods.

7. Old Business

a) Workload Analysis

Some of the managers submitted proposed interview questions to staff prior to the meeting. Staff consolidated the questions received into a memo. There was consensus to direct staff to email the list to the Board, and managers should respond to staff with their top five questions to ask during the interview. Manager Spence noted that the firms have been asked to give a presentation during the interviews as well. There was consensus to send the final interview questions to the firms prior to their interviews so that they can come prepared, to schedule the interviews for 90 minutes, and to format

the interview and presentation interactively so that the Board can ask questions and have a dialogue throughout the presentation.

b) Washington Conservation District 2020 Service Agreement

President Spence suggested that the Board should discuss whether to continue contracting with Washington Conservation District (WCD) for water monitoring services or to implement the program in-house with District staff. Manager Anderson indicated that CLFLWD has had issues getting information from WCD on a timely basis. She noted that the reports belong to CLFLWD, however CLFLWD has not been credited when the data are sent to Metropolitan Council. She also noted that the WCD provides data that then need to be further reported in context by the CLFLWD engineer. She expressed that spring runoff data should be available to the Board earlier in the summertime so that the District can make changes to projects or the monitoring schedule etc. if needed. Manager Schmaltz asked if the delays are due to WCD or due to the lab (Metropolitan Council), if there is capacity and training needs to bring the program in-house, and if a cost analysis has been done for the transition. He cautioned that the District not lose a year of data. Manager Anderson recommended finding another contractor to perform the monitoring, as opposed to implementing the program in-house.

Mr. Kinney suggested staff help coordinate the monitoring program which includes targeted monitoring, such as the Bone Lake Legacy Load Investigation, as well as the ongoing monitoring that the WCD performs. This person could coordinate with contractors and consultants, assist with some field monitoring themselves, and coordinate with landowners and other stakeholders. He noted that Rice Creek Watershed District transitioned from WCD to performing monitoring in-house a few years ago and can be used as an example if that was the direction provided by the Board.

Manager Anderson recommended that staff and EOR prepare a proposed transition plan for the monitoring program and bring it to a January board meeting. Manager Schmaltz suggested that the IWIP coordination be considered as part of this transition. Manager Anderson expressed that this is a separate issue from IWIP. Manager Schmaltz suggested notifying WCD about the potential transition. President Spence summarized the Board's direction that staff develop a proposed transition plan and notify WCD of the potential shift and the reasons for it.

c) Hayward Avenue Feasibility Report

Dr. Funke presented the results of the feasibility study for which the purpose was to pursue next steps in feasibility and design of potential projects: R5 Pond Clean Out, R15 Cattail Harvesting, R15 Neighborhood Raingardens, and R3 Ditch Checks (Claros phosphorus-absorbing media project).

Outcomes and conclusions include:

- Pursue implementation of nutrient management best management practices (BMPs) in R5 cropland starting in 2020 – 5 pounds phosphorus (P)/year (\$84/pound).
- Implement 3-year pilot cattail harvesting project in 2020 – 11-27 pounds P/year (cost per pound P to be determined). MN Conservation Corps crew may be utilized for this project. Permitting will be required by MN Department of Natural Resources (DNR). Only the above-ground biomass would be removed so that the plant can grow back, removing phosphorus from the soil in the process. This cycle, over multiple years, will deplete the soil of phosphorus. With lower soil phosphorus concentrations, native plants will have a better opportunity to compete with the cattails. The pilot project covers three acres. The project may be expanded to the full 8-acre extent of the wetland pending success of the pilot project. In response to a question from Manager Anderson, Jason Naber explained that a controlled burn wouldn't remove the nutrients from the system but would make them more available to plants.
- Pursue R15 two-cell wetland treatment system if cattail harvesting not successful – 20 pounds P/year (>\$800/pound). These costs would likely be higher if the District had to fulfill wetland mitigation requirements. This option is less ideal than cattail harvesting.
- The Claros phosphorus-absorbing media ditch checks are ongoing and results will be reviewed in the spring.
- Begin education and outreach to neighborhood residents in 2020 for R5 raingardens – 2-3 pounds P/year (>\$1,500/pound).
- R5 pond clean-out not recommended at this time.

There was discussion about phosphorus measurement units. Dr. Funke indicated she would use consistent units moving forward so that data across different studies can be compared (e.g. what is the general cutoff for a “high” phosphorus concentration?).

Manager Anderson moved to accept the December 11, 2019 Hayward Avenue 2019 Project Feasibility Study. Seconded by Manager Oknich. Upon a vote, the motion carried 5-0.

d) Comprehensive Data Review

This item was originally on the agenda for discussion at the November 21st meeting, but was postponed. The report subsequently was revised per manager input and is recommended to be accepted by the Board. Some managers do not have the report with them and therefore the discussion will be postponed to the January board meeting.

e) Wetland Bank Update

Chris Long, Ecological Designer with EOR, provided an update on the project. He noted that the Wetland Restoration/Bank Feasibility Study is included in the Watershed Management Plan and this is part of a multi-year implementation plan to restore wetlands in the District. The study includes assessment of existing data (e.g. National

Wetlands Inventory, past District studies) and analysis of existing conditions using online tools. Using this information, 20 priority sites are identified (15 in the Bone Lake watershed, 5 spread out elsewhere in the District). Preliminary designs, cost-benefit analysis, and number of different landowners have been completed/assessed, identifying the top five sites out of the original 20. Landowner outreach is currently underway with help from District staff, but none of the sites are ready for implementation at this time. Mr. Kinney indicated that, even if some current landowners aren't interested in implementation at this time, opportunities may arise in the future if the property owners decide to sell. Having knowledge of these sites is valuable.

Manager Schmaltz asked why landowners aren't interested. Mr. Long explained that many have indicated that they wish to keep farming that land rather than setting it aside for a wetland restoration. Mr. Eineichner agreed that many landowners are reluctant, or in some cases opposed, to taking their land out of production. Some wish to pass that farmland down to the next generation in their family. Manager Schmaltz suggested assessing whether these crop fields are obtaining good yields; if the yields are low perhaps a better profit can be made from converting back to a bankable wetland.

Manager Anderson asked about the sites identified near Washington Judicial Ditch 6 (WJD6). Mr. Long indicated that there is a lot of variation in topography in this area, making it harder to construct features such as berms to hold back water. He indicated that he would review those sites and confirm this. He confirmed that the analysis to date is only by remote methods.

f) Accounting Contract Change Proposal

Mr. Kinney noted that, since changing accounting firms at the start of 2019, staff has experienced numerous issues with the payroll department. Due to issues such as frequent payroll staff turnover, poor communication and the need for District staff to make frequent corrections to materials, Mr. Kinney recommended switching back to Redpath & Company for payroll services. There was general consensus supporting the Administrator's decision.

8. Report of Staff

a) Administrator

Mr. Kinney reported that he plans to meet with the Forest Lake School District and CAC members on the topic of environmental education and grant opportunities through the Jeffers Foundation. President Spence asked if staff has been able to find a location for the 2020 State of the Watershed event. Ms. Lindemyer indicated that Stella's has been the most responsive potential venue to date and seems like a good option. An update on this with additional details was sent to Managers Anderson and Oknich prior to the meeting. Ms. Lindemyer recommended setting the date as Thursday, April 30th, which is the same as last year's and has availability at Stella's for this year.

In response to a question from Manager Anderson, Mr. Kinney reported that the legislature allocates funding to the counties for aquatic invasive species (AIS) prevention. Some counties, like Chisago, keep the funding for their own programs, while others, like Washington, distribute the funds to other organizations through a competitive grant process. Managers Anderson and Schmaltz indicated that a recent communication seemed to indicate that there is \$10,000,000 available directly from the DNR to organizations like lake associations. They asked Mr. Kinney to look into this.

b) Emmons & Olivier Resources

Dr. Funke reported that the hydrologic and hydraulic (H&H) model update is wrapping up for the Comfort Lake management district this year. EOR will soon begin working on updating the 10-year Watershed Management Plan implementation schedule. The Claros technology trials are moving forward. In 2019 the Shields Lake fish barrier was installed. Moody Lake Wetland C construction will occur in early 2020, followed by final project effectiveness monitoring. Bone Lake, Little Comfort Lake and Forest Lake east basin will have bottom water monitored in 2020 in preparation for potential alum treatments. Sediment core analysis results for School Lake and Bone Lake are expected in 2020. The Shields Lake Reuse System will have its first full year of activation in 2020 and will be monitored for project effectiveness. Planning for, and implementation of, the volunteer based Enviro DIY monitoring in the Forest Lake Subwatershed will continue in 2020. The Hayward Avenue Cattail Harvesting pilot project will begin in 2020. Staff is awaiting Clean Water Fund grant decisions for the WJD6 Iron-Enhanced Sand Filter project and the Tax Forfeit Property project. The regional stormwater treatment facility feasibility study will be completed in 2020 after the H&H model update has been completed in the Comfort Lake subwatershed.

Manager Dibble asked whether the District samples at the Shields Lake outlet into Forest Lake (2nd lake). Manager Anderson expressed the view that this should be a legacy sampling location.

In response to a question from Manager Anderson, Dr. Funke explained that collection of bottom water phosphorus concentrations will help complete the diagnostic data collection for Comfort Lake and Little Comfort Lake. The watershed monitoring is complete, but the lake water quality response model is incomplete. Manager Anderson requested that a more robust status update on the Comfort Lake and Little Comfort Lake diagnostic studies be brought to the next meeting.

The Board directed EOR to prepare a 5-year outlook for potential projects in each lake management district, similar to what was done a couple years ago, to be presented at the last board meeting in March.

In response to a question from Manager Anderson, Dr. Funke clarified that WJD6 Headwater Restoration includes the County Road 50 iron-enhanced sand filter and a downstream wetland restoration project.

c) Smith Partners

Legal Counsel Holtman noted that the Department of Agriculture recently issued a rule, long in development, to address nitrate groundwater contamination from agricultural activity.

Manager Anderson requested that the monthly permitting update, which is attached to the Administrator's Report, be revised to include the total number of permits for each lake management district.

9. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Schmaltz noted that the District's current expenditures are \$600,000 below what is budgeted for 2019, much of which is in the project area. He encouraged staff to ensure all expenditures are in. Mr. Kinney indicated that some large invoices are still expected to come in this month. In response to a question from Manager Dibble, Mr. Kinney clarified that the \$94,000 expense from Peterson Companies this month is for the Shields Lake Stormwater Reuse Project, specifically the outlet streambank stabilization/restoration. Manager Dibble asked about the legal expenses. Mr. Holtman explained that this month's expenses were largely due to 1W1P.

Treasurer Schmaltz reported income for the period of \$13,981.50 and expenses of \$227,157.49.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$227,157.49. Seconded by Manager Oknich. Upon vote, the motion carried 5-0.

10. Report of Officers and Managers

There was discussion about the MN Pollution Control Agency (MPCA) impaired waterbody delisting requirements. Managers Anderson and Schmaltz indicated that the District should ensure it is collecting the required amount of data necessary to formally delist its waterbodies once they are no longer impaired.

President Spence reported that there are several minutes on the website that have not yet been approved and need to be approved prior to the audit. He indicated that the word document formats are available on the website so managers can download them, make requested edits, and submit back to staff. He noted that expense reports are due in January. The Board directed Administrator Kinney and staff to compare the District's per diem policy with those of other organizations.

11. Summary and Approval of Board Direction

Directions from the meeting were recapped:

- Workload analysis: staff will send the list of questions to the managers
- Monitoring: next month staff will bring a transition plan for the monitoring program to the board meeting and Mr. Kinney will notify WCD
- EOR will incorporate into its graphics a key explaining high, medium, and low levels of phosphorus and the project cost-benefit tiers
- Dr. Funke will email to the managers the Comprehensive Data Review which will come before the Board at the January board meeting
- Mr. Kinney will clarify the \$10 million in AIS funding and how that may be available
- The Shields Lake outlet to 2nd lake will be incorporated into effectiveness monitoring and Manager Anderson also suggested it be included as a legacy site
- EOR will prepare an outlook of projects for the next 5 years
- Staff is to update old minutes on the website
- Mr. Kinney will see to the comparison of the per diem policy with other boards
- The permit report will incorporate figures for total permits for each lake management district

12. Adjourn

a) Next regular board meeting – January 6, 2020

Manager Oknich moved to adjourn the meeting. Seconded by Manager Anderson. Upon vote, the motion carried 5-0, and the meeting was adjourned at 8:36 p.m.

Jen Oknich, Secretary _____