

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
November 19, 2020**

1. Call to Order

President Spence called the November 19, 2020 regular board meeting to order at 6:30 p.m. via online video conference.

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

Absent: None.

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Trey Jonas, Garrett Miller (CLFLWD staff); Greg Graske, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman, Elizabeth Henley (Smith Partners).

2. Manager Anderson Oath of Office

Attorney Holtman administered the oath of office to Jackie Anderson, who was reappointed to the Board of Managers by the Washington County Board of Commissioners.

3. Setting of Meeting Agenda

Mr. Holtman indicated that his colleague, Elizabeth Henley, is attending the meeting.

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

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

4. Consent Agenda

- a) **Special Board Meeting Minutes – October 6, 2020**
- b) **Regular Board Meeting Minutes – October 8, 2020**
- c) **Emergency Board Meeting Minutes – October 14, 2020**
- d) **Regular Board Meeting Minutes – October 22, 2020**

President Spence indicated that there is a property location correction in the October 14, 2020 Emergency Board meeting minutes.

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

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

5. Public Open Forum

There were no comments.

6. Citizen Advisory Committee Update

Operations & Outreach Specialist Lindemyer reported the Citizen Advisory Committee (CAC) did not meet in November. The meeting overlapped with the Board workshop, so the meeting was postponed until December. The main topic for the December meeting will be the watershed management plan.

7. Aquatic Invasive Species Update

Watershed Assistant Miller reported that he is working on finalizing year-end reports and working through grant reporting. The watercraft inspection report should be finalized by the December board meeting.

8. New Business

a) Permit 20-020 Forest Lake Mini Storage

Mr. Graske described the details of permit application 20-020: expansion of an existing building complex, four new buildings, 1.2 acres of new impervious surface, biofiltration basin for treatment of runoff from the new impervious surface. The treatment basin meets all District requirements, erosion control plans are acceptable if additional stabilization at pond outlet and overflow is included (pending item that has been submitted). Mr. Graske recommended approval of the permit with issuance contingent upon receipt of the five pending items on the report.

Manager Schmaltz moved to approve permit application 20-020 in accordance with the engineer's recommendation. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 4-0.

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

b) MAWD Delegate Appointments

Mr. Kinney indicated that it is standard District procedure for two managers to attend the MN Association of Watershed Districts (MAWD) annual meeting. This year it will be held virtually but will contain the usual components of the annual meeting.

Manager Anderson indicated she would be attending. President Spence is available as an alternate. Manager Schmaltz indicated that he did not plan on attending but would look over the agenda and see if he can be available. It was stated that there need only be one representative from the District.

Manager Oknich stated that she may be available to attend this year. Mr. Kinney recommended that all managers register for the event and attend as much as their schedule allows.

President Spence moved to appoint Manager Anderson and Manager Schmaltz as the District delegates and Manager Spence as alternate delegate at the MN Association of Watershed Districts (MAWD) annual meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 4-0.

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

c) MAWD Resolutions – Delegate Instructions

President Spence explained that the MAWD resolution review committee supports resolutions 1, 6, 7, 8 and opposes resolutions 2, 3, 4, 5. Manager Schmaltz and Manager Anderson agree with these positions.

There was consensus to direct delegates to vote in the affirmative for resolutions 1, 6, 7, 8 and in opposition to resolutions 2, 3, 4, 5.

Discussion: Manager Schmaltz stated that resolution 8 refers to soil and water conservation districts (SWCDs) associated with metro counties and wondered if Chisago Soil and Water Conservation District would be affected. Manager Anderson stated that as a non-metro county, Chisago County would not be affected. This would be impetus for the Lower St. Croix collaboration to follow the recommendation from last year and form a watershed district entity. Mr. Kinney stated that this as a funding

distribution and allocation issue regarding SWCDs and other entities, and specifically the question of whether an annual SWCD work plan is equivalent to a watershed District management plan, as well as whether cities are eligible for funding, or whether project sponsorship by a partner (watershed organization) is needed. President Spence and Manager Anderson both agreed that a SWCD annual plan is not as detailed and rigorous as a watershed district or city planning document. Manager Anderson stated that the Board of Water and Soil Resources (BWSR) has recently tightened up recommendations for SWCD plans – they now need to be reviewed and approved by a local watershed district, if one exists. Manager Anderson stated that this is a state initiative and will be difficult to stop. She suggested that the District work to ensure that the rules apply to everyone evenly.

d) Washington Conservation District 2021 Service Agreement

Mr. Kinney explained that the annual agreement with the Washington Conservation District (WCD) is similar to agreements of past years and regards WCD technical services. The proposed 2021 contract is not to exceed \$20,000. President Spence inquired about details of the \$10,000 under 3004A NPS Pollution Abatement Ongoing Initiatives. Mr. Kinney stated that it is similar to previous years with a few minor changes regarding billing detail and improving coordination and communication. Manager Schmaltz asked about Exhibit A that includes nine elements, whereas the current budget only includes two line items/elements. Mr. Kinney explained that the WCD would not bill the District for any activities outside of the two elements indicated on the budget without District approval.

Manager Anderson moved to authorize the Board President, on advice from counsel, to enter into the 2021 Service Agreement with the Washington Conservation District in an amount not to exceed \$20,000. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

Mr. Holtman suggested that when finalizing the agreement, the Administrator, with advice from counsel, has the ability to adjust the terms of the contract to ensure clarity of the language and address any concerns expressed by Manager Schmaltz. By unanimous consent, the motion was conformed accordingly.

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

e) MN Stormwater Research Council Request

Mr. Kinney explained the District contributed to this effort two years ago and recommends the District again consider a contribution. He suggested the District request that the Council conduct research on how to quantify the benefit that is gained from

District rules regarding erosion control. President Spence inquired if a contribution allows some influence on research initiatives. Mr. Kinney stated that, regardless of contribution, the Council is always receptive to research ideas. President Spence stated that the Council is looking for a watershed district or city representative to participate on its advisory board. Manager Anderson stated that this would likely be a staff person, not a manager. Mr. Kinney agreed that the request was directed toward watershed district staff and agreed to discuss his potential participation with the MN Stormwater Research Council.

Manager Anderson moved to authorize a contribution of \$2,500 to the MN Stormwater Research Council and authorize Mr. Kinney to serve on the advisory board, if he is available and interested. Seconded by President Spence.

Discussion: Manager Schmaltz commented on the quality and relevance of the research of the Council and stated the average contribution is \$7,000. He suggested that the District increase its contribution a bit. He also commented on the Council’s agriculture research efforts and the benefits that could come from its research. Mr. Kinney spoke to the Council's efforts and the general disinterest of SWCDs in collaborating. Manager Anderson stated that the Council is under the UMN College of Applied Science and Engineering, not the College of Agriculture – this may be one reason the research is not widely accepted by SWCDs. She suggested increasing the contribution. President Spence suggested contributing \$5,000..

By unanimous consent, the pending motion was withdrawn. Manager Anderson moved to authorize a contribution of \$5,000 to the MN Stormwater Research Council and authorize Mr. Kinney to serve on the advisory board, if he is available and interested. Seconded by President Spence. Upon a roll call vote, the motion carried 4-0.

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

f) Manager Devices & IT Services

Ms. Lindemyer provided information on the new manager devices and IT services proposal. Manager devices have been ordered with the enhanced specs and should be ready in mid-January. The IT services agreement with Rymark IT will address infrastructure needs (firewall, ethernet switch, and Network Attached Storage Device) and managed services (IT support). Ms. Lindemyer clarified that on PDF page 19 of the Rymark IT Exhibit B page 6, the District would fall under the management column not the standard column found in this figure. The management column indicates many included services that will not incur an hourly charge if used between the hours of 8am to 5pm and don't require a site visit. Manager Anderson asked if Rymark IT suggested not to use a VPN, but rather a cloud-based system. Ms. Lindemyer indicated that this

decision has not been made yet and the District will work with Rymark to determine the path forward based on District needs and anticipated future conditions – same with carbonite. Manager Anderson also suggested that the District use the same phone and internet company in the future to avoid issues with compatibility and service. Rymark will also provide consulting services with 3rd party vendors (software).

Manager Schmaltz questioned the need for the indicated level of IT support, considering the overall high cost compared to previous years. Ms. Lindemyer stated that there will be a 3-month review of the service to determine the cost-benefit of the service. She also stated that this is a one-year contract to allow adjustments in future years. Managers Anderson and Spence agreed that the IT services are a warranted expense and that there is value in the agreement terms. Mr. Kinney thanked Ms. Lindemyer for her efforts and commented on the process in reaching this agreement with Rymark IT.

Manager Anderson moved to authorize the Administrator to enter into the Technology Infrastructure, Security and Management agreement with Rymark IT Navigation in an amount for hardware, startup and first year costs not to exceed \$15,360; and authorize the Administrator to request additional services from Rymark IT Navigation, not to exceed \$3,000. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

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

The managers and Mr. Kinney extended thanks to Ms. Lindemyer for her past IT efforts.

g) 2021 Staff Work Plan

Mr. Kinney recognized Ms. Heinz for her work on the watershed management plan (WMP), budget and work plan development. Ms. Heinz introduced the 2021 Staff work plan. The plan includes a total of 9 full time employees (FTE). The main highlight of the new work plan is the addition of a ¾ Office Manager position. The 2021 plan does not include the Landscape Architect (1 FTE) position, as identified in the workload analysis. However, this could be added to the work plan later in the year if needed. As the District transitions into the next 10-year plan, it will move closer to a staff in the ~11.7 FTE range with the addition of several new positions potentially including the Landscape Architect.

Manager Schmaltz brought up the topic of office space to accommodate the amount of future staff. Managers Anderson and Spence suggested adding this to the January Board meeting agenda or scheduling a stand-alone workshop.

Manager Schmaltz moved to approve the 2021 staff work plan. Seconded by Manager Anderson. Upon a roll vote, the motion carried 4-0.

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

9. Old Business

a) Watershed Management Plan Update

Ms. Heinz reviewed the revisions to the 10-year WMP and budget since the November 10th workshop and discussed the next steps. Revisions included new budget columns for outcomes, partners, and revenues; an increase in permitting staff from 1.8 to 2.0 FTE to compensate for anticipated municipalities' growth rates; relocated the medium/low priority projects from the 5200 Lakes into Appendix C; added projects to Attachment F – Costs by Lake Management Districts; and added Attachment G – Expanded Expense Revenue Summary. Next steps include managers providing any additional comments or questions and staff posting the first draft plan by December 10.

Manager Schmaltz inquired about Attachment G and funds available to fund the front-loaded schedule of projects. Mrs. Heinz stated that the timing of these projects or studies could be altered to coincide with available funds or that an additional loan could be explored. Manager Anderson stated she would not like to see any projects cut, that another loan is an option, and the priority is to get these projects completed to realize the water quality benefits. Manager Schmaltz indicated that in 2022 the District would need a \$5,000,000 loan to implement the scheduled projects, which will eventually entail a half a million dollar per year repayment,. Manager Anderson stated that the project budget needs additional revision, and requested that the District's accountants run a projected budget scenario, and that the District explore additional grants and look into smaller-area stormwater fees.

Ms. Heinz gave an update on the District loan. The District may request another \$3.5 million from Clean Water Partnership loan as part of the District's existing application.

Ms. Heinz detailed the next steps in the Plan. The full draft WMP will be posted on December 10th. The January Technical Advisory Committee (TAC) meeting will focus on review of the WMP. There was discussion about board workshops in January to go through the WMP in greater detail. There was agreement to hold a workshop on Tuesday, January 19th, 10:00 am to 5:00 pm.

Ms. Heinz inquired how the managers would like to provide comments and suggested a Microsoft Office 365 cloud-based Sharepoint that all managers could access and use to comment in real time. Ms. Lindemyer indicated that not all managers have Office 365

but it will be included and set up on the new manager IT devices – these devices may not be available in time for managers to use to comment on the WMP. Ms. Heinz stated that there will be a variety of options available to provide manager comments, including Microsoft Word track changes.

Manager Schmaltz asked if we should include the low and medium projects in the budget and plans or leave them out as we may not get to them. President Spence stated they are included in an appendix and can be moved into the implementation program if appropriate. Manager Schmaltz noted that Attachment E only includes high priority projects. Manager Anderson stated that many of the high priority projects would encompass the low and medium projects or render them obsolete. Mrs. Heinz added that research, including groundwater studies, is not included in the high priority projects. Manager Anderson stated that research is more of a program than a project and doesn't require the same amount of dollars as project implementation.

b) Project Updates

Mr. Kinney introduced the project update presentation and suggested future presentations like this be emailed to the managers instead of discussing at a board meeting to help to reduce board meeting lengths. Project updates included: the Shields Lake Aerator, Forest Lake Outlet Upgrade, Moody Lake and Bone Lake Wetland Cores, the Dunn-Boudreau-Casiday (DCB) Wetland Enhancement project, Oak Hill Pond (potential project), Land Acquisition - Steinke property and the property near the Forest Lake east basin boat launch, Grant Projects – County Road 50 Iron Enhanced Sand Filter (IESF) and the Sunrise River Wetland Restoration (Tax Forfeit Project).

There was discussion on the Forest Lake outlet upgrade. Manager Anderson inquired about the design and specs for the project. Mr. Graske stated that it is a maintenance project and there are designs and specs prepared. Manager Schmaltz suggested a public outreach for this project, as it is in a very public location and residents may have the misimpression that the District is manipulating lake elevation. Outreach methods may include newspaper article and mailing to lake association, lakeshore owners, and managers.

There was discussion on Land Acquisition. Mr. Kinney inquired if either Manager Anderson or President Spence wishes to discuss the Steinke property with the County and City. Manager Anderson agreed to help facilitate the conversation and suggested looking into grant funds for this property and bringing the City or County in on a cooperative grant application. This project could be tied into the greenway corridor and potential park efforts along the Sunrise River. Manager Anderson requested information on available land acquisition grants. Manager Anderson supports exploring/applying for grant funds to acquire property near the Forest Lake east basin boat launch and suggested a partnership with the Department of Natural Resources (DNR).

There was discussion on Grant Projects. Manager Anderson mentioned backhoe excavation activity near the County Rd 50 IESF project location. Mr. Kinney indicated

that staff would investigate. Manager Anderson asked about progress on the Sunrise River Wetland Restoration (Tax Forfeit) project. Mr. Kinney stated that staff is reaching out to the Ducharme family regarding rights to construct a portion of the project on their property (1 acre or so) or to purchase the wetland section (43 acres) of their property for project expansion.

10. Report of Staff

a) Administrator

Mr. Kinney noted that permitting staff have been very busy getting ready for closeouts and/or winter. Manager Anderson requested a copy of the historic map on page 10 of the permitting report. Mr. Kinney stated that it will be put up on the website. Mr. Jonas indicated that he would email it to Manager Anderson.

b) Emmons & Olivier Resources

Mr. Graska gave updates on several projects. Greenway visioning project – underway, EOR is collecting data and putting GIS layers together. Regional Treatment Volume Control Planning - EOR is conducting field work (surveying and wetland work), the project is hinging on City of Forest Lake downtown stormwater work. Highway 8 Project – this project is still in early planning and may be running behind schedule. Despite this, EOR is getting field work completed. There should be at least one good project that will come out of the Highway 8 effort, possibly several medium to low projects as well. Mr. Graska stated that EOR may have funds to contribute to the MN Stormwater Research Council research efforts, he will forward this suggestion within EOR.

c) Smith Partners

Mr. Holtman noted that the Governor's new executive order (20-99) does not affect the way the District has been doing business. Mr. Holtman introduced Elizabeth Henley with Smith Partners – she holds a MS in Water Resources Science as well as a law degree and has a great deal of experience in stakeholder engagement. Ms. Henley gave a background of her experience, including her masters work on One Watershed One Plan partnerships. There was some general discussion of One Watershed One Plan (1W1P) experiences of both Ms. Henley and the Board and talk about future discussions on this topic.

11. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Schmaltz reported income for the period of \$21,478.16 and expenses in the amount of \$180,102.86.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$180,102.86. Seconded by Manager Spence. Upon a roll call vote, the motion carried 4-0.

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

12. Report of Officers and Managers

Manager Schmaltz commented on the fine quality of the Angie Hong article on the watershed in the Forest Lake times and inquired if there is a meeting on 1W1P on Monday. Manager Anderson said there is no meeting.

Manager Anderson indicated that the utility company along the Sunrise River near Highway 8 is encroaching on the 100-foot setback buffer with parked vehicles and requested that the City be notified. Manager Anderson also requested an update regarding any discussions with the DNR on the junk found in Comfort Lake and any actions that might be taken.

President Spence indicated he has boxes of District documents in his house and is wondering how to dispose of them. Mr. Holtman stated these documents must be disposed of according to District record retention policies unless they are personal documents or duplicates of documents currently retained by the District. The managers asked that Mr. Holtman provide practical guidance for the managers' document handling and disposal. President Spence mentioned that the Clean Water Council is soliciting for a new representative and inquired if any manager would be interested – the application is due Nov 20. Manager Anderson said she is considering it.

13. Summary and Approval of Board Direction

Board directives were summarized.

- Manager Anderson asked for a January workshop agenda to discuss office space needs and direction forward as a consequence of the Houston work done.
- Manager Anderson noted importance of reviewing the funding and financing options for the District in order to have in hand how the district will proceed with the whole 10 years of its intended investments.
- Staff will engage in public communications with regard to the Forest Lake Outlet maintenance work to include: legal newspaper and Lake Association, and mail an outreach letter to all lake property owners and the managers.
- Mr. Kinney will advise the managers as to the types of grants available for land acquisitions.
- Manager Anderson requested that a copy of the historic map from the Administrator’s report be sent separately so that it can be downloaded.

- Manager Anderson asked staff to advise the City of Forest Lake on creeping utility encroachment along the Sunrise River near Highway 8.
- Manager Anderson requested an update on communications with the DNR regarding the debris removal from Comfort Lake.
- Mr. Holtman will prepare practical guidance for document disposal for any documents that managers may possess.
- Ms. Heinz noted that the District has reached out to Doug Thomas at Houston Engineering regarding grants and he will review the grant tracker and provide input on potential grant sources as well as review the District's financing approach chapter of the WMP. This effort should be completed by end of the month.

14. Adjourn

a) Next regular board meeting – December 17, 2020

Manager Anderson moved to adjourn the meeting. Seconded by Manager Spence. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 9:00 p.m.

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

Jen Oknich, Secretary _____