

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, October 22, 2020**

1. Call to Order

President Spence called the October 22, 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, Assistant Treasurer Jim Dibble.

Absent: Secretary Jen Oknich

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Garrett Miller (CLFLWD staff); Dr. Meghan Funke, Greg Graske, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Dr. Mark Edlund (St. Croix Watershed Research Station).

2. Manager Schmaltz Oath of Office

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

3. Setting of Meeting Agenda

Item 8c. Comfort Lake In-Lake Debris Cleanup was added to the agenda.

Manager Schmaltz moved to approve the agenda as amended. Seconded by Manager Dibble. 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
Jim Dibble	X		

4. Consent Agenda

- a) **Regular Board Meeting Minutes – September 10, 2020**
- b) **Special Board Meeting Minutes – September 21, 2020**
- c) **Regular Board Meeting Minutes – September 24, 2020**

Manager Schmaltz moved to approve the consent agenda as presented. Seconded by Manager Dibble. 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
Jim Dibble	X		

5. Public Open Forum

There were no comments.

6. Citizen Advisory Committee Update

Operations & Outreach Specialist Lindemyer reported the last Citizen Advisory Committee (CAC) meeting was canceled, and instead CAC members were invited to attend the October 6th board workshop where the Watershed Management Plan (WMP) update was discussed. The next CAC meeting is scheduled for second Tuesday of November, which is delayed by one week due to Election Day.

7. Aquatic Invasive Species Update

Watershed Assistant Miller reported the Forest Lake flowering rush assessment was completed and found less than 0.1 acres left of flowering rush left in the lake, which is similar to previous years' assessments. Mr. Miller will bring a report on starry stonewort to the Board soon. This weekend is the last weekend for the watercraft inspection program, though weather is looking cold and possibly snowing. Mr. Miller noted the District has already exceeded its goals for inspection hours at each public launch in the District this year.

8. New Business

a) Deep Sediment Paleo Cores Phase III

Administrator Kinney noted that Dr. Mark Edlund from the St. Croix Watershed Research Station (SCWRS) is in attendance this evening and has been involved in the other paleolimnological research projects completed by the District. Dr. Edlund explained paleolimnology is studying sediment cores (i.e. a vertical sample of the mud at the bottom of the lake) to understand the history of the lake. The sediment core is collected either from a boat or during winter when the lake is frozen over. The core is then taken to the lab for processing. Dr. Edlund explained Phase I occurred in 2016 and included Moody Lake, Comfort Lake, and Shields Lake. Phase II occurred in 2019 and included Bone Lake and School Lake. He noted the Phase II report will be brought to the Board within the next month or so. Phase III is proposed to occur this winter and include Little Comfort Lake and all three basins of Forest Lake. Dr. Edlund explained Forest Lake's three basins vary in depth and water quality. Analysis will look at historic algae trends and help estimate historic phosphorus, which is a measurement of health

and lake quality. This builds a body of evidence which helps to understand the history and guide management strategies.

Manager Anderson noted the information on Bone Lake includes a lot of detail on the diatoms, and Comfort Lake does not have as much information on diatoms. She requested staff re-review the report to ensure Comfort Lake was fully assessed and results were communicated completely. Manager Anderson asked if it would make a difference if a lake was part of a river system or was the headwaters of a river system. Dr. Edlund explained this can be referred to as the “landscape position,” and it does reflect in the sediment core. Typically, a headwaters, or upgradient lake, will have better quality than the downstream lake because nutrients flow downstream. Manager Anderson explained historical aerals suggest that the headwaters of the Sunrise River is Forest Lake. She asked if the sediment cores can help confirm the true headwaters of the Sunrise River. Dr. Edlund indicated information such as this, as well as land use around the lake, is taken into consideration. He surmised the headwaters of the Sunrise River was likely decided a long time ago by whomever made the maps. Dr. Funke pointed out that it will be interesting to have so many sediment cores in the District, and the associated information will help tell the story of the watershed.

Manager Schmaltz indicated Forest Lake experiences rapid algae formation and dissipation, especially in the fall. Monitoring does not always catch this. Dr. Edlund explained one of the recommended activities is installation of high frequency buoys. He indicated the lakes are behaving faster than staff can monitor. The lakes stratify and lose stratification very quickly, releasing nutrients from the lake bottom into the water column and promoting algae growth. Dr. Edlund explained the buoys are normally placed in the deepest part of the lake; for Forest Lake there would be three buoys, each in the deepest part of each basin. He noted the float is about 5 feet under the water surface. Manager Schmaltz asked if there have been any issues with fishermen damaging the sensors. Dr. Edlund indicated they have not had any problems, and that the buoys are very sturdy and would break the fishing line before being damaged themselves. He noted the buoys are anchored to the lake bottom in two locations and, therefore, very difficult to move.

President Spence noted the proposed motion in front of the Board would not include the high frequency buoys. Manager Anderson asked why the Board would not approve that task now. Dr. Edlund noted the buoys would be deployed shortly after ice out in April or May. Mr. Kinney noted this effort may be more coordinated with the District’s 2021 monitoring program and authorized under that budget line item at a later time.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with St. Croix Watershed Research Station in accordance with the August 7, 2020 proposal and in an amount a not to exceed \$95,175. 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
Jim Dibble	X		

b) Manager Devices & IT Services

Mr. Kinney explained Ms. Lindemyer has been leading the research on this topic including discussions with League of Minnesota Cities (LMC) about what other organizations are doing. At this point, staff is seeking Board direction to move to the next phase.

Manager Anderson asked if there is a bigger screen (15-16”) available. She is concerned about the hard drive not being able to handle some of the big documents that the Board reviews. She asked about the separation of the pricing between the software and the computer itself. Ms. Lindemyer explained the Lenovo Yoga’s main function is a laptop, but it also has built-in tablet functions, such as a touchscreen. She confirmed the Yoga has plug-in ports for external monitors, etc. She explained the 256 GB solid state drive is a standard size for devices of this nature and all the software is cloud-based and does not weigh down the machine as much as programs like this used to. Ms. Lindemyer indicated the 256 GB drive is one step up from the base model. She indicated there is a high demand for these types of devices right now (due to widespread increased working from home), so the availability is erratic. Ms. Lindemyer explained the computers would have Microsoft Office suite pre-loaded onto the device including Word, Outlook, Excel, PowerPoint, Notes, Access, etc. Adobe Acrobat would be included as well, which will enable users to view and edit PDF files.

There was discussion about file storage and backup. Ms. Lindemyer explained staff is looking into this topic in coordination with IT support firm, Rymark, and will provide further detail next month. She explained each device would cost around \$1,300 and the software would cost \$750/year for all managers which is only \$250 higher than the current price the District is paying for managers’ email. Manager Anderson asked if pricing is under a government contract. Ms. Lindemyer recommended purchasing through Rymark, because then Rymark staff will complete the purchase and set up all the devices so staff do not have to. She indicated the government contract price would be slightly cheaper, but staff would have to do the setup in this case, which would be more time consuming. President Spence asked how much it would cost to increase the RAM as well, which could be another limiting factor if managers have multiple files open at once. Ms. Lindemyer asked if the Board would be willing to wait a few extra months for the upgrade. She explained demand is very high right now, and the farther an order is away from the stock/base model, the longer it will take to get the product. Managers indicated they would not mind waiting longer. Ms. Lindemyer noted once the District is under contract with Rymark, staff and managers will have full IT support services from Rymark.

Staff was directed to check into upgraded device models and bring information back to the next meeting.

c) Comfort Lake In-Lake Debris Cleanup

Manager Anderson explained this issue came up at the Comfort Lakes Association (CLA) annual meeting last Thursday. A Comfort Lake resident has been pulling out a lot of debris from the bottom of the lake including metal pieces of vehicles, asphalt, electrical cords, etc. She indicated the resident is thinking about bringing in a big magnet to collect more debris. She asked if there are any permitting requirements for such an endeavor.

President Spence noted DNR's website addresses this question and basically indicates a permit is not required if the resident does not alter the original alignment, slope, or cross section of the lake. Staff was directed to work with the District Engineer and Legal Counsel to prepare some general information to be distributed to the lake associations as to the regulatory framework for debris removal activity.

9. Old Business

a) 2021-2022 Professional Services RFP – Initial Review

Mr. Kinney explained the District published the request for proposals (RFP) and emailed it to the usual consulting pool in August. He explained the District did not receive as many engineering proposals as usual, perhaps due to the COVID-19 pandemic and firms being busy as a result. He recommended the District finalize professional service contracts prior to the end of the year.

Manager Anderson noted there is a new attorney at Smith Partners with a degree in watershed management and specialty in One Watershed One Plan. Manager Anderson requested the attorney attend a future board meeting to talk more about her experience. Mr. Holtman indicated he would arrange this.

President Spence indicated he felt the District is well served by EOR. Manager Schmaltz feels strongly that the District should continue to contract with EOR. He noted Houston Engineering can provide expertise regarding new grant programs. Manager Anderson suggested ensuring Houston Engineering is in the engineering pool. Manager Anderson expressed that she wants to see EOR have more coordination of various activities so the Board has a single person it can go to for information about everything EOR is doing for the District. She commended EOR for its work transitioning the monitoring program. She indicated she is pleased with Dr. Funke's ability to take questions and suggestions.

President Spence asked for Administrator Kinney's opinion on accounting firms. Mr. Kinney indicated the final decision is up to the Board. He explained that CliftonLarsonAllen's (CLA) proposal is very competitive price-wise, but CLA is not as experienced working with watershed districts as Redpath & Company. Further, CLA's

staff is spread out geographically, with some staff located in Milwaukee and not familiar with Minnesota accounting requirements. Mr. Kinney indicated, considering the District staff time and resources that went into solving the various issues, there were no cost savings realized from the switch from Redpath to CLA. Mr. Kinney noted the District has had a very good experience with Redpath. Manager Schmaltz recommended staff clarify with Redpath if the audit is included in monthly accounting or charged separately. He indicated the agreement should provide that any extra charges must be approved by the District Administrator in advance.

Manager Anderson moved to authorize the administrator, on the advice of counsel, to enter into professional services agreements for the next biennium with Redpath & Company, Abdo Eick & Meyers, Emmons & Olivier Resources, Smith Partners, and Blue Water Science. Seconded by Manager Schmaltz. Upon a roll call vote motion carried 4-0.

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

Manager Anderson moved to include Houston Engineering in the District’s engineering pool. Seconded by Manager Dibble. 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
Jim Dibble	X		

b) Lower St. Croix One Watershed One Plan

Mr. Kinney noted legal counsel has provided a memo outlining the proposed process for transitioning from the planning phase to the implementation phase. Managers discussed continuing to participate in the Lower St Croix (LSC) One Watershed One Plan (1W1P) partnership and agreed to continue involvement as a partner. Manager Anderson noted some sentiment among partners toward forming a joint powers entity in time, which she believes is important. There was discussion about the changes to the joint powers collaboration (JPC) agreement. Legal Counsel Holtman explained the resolution indicates the LSC plan would supplement the District’s WMP and act as guidance to it. While the LSC plan is not *part* of the WMP, it is *referenced* by the WMP. He advised the JPC agreement is not in conflict with anything in the District’s plan but provides structure to guide certain elements of the District's program and project work.

There was consensus to add this topic to the November 10th workshop agenda for further discussion, so that the Board would be prepared to act on November 19th..

Mr. Kinney described the LSC annual work planning process. Funds are being shifted away from project implementation toward funding SWCD staff. He described discussions between staff and the Board of Water and Soil Resources (BWSR) regarding utilizing Watershed Based Implementation Funding (WBIF) for diagnostic sampling in addition to performing subwatershed assessments (SWAs). He explained the importance of focusing on measurable *outcomes* (e.g. phosphorus and sediment reductions at target waterbodies) and addressing the way cropland is managed. This should be prioritized over measuring progress by *outputs* (e.g. number of best management practices implemented, number of landowners contacted). The Board directed Mr. Kinney to have this conversation with the MN Association of Watershed Districts (MAWD) Executive Director. President Spence emphasized the importance of communicating that this direction is coming from the CLFLWD Board and not from Administrator Kinney alone.

c) Watershed Management Plan Update

Watershed Technician Heinz summarized the draft 10-year Watershed Management Plan (WMP) expense budget including expense categories (Administration, Programs, Projects), revenue sources (levy, grants, etc.), and a recap of potential expense-revenue balance. She presented two scenarios – the first includes all of the activities the Board discussed throughout meetings this year, for a total 10-year expense of \$40 million and estimated revenues of \$23 million. The second scenario includes only core/critical functions, such as those required by statute, for a total 10-year expense of \$13 million and estimated revenues of \$19 million. Ms. Heinz recommended the Board discuss at the November 10th workshop whether to remove some items from the \$40 million budget to balance expenses with estimated revenues.

Manager Schmaltz requested staff put an asterisk on the core/critical line items in the full budget. He requested staff prepare an additional list of high priority activities, as discussed during the goal prioritization meetings. He indicated the information presented is well put together and informative.

Manager Anderson expressed concern that there is not enough funding allocated to Comfort Lake. She asked why there are so many line items for Moody Lake and not Comfort Lake. She indicated the Board cannot complete the budget until it has the results of the Comfort Lake Diagnostic Study. Dr. Funke indicated the study will be completed before the end of this year. Manager Anderson indicated a flat levy over the 10-year period is unrealistic, and she requested staff provide additional detail on alternative revenue sources. Ms. Heinz explained staff did not want it to appear that it was proposing any levy increases, as that is the Board's decision to make. She recommended the Board discuss the 10-year estimated outlook for the levy, because in the past, the Board has indicated its plan is to enter an operations & maintenance phase and reduce the levy once all the lake goals are met.

President Spence noted that over the last 10-year period, the District incurred approximately 65% of the projected expenses from the WMP. He explained that if the District were to increase the levy by 2% each year, and only spend 65% of the funds budgeted for the next 10-year period, the budget would balance. Manager Anderson indicated that the District did not have a full staff up and running for the entirety of the last 10-year period, making it harder to implement projects and incur large expenses. She suggested the District will have a greater chance of incurring estimated expenses for various implementation activities now that it has a larger staff on board.

There was discussion about grant revenue. President Spence indicated Clean Water Fund grants may not be as large of a revenue source compared to the last 10 years. Ms. Heinz agreed, noting the District has been incredibly successful in its Clean Water Fund proposals in the past few years and, cumulatively, is the top recipient of Projects & Practices grant awards since 2014.

Ms. Heinz indicated she would incorporate the requested changes and additional information into the 10-year budget and re-post materials in the November 10th workshop packet.

Manager Anderson added that there is a need to address not just phosphorus but also sediment loadings into Comfort Lake.

10. Report of Staff

a) Administrator

Manager Anderson requested further detail on project updates in the form of a separate memo. She suggested the District increase the size of its wetland buffer signs. She suggested staff look into the expiration of permits to ensure any expired permits are dealt with.

b) Emmons & Olivier Resources

Dr. Funke thanked the board for accepting EOR's 2021-2022 professional services proposal.

c) Smith Partners

Mr. Holtman thanked the board for accepting Smith Partners' 2021-2022 professional services proposal.

11. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Schmaltz reported income for the period of \$6,015.90 and expenses in the amount of \$257,550.45.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$257,550.45. Seconded by Manager Dibble. 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
Jim Dibble	X		

12. Report of Officers and Managers

Manager Dibble indicated his last meeting as a board member will be the November 10th workshop. He indicated the District is a wonderful group and he has enjoyed his time on the Board. Mr. Kinney indicated Washington County has not received any applications to fill Manager Dibble’s position. He indicated the District would advertise the position and suggested the lake associations within Washington County assist with outreach as well. The other managers thanked Manager Dibble for his time on the board.

President Spence indicated he will not be seeking reappointment in September 2021 when his term ends. He indicated he has appreciated his time on the board.

13. Summary and Approval of Board Direction

Board directives were summarized.

- Manager Anderson requested the data from the Comfort Lake deep sediment cores be reviewed to ensure they’ve been completely assessed and communicated.
- Staff was directed to work with the District Engineer and Legal Counsel to put together guidance for residents in the District about removing debris from lakes.
- Mr. Holtman will invite his colleague, Elizabeth Henley, to join the next meeting.
- Manager Anderson requested EOR provide an end of year recap of work.
- Manager Anderson will consult with Mr. Holtman regarding the LSC 1W1P JPC prior to the LSC Policy Committee meeting on Monday. Mr. Holtman will also consult with BWSR regarding supplementing/guidance to the plan.
- Mr. Kinney will work with EOR to convey to the MAWD Director a comparison between the SWA approach and diagnostic study approach to watershed management.
- Ms. Heinz recorded several directives during the WMP Update discussion.

14. Adjourn

- a) **Next regular board meeting – November 19, 2020**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0, and the meeting was adjourned at 9:31 pm p.m.

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

Jen Oknich, Secretary _____