

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, January 23, 2020**

**1. Call to Order**

President Spence called the January 23, 2020 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, Treasurer Steve Schmaltz, Manager Jim Dibble.

Absent: Secretary Jen Oknich

Others: Mike Kinney, Jessica Lindemyer, Blayne Eineichner, Garrett Miller (CLFLWD staff); Meghan Funke, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Jerry Grundtner (Citizen Advisory Committee, Forest Lake Lake Association); Erik Anderson (Washington Conservation District); Paul Girard (City of Forest Lake); Steve McComas (Blue Water Science).

**2. Setting of Meeting Agenda**

Due to the length of the agenda, the following items were postponed to February 13<sup>th</sup>:

- 6d – Blue Water Science 2020 Agreement
- 6e – 2019 AIS Yearend Summary
- 6f – City of Forest Lake Downtown District Joint Study
- 7b – Comprehensive Data Review

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

**3. Consent Agenda**

- a) **Watershed Management Plan Update Meeting Minutes – June 20, 2019**
- b) **Regular Board Meeting Minutes – July 25, 2019**
- c) **Regular Board Meeting Minutes – August 8, 2019**
- d) **Regular Board Meeting Minutes – August 22, 2019**
- e) **Special Board Meeting Minutes – September 5, 2019**
- f) **Regular Board Meeting Minutes – October 24, 2019**
- g) **Special Board Meeting Minutes – December 12, 2019**
- h) **Regular Board Meeting Minutes – December 19, 2019**
- i) **Permit 19-041 Whispering Pines Parking Lot**
- j) **Permit 19-043 Waddle Parking Lot [moved to New Business]**

Item 3j was moved out of the Consent Agenda for separate discussion.

Manager Schmaltz moved to approve items A-F in the Consent Agenda as presented. Seconded by Manager Anderson. Upon a vote, the motion carried 3-0 with Manager Dibble abstaining from the vote.

Manager Anderson moved to approve items G-I in 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 District for its presentation on Tuesday evening regarding the cattail harvest project and indicated the City is on board to move forward with partnering on the project. Mr. Girard explained that the purpose of the City of Forest Lake Downtown District Joint Study is to discuss how to redevelop the downtown area further. There are several small lots which makes it difficult to fit redevelopment. The City intends to review the area on a larger scale and wants to work with the District with regard to water issues. Mr. Kinney indicated that he intends to discuss this further on the staff level with the City, and the District's Board will discuss this at its next meeting. Manager Anderson indicated that the Board understands the difficulties with development in this area and that it looks forward to working with the City on this study.

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

Operations and Outreach Specialist Jessica Lindemyer reported that it has been over a year that the Citizen Advisory Committee (CAC) has been without a Chairperson. At its last meeting the CAC discussed storm-related shoreline damage on Bone Lake, the State of the Watershed meeting, and the Watershed Champion Award. Manager Anderson suggested that the Bone Lake shoreline project should be brought to the Board at some point. Ms. Lindemyer noted that staff have been working closely with Tom Furey on this project thus far.

#### **6. New Business**

##### **a) Permit 19-043 Waddle Parking Lot**

Engineer Graske explained that the proposed project will construct a new parking lot and concrete sidewalk for a coffee shop in Forest Lake. An infiltration basin will treat runoff from the parking lot. He explained the requested design changes to the basin outlet prior to permit issuance. The rest of the pending items for this application are straightforward.

Manager Schmaltz moved to approve permit application #19-043 with conditions stated in the engineer's memorandum. Seconded by Manager Anderson. Upon a vote, the motion carried 4-0.

##### **b) Permit 19-028 Shore View Two**

Mr. Graske explained that the proposed project is a 19-lot single-family home development on a presently unimproved site. Applicable rules include stormwater management, erosion control and wetland buffers. Stormwater features include a large biofiltration basin, a smaller treatment basin, and a wet pond. Some of the pending application items include an invasive species management plan, revised low floor elevations, addition of riprap at all stormwater outfalls. The site will be required to obtain a separate erosion control permit for each lot. Manager Anderson indicated that this site is very close to Comfort Lake and asked that extra vigilance occur on construction-phase best management practices (BMPs). In response to a question from Manager Anderson, Mr. Graske explained that the District's rules require that the site maintain stormwater volume and reduce runoff rates. Additionally, the development from existing row crop to more permanent cover, including stormwater treatment features, will improve water quality. Mr. Graske explained how the developers changed the plans to address surrounding homeowners' flooding concerns. Manager Anderson suggested that the permit include a stipulation that the developers must notify new owners - when the lots are sold, of their responsibility to secure separate erosion control permits for their lot before building their homes.

Manager Anderson moved to approve permit application #19-028 with conditions stated in the engineer's memorandum and an additional stipulation regarding notification to individual lot owners. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

#### **c) Permit 19-040 TH 97 Improvements**

Mr. Graske explained that the proposed project includes safety improvements to Trunk Highway 97 near Lake Keewahtin. Most of the project entails mill and overlay which wouldn't trigger a stormwater management permit from the District, but the expansion of the pavement will trigger the stormwater management rule. Runoff will be routed to a two-cell stormwater treatment system on the north side of the road. The system sizing exceeds the District's minimum requirements. Manager Anderson requested that the permit paperwork include a statement reminding MnDOT that this project is very close to the District's cleanest lake and that they should be doubly certain that construction-phase BMPs are properly in place. Mr. Graske replied that the District has discussed this with MnDOT, and will continue to emphasize it.

Manager Anderson moved to approve permit application #19-040 with conditions stated in the engineer's memorandum. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

#### **d) Aquatic Invasive Species Reports and Presentation**

Steve McComas, owner of Blue Water Science (BWS), presented the results of 2019 aquatic plant and aquatic invasive species (AIS) surveys and projects including Bone Lake curly-leaf pondweed (CLP) and Eurasian watermilfoil (EWM) surveys, and zebra

mussel project; Comfort Lake CLP, EWM and aquatic plant point-intercept surveys; Forest Lake CLP, EWM and flowering rush surveys; Moody Lake CLP surveys; and Shields Lake CLP surveys. The presentation slides are available online at <https://www.clflwd.org/1-23-20RegularBoardMeetingPacket.php>. Manager Anderson requested that a history of native plant diversity be included in the 5-year aquatic plant point-intercept survey reports. Manager Dibble noted that in 2018, CLP in Forest Lake was delineated and then treated at a low acreage, but then it bloomed significantly later in the season. Mr. McComas explained that sometimes CLP growth occurs later than usual. However, if the delineation occurs too late, the allowable treatment window will be missed (MN Dept. of Natural Resources only allows CLP treatment to occur prior to water temperatures reaching 60 degrees F).

Manager Schmaltz noted that a recent CLFLWD capital improvement project will reduce phosphorus loading to Forest Lake's middle basin significantly. He asked whether this will impact the CLP growth in that area. Mr. McComas indicated that the biggest factor for CLP growth is not phosphorus, but sediment pH and iron content. Native plants might respond with some enhanced growth due to this reduction in phosphorus, subsequent reduction in algae growth and increase in water clarity. Manager Dibble indicated that the lake association will work with the City of Forest Lake to perform a significant amount of aquatic plant harvesting this year and it would be very useful to have a map of known invasive species in order to avoid fragmenting and spreading those plants. Mr. McComas replied that he could provide that. He noted that, during all of the surveys, BWS also checked for the new invasive species, starry stonewort. So far, no instances of starry stonewort have been found in CLFLWD lakes.

Manager Anderson moved to accept the 2019 AIS reports. Seconded by Manager Dibble. Upon a vote, the motion carried 4-0.

- e) **Blue Water Science 2020 Agreement [postponed to 2/13/2020]**
- f) **2019 AIS Yearend Summary [postponed to 2/13/2020]**
- g) **City of Forest Lake Downtown District Joint Study [postponed to 2/13/2020]**
- h) **Citizen Advisory Committee Appointments**

Manager Anderson moved to appoint Bruce Anderson, Tom Furey, Jerry Grundtner, Jack MacKenzie, Randy Schumacher, Curt Sparks, and Doug Toavs to serve as the District's Citizen Advisory Committee for 2020. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

- i) **Designation of Official Newspapers and Banks**

Manager Anderson moved to designate the official newspapers of the Comfort Lake-Forest Lake Watershed District for 2020 as the Chisago County Press and the Forest Lake Times. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

Manager Schmaltz moved to designate the First State Bank of Wyoming and Lake Area Bank as the official financial depositories of the Comfort Lake-Forest Lake Watershed District for 2020. Seconded by Manager Anderson. Upon a vote, the motion carried 4-0.

#### **j) Election of Officers & Manager Liaison Appointments**

Manager Schmaltz moved to re-elect managers to their present office and to elect Manager Dibble as Assistant Treasurer. Seconded by Manager Anderson. Upon a vote, the motion carried 4-0.

Manager Anderson moved to approve the following slate of liaison appointments:

- City of Forest Lake: Manager Schmaltz and Manager Dibble
- City of Wyoming: Managers Anderson and Spence
- City of Scandia: Manager Oknich
- Chisago City: Managers Anderson and Spence
- Chisago Lake Township: Managers Anderson and Spence
- Washington Conservation District: Managers Dibble and Schmaltz
- Chisago Soil and Water Conservation District: Managers Anderson and Spence
- Personnel: Managers Anderson and Schmaltz
- Administrator Review Committee: Managers Anderson and Oknich
- Citizen Advisory Committee: All managers rotate on a quarterly basis. Manager Anderson requested that staff help the Board create a rotation schedule for this.
- Annual State of the Watershed Public Meeting: Managers Anderson and Oknich
- Lower St. Croix One Watershed-One Plan: Manager Schmaltz, with Manager Anderson as alternate.

Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

#### **k) New Accountant Payroll Documents**

Ms. Lindemyer noted that she is currently missing documents from two managers and requested that they be submitted by Monday.

#### **l) Watershed Based Funding Representative**

Mr. Kinney recapped that the Watershed Based Implementation Funding (WBF) is a sperate allocation in the metro portion of the Lower St. Croix Watershed (LSCW) and is distinct from the One Watershed-One Plan (1W1P) monies allocated to the entire LSCW including the same metro area. The distinction in this funding cycle from the last round is that instead of the funds being allocated on a county framework, it will be distributed to defined watershed units. This round of WBF will be for the Lower St. Croix (LSC) portion within Washington County. The allocation is roughly the same as last time - \$782,000. The allocation is to be discussed by the entities in the area in order to decide how the funds will be distributed. The boundaries are divided by watersheds, but entities other than watershed districts, such as soil and water conservation districts

(SWCDs), are eligible for funding. A board or staff member may be selected to be CLFLWD's representative for these discussions. In response to a question from Manager Anderson, Mr. Kinney explained that if the LSC 1W1P were not going forward, these funds would be allocated for the metro separately. Then the LSC portion of Washington County alone would still receive the allocation of \$782,000. It just happens to coincide with the fact that LSC is currently in the 1W1P planning process. The LSC has an allocation for the entire LSC basin. The WBF are strictly for those entities within the metro area (i.e., Washington County). The entities involved will set the ground rules for distributing the WBF.

Manager Anderson moved to designate Manager Schmaltz as the primary representative and Manager Anderson as the secondary. Seconded by Manager Dibble. Upon a vote, the motion carried 4-0.

## **7. Old Business**

### **a) Workload Analysis**

President Spence recapped that an updated scope was received from Houston Engineering and comments were received from District Legal Counsel regarding the scope and associated contract. Manager Anderson suggested that staff work out the contract details with Legal Counsel and proceed with signature by the Board President.

Manager Anderson moved to direct the Administrator, on advice of counsel, to prepare an agreement with Houston Engineering in accordance with the January 10, 2020 scope of work, with refinements in the Administrator's judgment, specifically including Board review of the draft report and reference to specific Houston personnel who, as discussed with Houston, would provide the services, in an amount not to exceed \$17,353, for signature by the Board President, and to authorize the Administrator in his judgment to approve additional work up to 10% of the contract amount (\$1,735). Seconded by Manager Dibble. Upon a vote, the motion carried 4-0.

### **b) Comprehensive Data Review [postponed to 2/13/2020]**

### **c) Adaptive Management Progress Update**

Dr. Meghan Funke presented an update on the District's adaptive management implementation toward achieving waterbody goals. She described general watershed flow patterns and an iterative cycle of adaptive management steps including: 1) targeted tributary monitoring, 2) diagnostic modeling report, 3) project feasibility & planning, 4) project design and implementation, 5) project effectiveness monitoring. Dr. Funke provided an update on projects, nutrient load reductions, and water quality data for Moody Lake, Bone Lake, Shields Lake, Forest Lake, Little Comfort Lake and Comfort Lake. In response to a question from Manager Dibble, Dr. Funke explained that after a severe storm, a lake would likely experience a pulse of nutrients inputs due to erosion and increased runoff. Turbidity would occur from the winds and phosphorus/sediment

pulse. Most of it will eventually settle down to the lake bottom, and some will flow downstream. Dr. Funke explained that some lakes' in-lake phosphorus concentrations don't seem to align with the estimated incoming phosphorus loads, and therefore reassessment is needed in order to truly understand progress toward goals. There was discussion about Comfort Lake and Little Comfort Lake, and Manager Anderson asked that the Heath Avenue culvert be a high priority for project implementation due to its high phosphorus loading. Dr. Funke explained that there remains a legacy high phosphorus loading site further up in the Little Comfort Lake Management District. More on this will be discussed at a future board meeting when the results of the Bone Lake Outlet Wetland Feasibility Study are presented. In 2020, all the data from the smaller monitoring efforts/studies will be brought together for a comprehensive diagnostic study. Manager Schmaltz asked that the graphics indicate the initial loads so that load reduction can be assessed. Manager Anderson requested that the background information in the paleolimnological studies be used and explained in the diagnostic report narratives of each lake management district to inform the public of the legacy phosphorus sources and in-lake conditions and how these have changed over time.

#### **d) Monitoring Program Transition Plan**

Mr. Kinney explained that he met with Emmons & Olivier Resources (EOR) and Washington Conservation District (WCD) in order to prepare the proposed monitoring transition plan. He described the data available including quotes from EOR and WCD for monitoring services. Manager Anderson indicated that there is a definite need for the District to get its monitoring data and reports quicker. She said that she liked the transition plan and that it should accomplish the District's needs. President Spence indicated that the transition to fewer monitoring services from WCD is not an issue of service quality, but an issue of obtaining the data fast enough. He indicated that he foresees the entire monitoring program being brought in-house in the long-term. Dr. Funke explained the District's current comprehensive monitoring plan goes through 2021, and that the next ten years of monitoring will be an evolution of that original plan. Some elements of the overall monitoring program are still to be determined such as EnviroDIY monitoring (e.g. IORodeo) and details of a Monitoring Coordinator position.

Erik Anderson, WCD Senior Water Resource Specialist, expressed some concerns about the proposed transition plan. He indicated that there would be logistical difficulties with having District staff accompany WCD staff for every lake monitoring event. He indicated that the field data could be made available to the District immediately after collection. However, the lab results would still be subject to the longer turnaround time. Mr. Kinney did not share the same logistics concerns about coordinating between CLFLWD and WCD staff to participate in monitoring events. Manager Anderson reiterated her concerns about delays in obtaining lab results from Metropolitan Council and the final monitoring report. She indicated that the District has been expressing these concerns for a number of years. Mr. Erikson indicated that WCD addressed that issue last year by obtaining results for each month of sampling within a few weeks of the sampling occurring. He indicated results such as those were sent to the District two or

three times last year. There was discussion about the Met Council lab turnaround times for various types of samples. Mr. Erikson explained that WCD worked with Met Council to prioritize turnaround for WCD's samples last year. President Spence indicated that the District has several specific desires for its monitoring program, all of which may not be able to be tailored to the District's needs by WCD; this is why the District is looking into transitioning its monitoring program. These include faster access to the data, the ability to deploy flexibly for needs as they arise, increased field observations by staff, and the benefit of building in-house capacity. Mr. Erikson explained that WCD sees itself as a partner of the District, at the District's directive.

Manager Anderson moved to direct the Administrator to proceed with the general recommendations that were put forward in the monitoring program memo dated January 17, 2020, not to exceed the budget amount of \$176,283, to work with EOR to format the program as the Board understands it, to work with the WCD for the part that it can do, and to proceed with haste as spring is coming. Seconded by Manager Schmaltz.

Discussion: There was discussion about staff's proposed motions and the quoted costs for lake monitoring, stream monitoring and reporting. It was clarified that the intent of the motion was to have the Administrator and EOR sit down and design the program, and work with WCD in the way the Administrator finds most beneficial and efficient, within the total program budget set forth of \$176,283. It was clarified that this does not include contracting authority; whatever comes out of the program design will need to come back for approval.

Upon a vote, the motion carried 4-0.

#### **e) Banta Parcel Review**

Dr. Funke explained that EOR completed the cost-benefit evaluation of expanding the Tax Forfeit project into the Banta property. The evaluation identified a potential project with a phosphorus removal of \$152 per pound, which is lower than the Tier 1 cost (<\$250 per pound phosphorus removed over a 25-year life cycle). This can be considered a high priority capital improvement project. The evaluation produced an estimate of upper cost threshold for the Banta acquisition in terms of return on investment. A higher acquisition cost would result in a higher \$ per pound phosphorus removed for the Tax Forfeit + Banta restoration scenario than for the Tax Forfeit only scenario. Manager Anderson indicated that phosphorus removal is not the only focus, but sediment should be considered as well. In response to a question from Manager Schmaltz, Engineer Graske explained that the cost estimates are based on desktop analysis data (i.e. Lidar); field survey data will help narrow the costs.

Manager Anderson moved to direct the Administrator to work with the District Engineer and Legal Counsel to get the next steps in order and bring back a proposal to the February 13<sup>th</sup> meeting. Seconded by Manager Schmaltz.



Upon a vote, the motion carried 4-0.

**f) Clean Water Fund Grant Recommendations**

The District submitted two Clean Water Fund (CWF) grant applications and both are recommended for full funding for a combined total of \$1,239,400. Mr. Kinney indicated that the District's diagnostic and adaptive management approach to the capital improvement projects associated with the grant proposals have been key to successful grant awards. Mr. Kinney explained that the District's success in this approach is evident in both the grant awards and support by state agencies and is also verified in the monitoring data from the post-construction project effectiveness monitoring. The Board congratulated staff on the grant awards and Manager Anderson requested that a press release be issued on the topic.

**g) Watershed Champion Award & State of the Watershed**

Operations & Outreach Specialist Jessica Lindemyer explained that the State of the Watershed Public Meeting is set for April 30<sup>th</sup> at Stella's on 97 in Forest Lake. She met with Managers Anderson and Oknich to plan the event and Watershed Champion Award program, and they decided to request input from the full Board on a few topics. Manager Anderson explained that the recommendation for this year is to offer four Watershed Champion awards, categorized by the District's four best management practice (BMP) cost-share programs (Residential, Commercial/Community, Agricultural, and Municipal). There was discussion about speakers at the event, and Managers Spence, Dibble, and Schmaltz indicated they would prefer not to speak or would be unavailable. There was consensus that the District's annual newsletter should be sent out after the event in order to celebrate the award winners. Ms. Lindemyer indicated she would send out draft personalized invitations for managers to send to local government units. Manager Anderson requested Ms. Lindemyer prepare a draft timeline for the process.

**8. Report of Staff**

**a) Administrator**

Mr. Kinney reported on coordination with the Forest Lake School District regarding watershed-focused youth education programs. Manager Anderson indicated that she plans to participate in the upcoming legislative process as a member of the MN Association of Watershed Districts (MAWD) board; the focus this year will be promoting watershed districts as the watershed experts in the state in flood control, and advocating for higher bonding amounts for flood control and increasing the cap on the general levy amount for 103D districts. Mr. Kinney added that the District will hold its final two Watershed Management Plan (WMP) update public listening sessions on January 25<sup>th</sup> and 30<sup>th</sup>. He also reported on Project Coordinator Blayne Eineichner's progress in gaining landowner support for the Bone Lake Drained Wetland Restorations projects.

**b) Emmons & Olivier Resources**

Dr. Funke reported that the Moody Lake Wetland C project is ongoing with installation of the outlet water level control weir. She pointed out a couple of interesting projects that EOR has been working on outside of CLFLWD, in which the Board may be interested.

**c) Smith Partners**

Nothing to report.

**9. Report of Treasurer**

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

Treasurer Schmaltz reported income for the period of \$625,468, largely due to levy income from Washington and Chisago Counties.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$196,633.40. Seconded by Manager Dibble. Upon vote, the motion carried 4-0.

**10. Report of Officers and Managers**

President Spence noted that there will be a meeting on January 28<sup>th</sup> regarding the new Highway 8 construction project which may consist of adding two lanes along a large portion of the corridor. The project is still in the early discussion stage.

Manager Anderson reported that Metropolitan Council staff member Judy Sventek recently presented at a Metro MAWD meeting. She indicated that they discussed the issue of CLFLWD receiving credit for its monitoring program in Met Council's report, and Ms. Sventek indicated she would speak to her staff about this. Manager Anderson reported on Metro MAWD's recent discussions regarding BWSR grant funding and One Watershed-One Plan (1W1P).

Manager Schmaltz reported on presentation materials sent out to the Lower St. Croix 1W1P group.

**11. Summary and Approval of Board Direction**

Board directives were summarized:

- For both Shore View Two and TH 97 permits, EOR and staff are to make sure that the permittees are extremely careful with their construction-phase BMPs.
- Under the subject of the AIS reports:

- Manager Anderson asked that the five-year point-intercept survey reports be revised to show the history of the plant diversity changes over time
- Manager Dibble raised the concern about sometimes the Forest Lake curly-leaf pondweed delineation occurring too early to identify where growth occurs in the season
- In response to Manager Dibble’s request, Mr. McComas will supply a map of nonnative species so that the City and the FLLA can avoid Forest Lake harvester cutting in those areas
- With respect to the Adaptive Management Progress Report, Manager Schmaltz asked that the graphic include an indication of what the initial phosphorus load is
- Manager Anderson said to make sure the district engineers include the paleolimnological studies indicate in their narratives the phosphorus sources and in-lake conditions
- Manager Anderson suggested a press release concerning the Clean Water Fund grants

## 12. Adjourn

### a) Next regular board meeting – February 13, 2020

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon vote, the motion carried 4-0, and the meeting was adjourned at 10:12 p.m.

Jen Oknich, Secretary \_\_\_\_\_