

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, October 24, 2019**

**1. Call to Order**

President Spence called the October 24, 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, Assistant Treasurer Wayne Moe.

Absent: Secretary Jen Oknich, Treasurer Steve Schmaltz.

Others: Mike Kinney, Jessica Lindemyer, Garrett Miller (CLFLWD staff); Meghan Funke, Cecilio Olivier(Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Paul Girard (City of Forest Lake), Erik Anderson (Washington Conservation District)

**2. Setting of Meeting Agenda**

Item 8e – Summary of Administrator’s Performance Review was added, item 7a – Banta Property was moved to item 8a under Old Business, and the September 5<sup>th</sup> minutes were removed from the Consent Agenda. Legal Counsel Holtman indicated that Manager Schmaltz provided comments on some agenda items via email, as he could not attend the meeting. President Spence indicated that he would note Manager Schmaltz’s comments for the record during the applicable agenda items.

Manager Moe moved to approve the agenda as revised. Seconded by Manager Anderson. Upon a vote, the motion carried 3-0.

**3. Consent Agenda**

- a) Joint Board Meeting Minutes - August 26, 2019**
- b) Regular Board Meeting Minutes - September 12, 2019**
- c) Special Board Meeting Minutes - September 21, 2019**
- d) Regular Board Meeting Minutes - September 26, 2019**

It was noted that the managers did not engage in a motion to adjourn at the August 26<sup>th</sup> joint meeting, and that section of the minutes will be removed. Manager Anderson went through two minor requested changes to the September 12<sup>th</sup> minutes.

Manager Moe moved to approve the consent agenda with the indicated minor changes. Seconded by Manager Anderson. Upon a vote, the motion carried 3-0.

**4. Public Open Forum**

There were no comments.

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

Watershed Assistant Jessica Lindemyer noted that she will no longer serve as the staff liaison to the Citizen Advisory Committee (CAC); the District's new Program Coordinator, Roxy Robertson, will take on this role. Ms. Lindemyer explained that there will be a special session regarding CACs at this year's Annual Conference of the MN Association of Watershed Districts (MAWD). She noted that there is sufficient funding in the 2019 budget to send two CAC members to the conference. Mr. Kinney explained that this topic was discussed at a recent MN Association of Watershed Administrators (MAWA) meeting. He suggested that two hotel reservations should be made for potential CAC members who may wish to attend; the reservations can be canceled if no members want to attend.

## **6. Aquatic Invasive Species Update**

Watershed Technician Garrett Miller reported on the recent Shields Lake carp removal project. A total of 61 carp were removed from the lake, averaging 14 pounds each. The largest carp captured was 33 pounds. An additional electrofishing survey was performed on October 18th, estimating that there are a remaining  $689 \pm 184$  carp in the lake. This is still higher than the recommended management threshold. A spring removal effort will be discussed and planned for over the winter.

On September 4<sup>th</sup>, PLM Lake and Land Management treated a nonnative phragmites population near Bone Lake. Staff will coordinate a winter mowing to knock down the dead stalks and prepare the site for another fall treatment next year. Mr. Miller has been researching the extent of nonnative phragmites and treatment methods, finding that several populations exist around several lakes in southern Chisago County. Outreach to lake associations and further research on treatment methods will occur in the upcoming months. Mr. Miller recently attended an aquatic invasive species (AIS) workshop where he learned about ways to improve the District's AIS program, including utilization of social marketing techniques to influence human behavior to prevent the spread of AIS. A summary of the workshop findings will be provided soon.

This weekend is the last weekend for this season's watercraft inspection program. Mr. Miller reported that, currently, the District has reached 100% of its goal hours for Forest Lake (goal: 2,700 hours), 115% for Bone Lake (goal: 500 hours), and 108% for Comfort Lake (goal: 525 hours). He noted that Susanna Wilson Witkowski at Chisago County was a big help in achieving these goals.

Manager Anderson asked why the most recent Shields Lake carp population estimate is so much lower than the original estimate – was this due to a reduction in the population or was the original estimate simply too high? Mr. Miller indicated that it's hard to say, as there is a lot of variability involved in creating these estimates. He noted that about 99% of the carp captured in the most recent survey were found in one specific area under a tree. It's possible

that the original estimate focused on this particular area and therefore overestimated the abundance throughout the rest of the lake.

Manager Anderson indicated that the AIS Update report mentions purple loosestrife in relation to Lake Keewahtin. However, purple loosestrife is present in other areas as well. She suggested that, as the District works on a treatment plan for purple loosestrife, it should include other local government entities, as they may have experience and equipment for managing purple loosestrife. It should be a cooperative effort. It was clarified that the purple loosestrife bulletin was sent out to all three lake association presidents earlier this year.

Manager Anderson noted that the Forest Lake plant harvester removed 384 cubic yards of native plants this year. She asked what percentage of the plant biomass this comprises. Dr. Funke advised that it would be possible to get a rough estimate using information from the most recent point-intercept survey. She estimated that the percentage is likely very small, as it is the Department of Natural Resources' (DNR) goal to prevent adverse impacts to native plants through its permitting program.

Manager Anderson made note of a recent email regarding a study of the impacts of Eurasian watermilfoil on lakeshore property values. She encouraged others to keep this factor in mind when discussing Eurasian watermilfoil management.

At Manager Anderson's suggestion, the Board endorsed adding another chart to the AIS Update report indicating which AIS have been identified in each lake and providing more information such as date of new species discovery. She indicated that she had some ideas drafted up and would share with staff.

President Spence asked if the recent Bone Lake zebra mussel veliger tow yielded any results yet. Mr. Miller confirmed the tow occurred several weeks ago, but he has not seen any results from the DNR yet.

Manager Anderson asked whether the Chisago County nonnative phragmites population is the largest in the state. Mr. Kinney indicated that it is in fact the largest population in the state. It was introduced as part of their wastewater treatment system and grew out of hand. Mr. Miller indicated that it is remarkable that there are so many individual populations recorded in Chisago County. There was discussion about treatment initiatives in Chisago County and elsewhere in the state by lake associations and counties.

## **7. New Business**

- a) Banta Property [moved to Old Business]**

## **8. Old Business**

- a) Banta Property**

Mr. Kinney noted that two items on this topic were previously brought to the Board – one on October 25, 2018 and one on December 13, 2018. The land acquisition criteria from the Watershed Management Plan (WMP) were addressed in these items. Mr. Kinney noted that the District submitted a Clean Water Fund grant application for a project on the District’s tax forfeit property, which is near the Banta Property. He proposed performing further analysis to assess the added benefit to the tax forfeit project by acquiring a piece of the Banta Property.

Manager Anderson moved to direct the Administrator to work with EOR to develop a land acquisition project feasibility review scope of work.

Discussion: President Spence noted written comments offered by Manager Schmaltz, which will be a part of the meeting record. Manager Moe noted a previous action by the Board directing staff and EOR not to proceed past Task 2 on a previous scope of work until the District ensured that it was on the same page with the landowner with regard to expectations of property value and purchase amount. Dr. Funke clarified that tasks 1 and 2 have been completed. She explained that the proposed work is essentially enhanced project scoping. With the tax forfeit project in the planning stage, the District may consider the cost of the additional land and added benefit to the tax forfeit project. EOR would quantify the additional phosphorus reduction achieved and cost required. Recent monitoring data and computer modeling will help make a more accurate assessment. The end result will be a decision whether the added Banta land is worth pursuing, or if the tax forfeit project is effective enough without it. Mr. Kinney added that this work will allow the District to determine whether to commission an appraisal. Mr. Holtman suggested that the Board consider whether to authorize the administrator to solicit appraisal quotes while the additional EOR work is occurring.

Seconded by Manager Moe. Upon a vote, the motion carried 3-0.

## **b) Workload Analysis & Visioning**

Manager Anderson recommended shifting the proposal deadline from November 20<sup>th</sup> to the 25<sup>th</sup> in order to give firms more time to prepare proposals. The materials could be distributed to managers as quickly as possible after the 25<sup>th</sup>, and then the board will meet and discuss on December 12<sup>th</sup>. She noted that, even if the materials are distributed to managers after Thanksgiving, during the first week of December, it would still give managers up to 10 days to review prior to the December 12<sup>th</sup> meeting. Mr. Kinney indicated that it shouldn’t be a problem to distribute the proposals to managers by December 2<sup>nd</sup>.

President Spence noted that Manager Schmaltz, who could not attend tonight’s meeting, provided some comments on the proposal in advance of the meeting, which will be a part of the meeting record. One of Manager Schmaltz’s comments was that the RFP does not seem to clearly lay out what decision the District will be making. President Spence noted that the RFP indicates the District’s objective as ensuring that District resources are sufficient for meeting planned goals and objectives, with an emphasis on

this workload analysis feeding into the larger plan update. The RFP does not specifically describe the office space visioning element, nor does it specifically state the District's goals and objectives. Manager Anderson expressed that the overall objective is to perform the workload analysis to assess staffing needs. We need to know staffing needs in order to plan for an office building. This is step one of a multi-step process. Mr. Kinney indicated that we know there will be continuous changes. Metropolitan Council estimates that the I-35 corridor through the District will be the fastest growing area in the Twin Cities over the next 20-25 years. He expressed that this process should help the District understand how to be proactive in the face of increased pressure on local natural resources. President Spence expressed that the items in Manager Schmaltz's comments will be addressed in subsequent phases of the process but might not necessarily need to be added to the RFP. There was agreement that no further changes to the RFP, beyond the date modification recommended by Manager Anderson, were necessary at this time.

President Spence noted that the RFP will be released tomorrow.

Manager Anderson moved to approve the RFP with the two schedule changes as discussed, and direct staff to release the RFP. Seconded by Manager Moe. Upon a vote, the motion carried 3-0.

### **c) Employee Benefits**

Mr. Kinney explained that currently the District does not offer health insurance benefits beyond the employees themselves. This was discussed during board meetings earlier this year, and a commitment was made to have a policy on this matter by the beginning of 2020. The District has received information regarding what other watershed districts are offering to their employees. It was clarified that the monthly premium for children would be \$330 each, up to three children. Therefore, the total premium for three or more children would be \$990. Any amount of children beyond three would be no additional cost (e.g. four children would still be \$990 etc.). Manager Anderson suggested that the insurance agency should be able to provide more accurate quotes, given current employee information.

There was discussion about what percentage the District may cover for employees' spouses and dependents. Manager Anderson estimated that, for an employee in the 35- to 45-year old age range, coverage for the employee and spouse would cost approximately \$1,100 per month. Adding in three children would bring the monthly premium to \$2,090. At the 35-year old age range, the cost for employee and spouse would be approximately \$900 per month; plus one child would come to \$1,230. Manager Anderson estimated that the remaining employees were single with monthly premiums of around \$400 each. This results in a total estimated monthly cost of approximately \$4,500. She estimated that dependent coverage would total to approximately \$2,200 per month. It was clarified that this is the estimated total amount, i.e. 100% of the cost. The District's insurance agent indicated that most watershed districts offer 50-60% employer contributions for dependents enrolled; there are a few

that have gone to 25% or less in 2019. Manager Anderson suggested starting with 50%, which would be in line with the District's current benefits policy which is generous. She indicated that a generous benefits package helps obtain and retain employees, which is especially important given the District's small staff size. President Spence agreed that 50% seems fair.

Manager Anderson moved to provide 50% health insurance premium coverage for employees' spouses and dependents. Seconded by Manager Moe. Upon a vote, the motion carried 3-0.

Mr. Kinney confirmed that the goal is to establish this policy by January 1, 2020. Manager Anderson suggested that the January 1 start date is better for budgeting. Mr. Kinney indicated that the District will likely keep HealthPartners as its health insurance provider.

Manager Anderson asked why the AD&D and life insurance was such a low amount: \$10,000. She indicated that usually this amount is equal to the employee's salary and it is an inexpensive policy to buy. She added that usually employees also have the option to increase coverage by paying for the difference themselves. She suggested increasing this amount. President Spence suggested that staff obtain quotes from the insurance agent on this matter and bring the information back to the Board.

#### **d) Comprehensive Data Review Workshop**

At the last meeting, the Board requested a special workshop to go over these data more thoroughly. Mr. Kinney noted that Manager Schmaltz would be unable to attend a workshop on November 21<sup>st</sup>. There was discussion about manager availability. It was clarified that the workshop would be held at the District office. There was consensus to set the workshop date as November 6<sup>th</sup> 6:30-8:00 pm.

#### **e) 1W1P and Watershed Based Funding Updates**

A Policy Committee meeting is scheduled for next Monday afternoon. Mr. Kinney reminded the Board that Manager Schmaltz is the primary representative for the District on the Committee, and Manager Anderson is the alternate. Manager Schmaltz provided written comments on the status of committee discussions, which will be a part of the meeting record. Mr. Kinney explained that the One Watershed One Plan (1W1P) implementation schedule is currently being worked on, and the planning process is nearing its end. Mr. Kinney gave a presentation on Prioritized, Targeted and Measurable (PTM) implementation at a previous meeting a couple months ago. He expressed that the Plan lacks the framework to prioritize activities in a way that makes appreciable improvements given the limited time and funding available. As more 1W1Ps are created, funding will be stretched thinner. Mr. Kinney proposed that the District demonstrate to the Policy Committee what PTM means to the CLFLWD, as a watershed district that has been able to achieve measurable success toward its goals. While the Plan must be versatile, as it will be used as the counties' and SWCDs' primary water management

plans and possibly an addendum to watershed districts' WMPs, it should still be focused. Taxpayer priorities should be taken into account in deciding a focus area. Pollutant load reduction data from Total Maximum Daily Load (TMDL) studies and Watershed Restoration and Protection Strategy Reports (WRAPS) should be used to identify target areas within the basin for load reduction projects. Mr. Kinney stressed that landscape-scale projects will have a very low probability of achieving load reduction goals given the time and funding available.

Manager Anderson indicated that the cooperative structure will be discussed on Monday. It's currently looking like the group will establish a Joint Powers Agreement (JPA) board. This option will be discussed and evaluated further prior to making a final recommendation. Manager Anderson reiterated Mr. Kinney's point about establishing a framework for using PTM to implement the Plan. She noted the foundational studies that are present throughout the basin which identify phosphorus as the top pollutant of concern for the St. Croix River. While phosphorus may be the main priority, projects addressing this issue will have additional benefits such as restoration of wetlands. She stressed the necessity to use science to tell us where to implement projects. A graphic is currently in-progress which will illustrate these points. Managers were invited to provide input on the graphic over the weekend.

There was discussion about the JPA entity agreement format. There was consensus to share the document with District legal counsel for review. Manager Anderson indicated that the JPA seems pretty standard and counties are accustomed to working with such agreements. She noted that there is a proportional weighting system for votes on the Board; entities with larger geographic area within the basin get more votes than those with less area in the basin. CLFLWD accounts for only 6% of the Lower St. Croix (LSC) basin. Manager Anderson recommended ranking the CLFLWD based on its proportion of the Sunrise River basin, as the Sunrise is a major conveyance of pollutants to the St. Croix River. She recommended that Manager Schmaltz bring up this point at the meeting. She indicated that overall, the process seems to be going in the right direction.

Manager Anderson provided an update on the Board of Water and Soil Resources' (BWSR) funding mechanism for Watershed Based Funding. Four quadrants have been broken out: east and west of the Mississippi River, and north and south of the Minnesota River. Allocations within each quadrant are based on the percentage of private land. Eligible entities include watershed districts, WMOs, cities, SWCDs, and counties. All applicants must have an eligible plan including PTM elements.

Manager Anderson reported on a presentation she recently saw from Houston Engineering on predicting flooding and capacity of culverts and stormwater ponds. One of the findings was that existing ditches were meant to handle much lower amounts of precipitation compared to current levels. The model would assist local government units in placing stormwater ponds for maximum efficiency. She expressed that this technology has tremendous potential, and the cost for which could potentially be shared among multiple partners. Dr. Funke indicated that it sounds like it could be a pre-packaged scenario to run via a Stormwater Management Model (SWMM) model, which

could be quick and easy to use. Manager Anderson recommended looking into this technology.

#### **f) Summary of the Administrator Performance Review**

President Spence summarized the results of Administrator Kinney's performance Review. Mr. Kinney's base salary is increased by 6% for performance, 1.4% for cost of living, additive and not compound, for a total increase of \$7,544.36 to base salary in 2019. In addition, Mr. Kinney will accrue paid time off (PTO) in accordance with the classification of 20 years or more of service.

### **9. Report of Staff**

#### **a) Administrator**

Mr. Kinney noted that staff have selected some dates and locations for the WMP small group listening sessions in November and January. There was discussion about venue capacity and staff was directed to check on this. There was discussion about managers' availability to attend the sessions.

Mr. Kinney noted that the District has been receiving a lot of phone calls about high water levels throughout the District. Washington County has reportedly received a lot of phone calls as well, and county staff initiated coordination efforts among other local government units on this issue. There was discussion about projected precipitation trends and long-term solutions such as regional stormwater management facilities.

Manager Anderson had several comments and questions on the Administrator's Report:

- 1003 – St. Croix River Research Rendezvous: She requested that staff send out more advance communications regarding conference opportunities such as this.
- 3004 – Nonpoint Source Pollution Abatement: It was clarified that Tara Kline works for Washington Conservation District and is the CLFLWD's main contact for cost-share site visits in Washington County. The other two names are residents. Manager Anderson requested that in the future, affiliations or roles be noted to help identify individuals named.
- New employees: Manager Anderson requested an outline of the duties of each staff member once everyone is settled. Mr. Kinney indicated that staff will put together a 2020 work plan for the Board's review at the December regular meeting.
- 3006 – MAWA Meeting: Manager Anderson asked for a summary of the MN Association of Watershed Administrators (MAWA) meeting. Mr. Kinney reported that there is still frustration with IWIP and that there was discussion about shared services such as Human Resources and collaborative efforts on programs such as permitting.
- 3007 – Iron Enhanced Sand Filters: Manager Anderson asked if there is anything to share from Mr. Kinney's and Mr. Eineichner's meeting with MPCA. There

was discussion about past issues with iron enhanced sand filters due to incorrect soil type and blockage creating an inability for the medium to drain and dry out.

- 5400 – Wetlands: Manager Anderson noted that permission was obtained from a landowner to access the NE Bone Lake wetland to conduct the Bone Lake Legacy Load Study. Soil cores will be taken on October 25 by EOR and District staff.
- 3002 – Permitting: Manager Anderson expressed concern for the amount of development activity in the Comfort Lake management district.

Mr. Kinney indicated that the Moody Lake alum treatment has now been completed and the Shields Lake alum treatment demonstration will occur tomorrow afternoon.

There was discussion about reservations for the annual MAWD conference. Ms. Lindemyer requested that managers finalize their plans to attend so that she can complete the registrations.

#### **b) Emmons & Olivier Resources**

Dr. Funke provided an update on the Moody Lake and Shields Lake alum treatments including treatment schedules, public field demonstrations, and unmanned aerial vehicle (UAV) photography of the process. The bank stabilization work associated with the Shields Lake reuse project on the Forest Hills Golf Club property will begin on Monday and take about two weeks to complete. Dr. Funke explained that the combination of an early thaw and ice formation within the channel creating a backup of water prior to vegetation establishment created the need for the stabilization project. Mr. Kinney reported on his recent communications with Chisago Lake Township regarding Moody Lake's access area and improved water quality and with the City of Forest Lake regarding potential improvements to Shields Lake Park.

#### **c) Smith Partners**

Nothing to report.

### **10. Report of Treasurer**

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

Assistant Treasurer Moe reported income for the period of \$10,634.79 and expenses of \$279,325.78.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$279,325.78. Seconded by Manager Spence. Upon vote, the motion carried 3-0.

### **11. Report of Officers and Managers**

Manager Moe reported that he attended a recent Bone Lake Association (BLA) meeting where BLA President, Dave Bakke, acknowledged Mr. Miller's work with the AIS program. Manager Moe indicated that he has always been impressed with staff and consultants for their hard work for the District and that it has been an honor and a pleasure to have worked with everyone at the District.

Manager Anderson referred to a recent article in the Star Tribune about pheasant habitat loss due to farming. She expressed concern for the impacts to the pheasant population. She indicated that she plans to bring this issue to MAWD and ask that we work more in coordination with the Department of Agriculture to have a more coordinated plan for this issue. There was discussion about the Conservation Reserve Program's (CRP) positive effects on pheasant populations. Manager Moe expressed that the CRP is not only good for the environment, but good for communities as well because of the hunting opportunities it provides.

President Spence reported on the recent precipitation's effect on his shoreline – he has never seen his shoreline so soft during this time of year.

## **12. Summary and Approval of Board Direction**

Board directions were summarized:

- The AIS report should include the chart format of all lakes and AIS species in each and on individual lake summaries include dates of when particular AIS species were observed.
- Mr. Kinney should get information about life insurance benefits and return to the board.
- Mr. Holtman will review the 1W1P JPA.
- Manager Anderson made several suggestions about the Administrator's Report including creating a mechanism to inform managers of timely events, and explaining unfamiliar in the report
- Provide managers with the 2020 work plan
- EOR look into the Houston Engineering presentation at Metro MAWD regarding flood prediction
- Check capacity of potential WMP small group listening session venues

## **13. Adjourn**

- a) Next special board meeting – November 6, 2019**
- b) WMP Public Listening Session #1 – November 13, 2019**
- c) WMP Public Listening Session #2 – November 16, 2019**
- d) Next regular board meeting – November 21, 2019**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Moe. Upon vote, the motion carried 3-0, and the meeting was adjourned at 8:45 p.m.

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