

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE – FOREST LAKE
WATERSHED DISTRICT
Thursday, July 26, 2018**

1. Call to Order

President Anderson called the July 26, 2018 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 Jackie Anderson, Vice President Jon Spence, Secretary Wayne Moe, Treasurer Steve Schmaltz

Absent: Assistant Treasurer Jackie McNamara

Others: Mike Kinney, Jessica Lindemyer, Erin Edison (CLFLWD staff); Meghan Funke, Cecilio Olivier (Emmons & Olivier Resources); Dave Madison (Permit Application 18-017)

2. Setting of Meeting Agenda

Manager Schmaltz moved to approve the agenda with the addition of a consideration of the District Administrator MBO addendum, which may occur in closed session. Seconded by Manager Spence. Upon a vote, the motion carried 4-0.

3. Consent Agenda

- a) **Regular Board Meeting Minutes – June 7, 2018**
- b) **Special Board Meeting Minutes – June 25, 2018**

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

4. Public Open Forum

No comments were made.

5. Citizen Advisory Committee Update

Watershed Assistant Jessica Lindemyer explained that the last CAC meeting was on July 10th. The minutes for that meeting will be included on the next regular meeting agenda.

6. Complaints/Compliments/Requests from Public

Administrator Kinney explained that typically items that fall under these categories are described in the monthly Administrator's report. He noted that there has been a high volume of permitting and construction activity in the past several months. Watershed

Technician/Permitting Coordinator, Erin Edison, compiled some permitting information to give the Board an idea of the level of activity. President Anderson noted the amount of items under this category, particularly with respect to permitting, and recommended that the Board discuss these items during Agenda item 9a Administrator's Report. There was consensus to do so.

7. New Business

a) AIS Update

Administrator Kinney noted that Blue Water Science surveyed flowering rush on Forest Lake yesterday, and found the first round of treatment to have been successful. In response to a report from a local resident, Mr. Kinney asked Blue Water Science to survey for purple loosestrife around Forest Lake as well. There appears to be a fairly heavy infestation in the channel just north of the east basin near the public boat launch. Staff is communicating with the Forest Lake Lake Association about this and assessing treatment options and budgetary constraints. Mr. Kinney provided an update on the watercraft inspection program; staff has been working on hiring more inspectors so as to meet inspection hour goals, and is communicating with Chisago County to try to increase the amount of inspection hours being performed by the Chisago inspectors on CLFLWD accesses. Finally, following up to a previous board discussion on this topic, the District has ordered new zebra mussel sampler plates to replace the ones that appear to not be attracting any mussels this year. Staff hopes that switching to solely mechanical cleaning methods, versus using household cleaners, at the end of the year will ensure the longevity of the plates.

President Anderson reiterated her previously-expressed concern about preventing the spread of zebra mussels which may be latching onto floating plant fragments cut by the Forest Lake harvester. There was discussion about where the harvester operates. Mr. Kinney noted that the harvester is only permitted to operate in certain parts of the lake, so as to avoid fragmenting and spreading invasive plants such as Eurasian watermilfoil and flowering rush.

President Anderson noted that Comfort Lake residents have recently been noticing that curly-leaf pondweed and Eurasian watermilfoil are combined in the same patches. Mr. Kinney explained that curly-leaf pondweed tends to die off mid-summer, so shouldn't be abundant in Comfort Lake at this time of year. He suggested that residents may be observing a native pondweed growing alongside the milfoil.

There was discussion about the invasive plant hand-pulling workshops that were recently hosted on Bone Lake and Comfort Lake. Lakeshore residents were invited to learn from Steve McComas how to mechanically manage invasive plants such as curly-leaf pondweed and Eurasian watermilfoil on their shorelines.

b) Permit 18-017 – Third Lake Estates

Dr. Meghan Funke summarized the proposed project which is located on 224th Street in Forest Lake. The project will build a subdivision consisting of 10 new single-family homes. District rules for stormwater management, erosion control, and wetland buffers are applicable. Dr. Funke described the drainage patterns on the site, stormwater treatment facilities which include two treatment basins, erosion and sediment control plan, and wetland buffer. The proposed project meets the District's requirements. Several permit application exhibits still need to be submitted before the permit can be issued. Dr. Funke recommended the Board conditionally approve this permit application.

In response to questions from the permit applicant, Dave Madison, there was discussion about erosion control fee calculations, process for easement recording, and permit issuance timing. The buffer protection instrument can be recorded after the final plat approval so that the recorded sites have the reference point of the plat map to tie back to. The permit may be issued after that is recorded. It was clarified that the City of Forest Lake will be responsible for maintaining the two stormwater ponds, and that 224th street will be shaped and paved. Drainage from the street will be directed to the stormwater ponds.

Manager Moe moved to approve permit application 18-017 subject to the recommendations listed in the July 19, 2018 engineer's review memo, with the addition to condition number 3 explaining that the buffer protection instrument will be recorded after the final plat approval. Seconded by President Anderson. Upon a vote, the motion carried 4-0.

c) Wetland Bank Scoping Work Plan and Scope

Administrator Kinney recapped that this topic was briefly discussed during the previous budget workshop. There is potential for wetland restoration in multiple areas in the District. The preliminary effort outlined in EOR's scope of work would inform the Board if the District's tax forfeiture property is a good candidate for such banking. The benefit of having wetland credits available for sale in the District would be to minimize the chances of wetland impacts occurring within the District being replaced by purchasing wetland credits located outside of the District. Presently, there are no credits available for purchase within the CLFLWD.

In response to a question from Manager Schmaltz, Mr. Kinney explained that wetland banking and stormwater credits are similar concepts, but completely distinct from one another. There was further discussion about the wetland banking program and potential restoration sites. Developers are required to assess whether or not onsite treatment is possible prior to using wetland credits; they cannot skip straight to buying wetland credits. Mr. Kinney noted that there is a pending permit application within the District to which this situation applies; the Forest Lake Menards expansion project. The developer wants to purchase credits from outside of the District since there are none

available within the District. President Anderson recommended that the wetland credit should be located within the same lake management district as the development purchasing the credit and that the District should look at creating wetland banks for each lake management district.

Manager Schmaltz moved to authorize the Administrator, on advice of counsel, to enter into an agreement with Emmons & Olivier Resources in accordance with the July 20, 2018 scope of work and in an amount not to exceed \$10,000. Seconded by Manager Spence. Upon a vote, the motion carried 4-0.

8. Old Business

a) Site B/Houle Property Natural Resource Management Plan

Dr. Meghan Funke summarized the management options within the Natural Resource Management Plan (NRMP). One potential management activity to consider is buckthorn management to prevent shading and subsequent erosion. In response to questions and comments from President Anderson, there was discussion about invasive species control timing, coordination with volunteers to perform some of the work, obtaining trees from the University of MN for little to no cost, potential acquisition of surrounding parcels in order to expand a water quality project, grant opportunities, inclusion of yearly cost estimates, and illustration of flow pathways.

Administrator Kinney explained that staff will work on incorporating President Anderson's requested revisions to the NRMP and bring a revised draft to a future board meeting for consideration of approval. There was discussion about past attempts to reach out to the landowner and coordinate a project with the neighboring Home Depot property. President Anderson recommended that the District pursue other avenues for getting in touch with the Home Depot property owner.

b) Manager Replacement Process

President Anderson recapped previous discussions about how to stagger manager term expiration dates so that multiple managers' terms aren't expiring at the same time. There was discussion about next steps including having the Administrator coordinate with cities regarding appointment nomination lists and notifying the counties when a manager's term is coming up for expiration. Manager Moe described his communications with various entities regarding his planned resignation upon term expiration. There was discussion about Manager McNamara's potential resignation upon term expiration.

There was consensus to direct the Administrator to draft a policy for manager replacement process to incorporate into the District's governance manual.

c) Monitoring Update

Dr. Meghan Funke provided an update on 2018 monitoring being performed by Emmons & Olivier Resources (EOR). Monitoring efforts include: diagnostics for Little Comfort Lake (Heath Avenue), Castlewood subwatershed, and Washington Judicial Ditch 6; and project effectiveness monitoring for Moody Wetland Rehabilitation, Bixby Park, Hilo Lane Iron-Enhanced Sand Filter (IESF), and 3rd Lake Pond. Phosphorus concentrations that were monitored during this summer's rain events ranged from low (<0.15 milligrams of total phosphorus per liter), to moderate (0.15-0.4 mg TP/L), to high (>0.4 mg TP/L).

- Little Comfort (Heath Avenue): moderate phosphorus concentration
- Castlewood: phosphorus concentrations were reduced through the golf course
- WJD-6: high concentrations were observed higher up in the watershed and reduced as water flows toward Forest Lake.
- Moody Wetland Rehab: phosphorus concentrations dropped significantly after the Wetland A/B spot alum treatment
- Bixby Park: the project is working well and reducing phosphorus concentrations by 40%
- Hilo Lane IESF: phosphorus concentrations leaving the project are low
- 3rd Lake Pond: phosphorus concentrations leaving the project are low

Dr. Funke's presentation is available at:

www.clflwd.org/7-26-18BoardMeetingPacket.php.

d) Project/Program Update

Administrator Kinney explained that the Shields Lake Fish Barrier Retrofit construction contract is in the final stages of being executed, staff and EOR are proceeding on schedule with the Shields Lake Stormwater Harvest and Irrigation Reuse Project, communications with the landowner for the next phase of the Moody Lake Wetland Rehabilitation project are underway, and two project ordering public hearings are scheduled for the next board meeting (Moody Lake Alum Treatment and Bone Lake Drained Wetland Restorations). Mr. Kinney noted that staff is using an online project management platform called Smartsheet to manage the multiple projects currently underway.

9. Report of Staff

a) Administrator

Administrator Kinney explained that permitting activity this year is very high. Staff and EOR are also currently working on this year's round of Clean Water Fund grant applications.

President Anderson had several questions and comments:

1. 1001 Board Administration – What is this PRAP grant program being proposed? Mr. Kinney explained BWSR’s performance assistance program grant program which can provide funds to help with board development and prioritization work. President Anderson requested that Mr. Kinney provide more information on the grant program to the managers.
2. 1003 General Administration – Highlighted that Mr. Kinney was asked to conduct a training seminar and asked who is the target audience for the BWSR academy? Mr. Kinney explained that BWSR academy is geared toward watershed district and soil and water conservation district staff.
3. 3002 Permitting – Were any city permits issued before construction started on the Groff Single Family Home? Administrator Kinney explained that this site did manage to obtain the city permit prior to construction, but did not obtain the District permit until afterward. He noted that Permitting Coordinator Erin Edison has been making efforts to improve communications with the cities so that they don’t issue permits to projects that don’t have the necessary District permit.
4. 3002 Permitting – How many more homes are left in the Liberty Ponds development near Little Comfort Lake? Administrator Kinney indicated that he would check the plat map to verify. She asked staff to ensure that the development isn’t encroaching on the wetlands in that area.
5. 3002 Permitting – Regarding the two homes that did not obtain permits, in which city are they located? Mr. Kinney indicated Chisago Township, and that one of the sites still hasn’t obtained a permit. President Anderson indicated that she will talk to a contact of hers to help ensure these sites obtain the necessary permits from the District.
6. 3005 Education and Outreach – The article submitted by the Forest Lake Lake Association was nice.
7. 3006 Technical Resource Sharing and Interagency Communication – When will the beaver baffle structure be constructed on Moody Lake, because this type of device may be useful for Comfort Lake as well? Mr. Kinney provided a recap of this issue and indicated that there is not a clear installation date for the beaver baffler at this point. President Anderson requested that the Comfort Lake Association be notified when the system is installed as the Association has been interested in installing something similar in their area.
8. 3011 AIS Prevention and Management – Reiterated that a Comfort Lake resident reported a suspected case of starry stonewort in the lake, which was later confirmed to be a native plant instead of starry stonewort. President Anderson asked that this type of information also be include in the AIS Update.
9. 3011 AIS Prevention and Management – In response to the note about purple loosestrife in Forest Lake, she noted that Comfort Lake appears to have purple loosestrife as well.
10. 5226 Shields Lake – When will the District see the results of the DNR’s fish surveys that were performed on multiple lakes this year? Mr. Kinney expected that the report will be written over the winter.
11. 5228 Forest Lake – If the Board hasn’t already received a copy of the second mailer for the 3rd Lake Pond project, please send that out.

President Anderson moved on to discuss the Complaints/Compliments/Requests from Public item that was moved down in the agenda. She requested that staff add notation of the lake management district of each permit in the report. She expressed concern about the inspections being performed and requested that more detail be provided on how many active permits are showing noncompliance on inspection reports. There was discussion about level of compliance for several specific permits. Mr. Kinney commended Ms. Edison on her coordination with the City of Forest Lake to issue stop work orders for severely noncompliant sites. President Anderson requested that staff separate out developments from single family homes in its reports to the board.

b) Emmons & Olivier Resources

Nothing to report.

c) Smith Partners

Nothing to report.

10. Report of Treasurer

a) Approval of Bills and Treasurer's Report

Treasurer Schmaltz reported income for the period of \$661,708, largely due to levy income from Washington and Chisago Counties. The fund balance is currently \$1,145,000.

Manager Spence moved to accept the Treasurer's Report and pay the bills in the amount of \$147,844.33. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

11. Report of Officers and Managers

There was discussion about recent and upcoming One Watershed-One Plan meetings. President Anderson noted the Stormwater Workshop being held on Tuesday, September 11. She added that she received a residential mailer from MnDOT regarding the Highway 8 construction project coming up in August.

12. Summary of Board Direction

Mr. Kinney provided an update on the Bone Lake cropland rental site. The soil was tested and has very low pH, which is not good. Lime was applied in order to raise the pH. Mr. Kinney walked the property last week and noted that the matted grass is functioning as an erosion control blanket and there was no observable erosion occurring. Clover and rye are starting to come in. Overall, the site doesn't look pretty, but is doing its job of stabilizing the soil onsite and preventing erosion. Mr. Kinney summarized details for upcoming board meetings in August. There was discussion regarding the schedule and amounts for the 2019

budget and levy. President Anderson indicated that at the last board meeting the board agreed on keeping the levy at \$1.2M and setting the expense budget of \$2.5M.

13. Administrator MBO Addendum Finalization

By unanimous consent, the Board convened in closed session to continue the performance evaluation of the District Administrator. Administrator Kinney did not elect for the discussion to occur in open session.

The Board reconvened in open session.

Manager Spence moved to approve the amendment to the Administrator's employment agreement. Seconded by Manager Moe. Upon a vote, the motion carried 4-0.

14. Adjourn

- a) Next regular board meeting – August 9, 2018**
- b) Next special board meeting – August 14, 2018**

Manager Spence moved to adjourn the meeting at 9:20 p.m. Seconded by Manager Moe. Upon vote, the motion carried 4-0.

Wayne S. Moe, Secretary _____