

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, March 26, 2020**

**1. Call to Order**

President Spence called the March 26, 2020 regular board meeting to order at 6:30 p.m. via online video conference.

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

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Garrett Miller, Blayne Eineichner (CLFLWD staff); Meghan Funke, Cecilio Olivier, Greg Graske, Kyle Crawford (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Jerry Grundtner (Citizen Advisory Committee); Denise Martin (Chisago County Press).

**2. Setting of Meeting Agenda**

The following items were added to the agenda: 6f – Check Signing Procedure, 6g – Remote Workspace Improvement Reimbursements, 6h – COVID-19 and Executive Order 20-20.

Manager Anderson moved to approve the agenda as amended. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

**3. Consent Agenda**

- a) **Regular Board Meeting Minutes – February 13, 2020**
- b) **Regular Board Meeting Minutes – February 26, 2020**

Manager Anderson had some requested edits to both February minutes as well as the January 9<sup>th</sup> and 23<sup>rd</sup> minutes. All revised minutes will be brought to the April 23<sup>rd</sup> board meeting for consideration of approval.

**4. Public Open Forum**

There were no comments.

## 5. Citizen Advisory Committee Update

Operations and Outreach Specialist Jessica Lindemyer indicated the last Citizen Advisory Committee meeting was canceled due to the number of members out of town.

## 6. New Business

### a) 2020 AIS Prevention & Management Plan

Manager Schmaltz noted that water quality in Forest Lake West basin significantly improved last year. He asked staff to research whether there are data to explain the relationship between zebra mussel population density, as estimated by the sampler plates, and water clarity improvements. Mr. Miller explained that the sampler plate counts are taken and used to estimate density in the area. He indicated he would look into this idea and noted that having more plates out would be helpful in evaluating this.

Manager Dibble asked how many people have applied for watercraft inspector positions this year. Mr. Miller indicated that he has received two applications so far. He expects more applications to come in later this spring, but this may also be affected by COVID-19. He was unsure about the MN Department of Natural Resources' (MnDNR) plan for its own state-wide watercraft inspection program. The posting will stay up until further notice.

Manager Schmaltz moved to approve the 2020 AIS Prevention and Management Plan. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

### b) 2020 Washington County AIS Grant Agreements

Mr. Kinney noted that the grants are largely the same as last year, with the exception that the watercraft inspection funds were automatically awarded. It was clarified that the watercraft inspection grant of \$16,500 is for Bone Lake and Forest Lake (\$1,000 of which is dedicated to Bone Lake).

Manager Anderson moved to authorize the District Administrator, on advice of legal counsel, to execute the Washington County AIS Prevention Aid grant agreements. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		

Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

**c) Draft 2019 Monitoring Report**

Mr. Kinney explained that the draft has been distributed for the Board to start reviewing. He recommended that Emmons & Olivier Resources (EOR) give a presentation at the first meeting in April, on the 9th, then aim to finalize the report by the April 23<sup>rd</sup> meeting. Manager Anderson indicated she would send her notes to Mr. Kinney and Dr. Funke. Manager Dibble asked why the water quality figures for Forest Lake East Basin appear to be declining over the past few years. Dr. Funke explained that there is an investigation this year looking into whether an alum treatment would be appropriate. The District is also looking at bottom water phosphorus samples this year. She indicated she would provide further detail in the presentation at the April 9<sup>th</sup> board meeting. Manager Dibble noted that the lake experiences turnover in late summer/fall. Mr. Graske noted that Washington Judicial Ditch 6 (WJD-6) drains into that basin and the District is currently looking into several projects in that subwatershed. Manager Schmaltz encouraged managers to provide questions and comments to staff in writing.

**d) 2019 Year in Review, Annual Report, Progress Report**

Mr. Kinney recommended approval of the Yearend Review Summary and Annual Report. The Progress Report is out for review, and managers are encouraged to submit questions and comments to staff. The deadline for the Annual Report to be submitted to the state is April 29, 2020. Manager Anderson indicated she would provide some comments to staff. President Spence noted that staff can bring the report back to the next meeting. Manager Schmaltz requested that the number of decimals on percentages in the work plan summary table be reduced. Mr. Kinney suggested that comments be submitted by next Tuesday at the latest. The reports can be brought to the April 23<sup>rd</sup> meeting if necessary.

Manager Anderson moved to approve the 2019 Year in Review Summary. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

**e) Board Packet Distribution**

Manager Schmaltz indicated that the electronic packet distribution went smoothly. He indicated that he would like to receive a hard copy of certain documents like the Progress Report. Manager Dibble expressed support of electronic packets, saving staff time, paper and money. Manager Anderson suggested that managers be allowed reimbursement for their own printing costs of some documents. Mr. Kinney indicated that the local print shop, Rapid Press Printing, offers a drive-through service. Items could be sent to Rapid Press then picked up, and the District would receive an invoice for the cost. President Spence suggested that this could also be a long-term solution in order to save paper and costs. Manager Anderson indicated that the process takes getting used to but seems doable in the long-term. President Spence and Manager Anderson expressed that it was easy to navigate the hyperlinks online. Mr. Kinney indicated that the Microsoft Word version of certain documents could be sent to managers and the managers could use track changes to submit their comments. Manager Anderson suggested that a workshop would be helpful to discuss certain annual reports like the Annual Monitoring Report in more detail. Dr. Funke agreed that a workshop setting would be helpful in getting feedback from managers. Mr. Kinney suggested that the District could also provide tablets to managers for viewing electronic packet materials. Manager Schmaltz suggested having a workshop to go over how to make comments/redlines electronically.

#### **f) Check Signing Procedure**

Mr. Holtman indicated that the District policy requires two managers to sign each check, and prohibits the use of signature stamps, but that the Board has the authority to revise its policy as needed. He suggested getting a recommendation from the accountant for a procedure that provides equivalent oversight but is practical for present circumstances. Mr. Kinney noted that the checks were delivered to staff, and a manager can come in and sign, then use another manager's signature stamp. Alternatively, two managers can come in at two different times to sign. If the Board changes the policy to allow signature stamps, then the Treasurer could sign the checks and use the stamp of another manager's signature, then return the stamp to its designated secure location. Mr. Holtman noted that the Treasurer's duties also include subsequent review of checks to confirm proper signature, so that if only one manager is to provide a wet signature, it ought not to be the Treasurer. Managers Schmaltz and Anderson discussed times to stop by the office the following day to sign the checks. It was noted that the Board Treasurer should sign last so that he can inspect the other signature. The Board asked that a proposed revised policy be brought forward in April.

#### **g) Remote Workspace Improvement Reimbursements**

Mr. Kinney indicated that some staff members are in need of key equipment to maximize their efficiency working from home for the time being. He suggested a maximum reimbursement of \$100 per employee. One such improvement may be a headset to improve audio quality on teleconference calls.

Manager Anderson authorized the Administrator to use his discretion, within his contracting authority and budget, to provide financial assistance to staff in establishing productive home work spaces, to do what is needed and afterward update the board. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

**h) COVID-19 and Executive Order 20-20**

Mr. Kinney explained that the executive order requires staying at home except when performing critical functions. He suggested that two main field work items for the District include water monitoring and permit site inspections. Manager Schmaltz indicated that the order doesn't prohibit individuals from going outside, so some monitoring, such as stream/diagnostic monitoring, could still take place if staff are alone. Metropolitan Council recently sent out a notification communicating its determination that ambient water monitoring is not considered critical work, so Metropolitan Council will not perform sampling until end of April at the earliest. Manager Anderson indicated that this is a crisis moment unlike anything we've experienced before. It isn't entirely understood how the virus can spread. Monitoring work is different from going outside for a walk. She indicated that the order from the Governor specifically talks about drinking water and wastewater. She was opposed to straying from that order.

Mr. Graske noted that EOR has been closely tracking these orders and various aspects of EOR's business qualifies as critical services. EOR is continuing to do work as directed, so long as it is solitary work. EOR is available to do monitoring assuming it is under social distancing and precautionary conditions. Mr. Kinney expressed that the diagnostic monitoring work collects data that are critical for decision-making within the District. The ongoing in-lake monitoring is less critical.

Mr. Holtman referenced that earlier today he provided guidance to Mr. Kinney and President Spence regarding the order and the categories of work that it authorizes to continue outside the home. There is a category that might be relevant – activities that are deemed priority services to preserve public health, safety and welfare. The Board would have to exercise judgment to decide what is critical so as not to jeopardize those public interests by delay. However, there is a need to protect staff, and violation of the order is subject to criminal sanction. Mr. Holtman suggested that the Administrator present to the Board a basic inventory of, and rationale for, activities that he believes to be critical, and to be within the authorization set forth in the Governor's order. The Board then would consider that recommendation and, by resolution, authorize that work to occur outside the home. Manager Anderson indicated that critical services are

determined by the order, not by the District. She expressed that, as important as monitoring information is, it does not fall into the public safety and welfare category. She encouraged other managers to read through the executive order before making a decision. Manager Schmaltz indicated that individuals can still go to the grocery store while remaining 6 feet away from each other, so why not able to go out alone and perform monitoring work. President Spence agreed with Mr. Holtman's suggestion for staff to prepare a list of critical functions to be brought back to the Board. In response to a question from Manager Dibble, Mr. Kinney indicated that there may be some safety concerns with performing certain duties alone, but the majority of critical monitoring functions can be safely performed alone, as they usually are. Mr. Graske noted that, given that construction appears to be mostly exempt from the order, it seems pertinent to continue permit site inspections to ensure erosion and sediment controls are maintained. Mr. Holtman indicated that the District should focus on complying with the order as it would comply with a normal state statute. He recommended that the Board review his email guidance prior to making a decision. Manager Anderson indicated she was concerned about continuing oversight on construction sites if construction is allowed to continue, especially during spring rains.

There was consensus the District should act as quickly as reasonably possible, and the Board should try to meet early next week. Staff is to suspend field work until this is decided. Manager Schmaltz suggested that Mr. Kinney request input from EOR on this topic. Mr. Kinney noted that staff inspected as many active sites as possible last week, in preparation for the possibility of ceasing inspections for some time.

## 7. Old Business

### a) Forest Hills Bank Stabilization Project Closeout

Manager Schmaltz moved to approve the Forest Hills Bank Stabilization final payment and close out the project. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

### b) Lake District Budgeting Update

Manager Anderson indicated she would like to discuss the Shallow Pond element factored into the Comfort Lake section. Dr. Funke explained that all the projects listed are upstream of Shallow Pond and additional phosphorus reductions occur at Shallow Pond. It is not meant to indicate that Shallow Pond is the phosphorus source. Mr. Kinney indicated that the Lake District Budgeting table will be used for the Watershed

Management Plan update and could be shared with the Lower St. Croix group to illustrate the cost-effective process that CLFLWD uses. Manager Schmaltz indicated that the table seems to be for the short-term, he asked if a longer-term outlook is possible to produce right now. Dr. Funke indicated that the intent of the outlook was to summarize those projects which have been identified so far in the key high-loading areas. Staff and EOR are working toward a full 10-year implementation plan, going beyond just the big capital projects identified so far. Dr. Funke indicated the District may transition into a different 5-year period, after the big capital projects have been completed, which may be more focused on in-lake management (e.g. alum treatment), programs, etc.

#### **c) Watershed Management Plan Update**

Managers Spence, Schmaltz, Anderson and Dibble indicated they are available for all proposed dates. Manager Dibble noted the April 15<sup>th</sup> Forest Lake Lake Association meeting is canceled. There was discussion about structuring the workshops and inviting local partners. Manager Anderson suggested the District look beyond projects and consider programs as well (e.g. Forest Lake establishing a water district for the urban section). Dr. Funke noted that the purpose of the workshops is to focus on priority setting. The meetings are structured by issue areas so technical experts in each area can be invited (e.g. invite MnDNR to the aquatic invasive species workshop).

#### **d) State of the Watershed Public Meeting**

Manager Anderson indicated that the public meeting is going to be postponed or possibly switched to a digital format, depending on the evolution of COVID-19. Ms. Lindemyer asked if the Watershed Champion Award deadline should be extended. It was suggested that everything be put on hold pending assessment as the pandemic evolves. Manager Schmaltz indicated that the peak is supposed to be June 28<sup>th</sup> according to Governor's statement, so the pandemic status may extend well into the fall. Since a live video conference may not draw a large audience, the District may consider producing a video to be posted online for audiences to view in their own time.

### **8. Report of Staff**

#### **a) Administrator**

In response to a question from Manager Schmaltz, Mr. Kinney explained that staff intends to buy a smaller craft like a jon boat. Manager Schmaltz suggested checking with the MnDNR as to a repossessed boat. Mr. Kinney replied that he is looking at state surplus, but the District's intent is quite modest. Manager Anderson asked for an update on how the transition to remote work has been. Mr. Kinney commended Ms. Lindemyer for her work in helping with the transition using her IT skillset.

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

Dr. Funke reported that EOR has been busy the past month. EOR reached out to Claros Technologies to put together some media for the next phase of the pilot projects. The design will be modified to get more water to flow through the media to maximize phosphorus removal. EOR is working with staff on the two FY20 Clean Water Fund grant work plans. EOR is working on designs for wetland restoration projects in the Bone Lake subwatershed. Mike Majeski installed all the stream monitoring equipment for the long-term stream monitoring sites. There has been coordination with Blayne Eineichner and other staff to plan out this year’s monitoring program. In response to a question from President Spence, Mr. Graska explained that Applewood Nursery is moving the nursery to just north of Little Comfort lake, not right on the lake, but a little further north. A permit application has been submitted. Mr. Graska explained that the nursery is looking at some large ponding areas and using water reuse to meet their volume control (i.e. pulling water from ponds to irrigate the plants). Dr. Funke explained that bottom water phosphorus samples will be collected on Comfort Lake in 2020. She noted that we want these data for lakes that may potentially have alum treatments in the future.

**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 \$722,896.87, largely from grants and loan disbursement. Ms. Lindemyer explained that the District determined permit administration funds spent against escrow and balances its permitting escrow account accordingly. Therefore, a regular transfer from First State Bank of Wyoming isn’t necessary.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$131,279.67. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		
Jim Dibble	X		

**10. Report of Officers and Managers**

Mr. Kinney noted that the draft Lower St. Croix (LSC) One Watershed One Plan (1W1P) management plan will be posted online for its official 60-day review period. CLFLWD may



still provide comments during this period. He explained that managers and staff have already provided input thus far attempting to improve the process with regard to monitoring, project identification, and adherence to Prioritized, Targeted and Measurable requirements. Manager Anderson explained that the District can remove itself from the LSC partnership at any time. She expressed that there have been some improvements in prioritization, etc., but not to the level the District would have liked. She expressed that this is a Soil and Water Conservation District-style plan, which doesn't operate the same way watershed districts do. There was discussion about the budget figures provided in the plan's implementation table. Mr. Kinney explained that the figures assigned to watershed districts and other local entities are not being committed directly to LSC; they are just acknowledging that other local entities are doing projects within their own jurisdictions. Manager Anderson requested staff send to the managers the Board resolution adopted to initiate District participation in the LSC partnership, and any associated documents, in which the Board expressed its expectations for engaging in the partnership.

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

Board directives were summarized:

- Mr. Miller will look into whether there is research to help understand the relationship between zebra mussel population density, as estimated by the sampler plates, and water clarity improvements.
- Staff will look into tablets/laptop options for managers in an effort to move forward on consistent platform.
- Staff will send to the managers copies of the LSC partnership documents.
- EOR will provide more information during next meeting regarding Forest Lake east basin (3<sup>rd</sup> lake) water quality changes and tributary sources.
- Staff will revise the 2019 Annual Report, as requested by Manager Schmaltz, to reduce the number of percentage significant figures in the work plan summary on page 27.
- Staff will provide assistance to managers on redlining and commenting on electronic documents.
- Mr. Kinney will bring forth a policy for check signing to a board meeting in April.

**12. Adjourn**

- a) **Workload Analysis Workshop #1 – April 8, 2020 10:00 am**
- b) **Next regular board meeting – April 9, 2020**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 9:26 p.m.

<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>
Jon Spence	X		
Jackie Anderson	X		
Stephen Schmaltz	X		
Jen Oknich	X		

Jim Dibble	X		
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Jen Oknich, Secretary \_\_\_\_\_