

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, September 26, 2019**

1. Call to Order

President Spence called the September 26, 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, Secretary Jen Oknich, Treasurer Steve Schmaltz.

Absent: Assistant Treasurer Wayne Moe

Others: Mike Kinney, Jessica Lindemyer, Garrett Miller, Roxy Robertson (CLFLWD staff); Meghan Funke, Greg Graske, Kyle Crawford (Emmons & Olivier Resources); Chuck Holtman (Smith Partners)

2. Setting of Meeting Agenda

Item 8e – Shields Lake Reuse Forest Hills Bank Stabilization was added to the agenda, and Item 5 – District Anniversary Presentation was removed due to the lack of audience in attendance. Manager Anderson indicated she isn't able to attend the One Watershed, One Plan (1W1P) meeting on Monday and she recommends going over some of the 1W1P discussion topics during this board meeting. This item was added as Item 9d.

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

3. Consent Agenda

- a) **Regular Board Meeting Minutes – August 8, 2019**
- b) **Regular Board Meeting Minutes – August 22, 2019**

Manager Anderson indicated she has some requested edits to the minutes which, for the sake of time, she will discuss with staff after the meeting.

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

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

Watershed Assistant Jessica Lindemyer reported that the Citizen Advisory Committee (CAC) members began choosing individual roles at their last meeting. The committee also discussed the Jeffers Foundation educational grant opportunities and the District's do-it-yourself monitoring program. The next meeting is scheduled for October 1st. Manager Anderson indicated that she would be attending.

6. Aquatic Invasive Species Update

Watershed Technician Garrett Miller reported that the District will work with PLM Lake and Land Management to treat nonnative phragmites near Bone Lake. PLM is expected to schedule treatment dates by tomorrow. On September 19th Mr. Miller co-hosted an aquatic plant booth at the Chisago County Children's Water Festival, teaching students the difference between native and nonnative plants. On September 21st an initial carp removal on Shields Lake was attempted but canceled due to wet/muddy conditions hampering watercraft access to the lake. A contractor will be onsite tomorrow to stabilize the access and allow the watercraft to launch. This will allow the carp removal to occur, as well as the upcoming alum treatment on Shields Lake. On September 23rd staff participated in another zebra mussel search on Bone Lake, finding none. A flowering rush assessment on Forest Lake is scheduled for September 30th, which will determine if a third round of treatment is necessary this year. Mr. Miller attended the Bone Lake Association meeting on September 24th, providing information on checking for zebra mussels and offering assistance. The watercraft inspection program is on track, with Bone Lake and Comfort Lake having already met their goals for inspection hours, 500 and 525 hours respectively. Forest Lake is over 80% of the way to its goal of 2,700 hours and is expected to meet this by the end of the season in mid-late October.

Manager Anderson suggested that Mr. Miller revise the Bone Lake section of the AIS Report to indicate that no zebra mussels have been found in Bone Lake since the eradication attempt earlier this year. There was further discussion about the treatment, with Mr. Kinney explaining that the treatment method has been used in other lakes. Mr. Miller clarified that, while no new mussels have been found, he's not yet prepared to say they've been eradicated. Searching for these mussels is like finding a needle in a haystack. He described the veliger tow performed by the Department of Natural Resources and noted that a report will be released later this year with more information.

7. New Business

a) Permit 19-027 A-1 Mini Storage

Engineer Graske explained that the District received a permit application for this site a few years ago, but the project never moved forward. The applicant has redesigned the proposed project and re-applied for a new permit this year. The proposed project will result in 0.89 acres of new and reconstructed impervious surface. The applicant's proposed stormwater treatment plan exceeds the District's requirements, and a detailed

erosion control plan has been submitted. Mr. Graska recommended approval with conditions stated in the engineer’s memorandum including a recorded maintenance instrument and financial assurances.

Manager Anderson indicated that the prior owner of the property was clearing the parking lots in the wintertime and dumping the snow in the county right-of-way ditch. She asked if this would be considered a violation of the requirement to treat stormwater onsite, and if there is any way for the District to stop this from happening. Mr. Graska indicated that the District Rules do not address this issue specifically. Mr. Kinney explained that the ditch is on the Chisago-Washington county line, so staff can discuss this with both cities of Forest Lake and Wyoming to see if the cities have any such regulations or ordinances. He added that staff could reach out to the MN Pollution Control Agency about this topic, specifically as it relates to chloride pollution because road salts may be in the snow being dumped.

Manager Schmaltz moved to approve permit application 19-027 with conditions in the September 17, 2019 engineer’s memo. Seconded by Manager Oknich. Upon a vote, the motion carried 4-0.

b) Shields Lake Alum Treatment Contract Award

Mr. Kinney explained that the bid opening was held on Friday and Dr. Meghan Funke has reviewed the bids and provided a recommendation for award to HAB Aquatic Solutions. Dr. Funke noted that two bids were received. HAB is the District’s current contractor for the Moody Lake Alum Treatment Project; the second and final phase of which is scheduled for October 21.

Manager Oknich moved to adopt resolution 19-09-03. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		
Wayne Moe			X
Stephen Schmaltz	X		
Jen Oknich	X		

c) Bone Lake Legacy Loading Investigation Scope of Work

Mr. Kinney explained that, as part of the District’s adaptive management philosophy, additional monitoring and project targeting are recommended for this area. Historical aerial photography and landowner accounts suggest previous dairy farming in the area, which may be the source of increased phosphorus loading. He recommended the Board approve the scope for EOR to perform additional data collection and analysis. Dr. Funke

noted that the tasks outlined in the scope will be iterative and that a lot of the costs are lab expenses, all of which may not be necessary.

Manager Oknich moved to authorize the administrator, on advice of counsel, to enter into an agreement with Emmons & Olivier Resources in accordance with the September 17, 2019 scope of work and in an amount not to exceed \$5,111. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

d) Gallagher Classification and Compensation Study Proposal

Mr. Kinney described previous coordination with this firm, including past studies. He indicated that the most recent salary survey has reached the end of its term, meaning an updated study with more recent information should be done. The proposed salary survey would be a different approach than previous surveys on which the District worked with Noah & Associates. Gallagher's proposal contains optional tasks which may be added on. In response to a question from President Spence, Mr. Kinney explained that other watershed districts have worked with this firm in the past and the proposed study activities should be useful in evaluating District employees' responsibilities and salaries.

Manager Schmaltz noted that previous proposals from Noah & Associates listed the cities and organizations that they would be sampling. The Gallagher proposal does not include this, so it is unclear how many organizations are being sampled. He expressed hesitation to pay for a study and not be sure what the District will be receiving. He suggested that Mr. Kinney obtain this information from Gallagher. Manager Anderson expressed that this study is a good idea and that the District does not have its staff aligned in quite the same way that other watershed districts do. It was clarified that in a study recently performed for three watershed districts, Gallagher collected data from 10 other metro watershed organizations. Mr. Kinney explained that there is an upcoming statewide meeting of watershed district administrators and that he could request that this item be put on the agenda in order to discuss the possibility of other watershed districts partnering to perform a larger study. President Spence cautioned that the District would want to ensure that in any retention, the District would remain directly engaged with Gallagher.

Manager Schmaltz asked if the study would also detail salary increases compared to last year. Mr. Kinney indicated that he wasn't sure about that. There was discussion about Gallagher's proposal to provide the final report via teleconference instead of in person. Manager Anderson noted that this would save the District money.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with AJ Gallagher in accordance with the September 19, 2019 Classification and Compensation Study proposal, and in an amount not to exceed \$13,200. Seconded by Manager Oknich. Upon a vote, the motion carried 4-0.

The Board also asked Mr. Kinney to explore with other watershed districts the possibility of collaborating in classification and compensation study work.

e) Shields Lake Reuse – Forest Hills Bank Stabilization

Mr. Kinney noted that this was discussed briefly during the District Tour last Saturday. He introduced Kyle Crawford, engineer with EOR, who has been the engineering lead on the project and been out on the project site on many occasions. Due to a blocked upstream culvert and a consequent diversion of concentrated flow onto the project site, the streambank to the south of the project failed during the spring thaw runoff period and was stabilized temporarily. The District now needs to come back with a more permanent design within the affected area. The District solicited quotes for the work from the reuse project contractor, Dresel, and from Peterson Companies. In response to questions from managers, Mr. Kinney clarified that this is not part of the original project construction contract but is an enhancement of the original project design to address potential hydraulic conditions that have been realized as a result of spring conditions. The “unexpected severe conditions” noted in the engineer’s memo refer to heavy spring snowmelt and greater than average precipitation. The issue was exacerbated by flow and erosion from the culvert located on nearby private property. Mr. Crawford indicated that the proposed work is predicted to prevent events like this from occurring in the future; it is a long-term solution. He confirmed that, though the cost is higher than the engineer’s estimate, it is still within the project budget. He recommended that it is worth the cost to get this work done before winter. Mr. Crawford further described the work including a rock-lined swale leading to the pond, shallow sheet piling installation, and hard armor stabilization. It was clarified that high water flow from the adjacent property eroded the streambank, resulting in sediment release and discharge.

The reuse project itself is located just west of Shields Lake on property owned by the Forest Hills Golf Club. The golf club uses this land for its driving range, and the stormwater harvest pond is located just beyond the driving range. It was clarified that the project reduces stormwater volume through this tributary, improves water quality and reduces the need for groundwater withdrawal for golf course irrigation by about 26 million gallons per year. Mr. Graska added that the reuse project is designed to remove an average of 77 pounds of phosphorus per year. In conjunction with the reuse project, the District is performing a whole-lake alum treatment on Shields Lake, subsequently reducing several hundred pounds of phosphorus per year to Forest Lake, which is significant.

Manager Anderson moved to award the contract for bank stabilization work to Peterson Companies in the amount of \$94,899; to authorize the administrator, on advice of counsel, to enter into a contract for the work and to sign such documents to advance the work and otherwise administer the contract in accordance with its terms; and finally to authorize the administrator to authorize work changes as in his judgment are appropriate, up to an additional aggregate \$9,500 in contract price. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

8. Old Business

a) Comprehensive Data Review

Mr. Kinney introduced the District's newest staff member, Program Coordinator Roxanne Robertson. Ms. Robertson explained that her previous job was an Environmental Scientist for WSB & Associates engineering firm. She has a background in biology and a master's degree in ecology. She is in the process of purchasing and moving to a property in the District, just north of Forest Lake.

Dr. Funke presented EOR's findings on the updated comprehensive data review since 2018. She noted that the District will discuss updating its comprehensive monitoring plan as part of its ongoing 10-year Watershed Management Plan (WMP) update. These data are necessary to make those decisions. Additionally, as part of the recent minor amendment that was completed, some lake associations requested that the District reevaluate some of its lake water quality goals. Dr. Funke presented stream monitoring data including total phosphorus (TP) flow weighted mean concentration (FWMC). TP FWMC values below 100 micrograms per liter are considered low (below background levels), 100-200 micrograms per liter are considered moderate (just above background levels), and above 200 micrograms per liter are considered high (potential hotspot where projects could be targeted). Variability in the total load and flow is important to consider as well; sites with high variability may be hard to design a project for. For example, the Heims Lake Drainage location has moderate-high TP FWMC and low variability, making it a good candidate for a project. Dr. Funke explained there is a potential need to shift from long-term load monitoring to effectiveness monitoring at select tributary sites within each lake management district (LMD) to assess project effectiveness and continue the targeted tributary monitoring program. For example, there are several projects in the Bone LMD which could use more targeted monitoring moving forward. The breadth of tributary monitoring could be expanded through the use of do-it-yourself monitoring technology such as IO Rodeo and remote logger stations.

There was discussion about updating the District's comprehensive monitoring plan. Dr. Funke noted that EOR, District staff, and some long-time local residents are working together to provide recommendations for this. Manager Anderson suggested holding a workshop to discuss this topic. She expressed that the Board relies on its technical staff and consultants to inform this type of decision-making. She noted how some lake associations requested reevaluation of some lake goals, and she expressed that the District should be reevaluating all of its lake goals with the most recent data in mind. Mr. Kinney explained how adaptive management is key in the District's evaluation of its comprehensive monitoring plan and how the DIY (do-it-yourself) IO Rodeo monitoring can be helpful in this. There was discussion about scheduling a workshop to discuss this topic in more depth. President Spence suggested holding it prior to executing the 2020 monitoring contract.

Dr. Funke continued her presentation, including lake monitoring data. She noted that the District has water quality goals for some lakes that aren't being monitored regularly. At least 2 years of TP, Chlorophyll-a and Secchi disc depth every 10 years are needed in Comfort, Bone, Little Comfort, Moody, School, Shields and Second lakes to support

future impaired waters de-listing process. There was discussion about historic monitoring data from both Washington Conservation District (WCD) and local volunteers through the Citizen Assisted Monitoring Program (CAMP). Manager Schmaltz asked why there are data gaps for Forest Lake's middle and east basins in the early 2000's. Mr. Kinney estimated that WCD's response would be because the District didn't fund monitoring on those basins in those years. Mr. Kinney indicated that WCD staff has stated that its data cannot be compared to volunteer data because the sampling techniques are too different. Manager Schmaltz noted that the volunteers and WCD staff tend to sample on different dates as well.

b) Watershed Management Plan Update

Mr. Kinney noted that the Board previously discussed the topic of holding small group meetings, and staff has provided some potential dates/times in early November. An additional larger meeting could also be held in early January. Manager Anderson suggested the meetings be held no earlier than 6:30 pm in order to accommodate those who work until 5 pm. Meetings should wrap up by 9 pm. She suggested Saturday mornings as potential dates as well, as those have worked for other District events in the past. Manager Schmaltz indicated these meetings seem similar to some that the City of Forest Lake held. The City's meetings were held from 6:30-8 pm and had a facilitator present who was very effective. He suggested contacting that facilitator. There was further discussion about dates and times. Manager Anderson suggested applying for grant funds through the Board of Water and Soil Resources' (BWSR) Performance Review Assistance Program (PRAP) grant program for the facilitator. She suggested holding two meetings in November and two in January.

Dr. Funke presented EOR's phase 2 scope of work for providing assistance with the Watershed Management Plan (WMP) update. The first phase covered tasks through the draft outline. The scopes were split into phases to accommodate any potential changes in the scope of the WMP update. The second phase covers tasks through the revised draft WMP, including help with implementation activities, lake data tables and summary sheets, the Capital Improvement Plan (CIP), and updated maps.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the September 17, 2019 scope of work and in an amount not to exceed \$39,574. Seconded by Manager Oknich. Upon a vote, the motion carried 4-0.

c) Workload Analysis & Visioning

Mr. Kinney noted that BWSR performed a PRAP report on the District in 2015. One of BWSR's recommendations was for the District to perform a detailed workload analysis of planned activities to ensure that District resources are sufficient for meeting planned goals and objectives. Staff recommends fulfilling this recommendation in conjunction with the ongoing 10-year WMP update. Mr. Kinney advised that he is changing the contact listed on the RFP to himself rather than Watershed Technician Emily Heinz.

Manager Anderson suggested expanding the timeframe to allow more time for firms to prepare proposals, while still keeping the 10/31 deadline of sending interview questions to the Board. Manager Schmaltz suggested reviewing other watershed districts' workload analyses reports in order to get a sense of outcomes. Managers Spence and Schmaltz agreed with expanding the timeframe of the RFP process. There was discussion about potential firms' knowledge of watersheds, the value of outside perspectives, and the necessity for the WMP to be based on science. Manager Anderson suggested sending the RFP out to the engineering pool in addition to other groups. Mr. Kinney expressed how important the workload analysis process is and suggested pushing the timeframe out further in order to allow more time for research of firms and allow plenty of time for firms to prepare proposals. Managers Spence and Anderson volunteered to provide consultation to staff to finalize the RFP. Manager Schmaltz indicated he would compile his thoughts on the process and send a summary to Mr. Kinney.

There was board consensus to authorize the Administrator to publish the RFP prior to the next board meeting, after consulting with Managers Spence and Anderson and receiving individual input from other managers who choose to submit it to Mr. Kinney.

d) One Watershed One Plan Update

Manager Anderson reported that the Lower St. Croix (LSC) One Watershed One Plan (1W1P) group is currently in the process of deciding on a framework for implementation. There are several options for how to participate, whether through a joint powers agreement (JPA) or otherwise. Manager Anderson suggested the Board come to a consensus on how the District will participate. Manager Schmaltz indicated he spoke with Mr. Kinney about this and would recommend utilizing existing organizations such as the St. Croix Watershed Research Station (SCWRS), which has a strong scientific background, and the St. Croix River Association (SCRA), which is good at fundraising and sponsoring projects. He suggested that the LSC utilize those existing organizations, potentially with some modifications and/or additions, to implement the 1W1P, rather than trying to create a whole new organization. Mr. Kinney explained that other 1W1Ps throughout the state organized a joint effort of several entities, many being Soil and Water Conservation Districts, to divide the implementation work into pieces. He expressed that other 1W1Ps do not seem to align with the Prioritized, Targeted, and Measurable (PTM) implementation philosophy. While there are several subwatershed assessments (SWAs) that were completed under other 1W1Ps, there doesn't appear to be much emphasis on diagnostic studies and/or cost-benefit analysis and/or additional analysis of the waterbody of concern. Mr. Kinney estimated that, unless cost-benefit prioritization is employed, the state would never be able to get close to its surface waterbody water quality goals by the time the Clean Water Fund runs out. Manager Anderson suggested the LSC form a joint powers board with proportional representation based on area within the LSC. For example, counties with less area in the LSC watershed would have less representation on the board. She indicated that there needs to be a strategic watershed mindset in order to effectively reach state goals. She expressed that BWSR wants 1W1P to function like a watershed

district, and in order for that to happen watershed districts need to step up and be in a leadership position. CLFLWD should show how prioritization can be used to clean up waterbodies in a relatively short period of time using limited funds.

9. Report of Staff

a) Administrator

Mr. Kinney reported that staff has been out and about at a number of events including school visits and field trips. He noted that the District's new Seasonal Technician, Trey Jonas, recently joined the team. Manager Anderson expressed that Seasonal Technician Jason Kuennen has a great personality for talking to people in the field. There was discussion about the Highway 35 reconstruction project and associated ditch work. Mr. Kinney explained that many of the culverts surrounding the Bixby Park project in that area are now underwater and likely filled with sediment. These are the same culverts that were originally installed when the highway was built. The hydrology has changed significantly since then, causing the culverts to remain submerged full-time. MnDOT is likely trying to remedy that issue.

Manager Anderson noted the item in the Administrator's Report regarding Mr. Kinney presenting at the U of M Water Resources Conference on October 15th and 16th. She asked what the presentation will be about. Mr. Kinney explained that the presentation topic is the future of watershed management: the intersection of diagnostic monitoring, adaptive management and economics. The audience will likely be water resource professionals of every variety, such as government staff, consultants, students, elected officials, etc. Mr. Kinney noted he'll be presenting Tuesday afternoon, and there is a registration fee to attend the conference.

b) Emmons & Olivier Resources

Dr. Funke reported that eleven of the DIY water level loggers are deployed throughout the Washington Judicial Ditch 6 (JD6) watershed currently. The Bone Lake Outlet Wetland project is ongoing. EOR and District staff recently met with the owner of the koi farm in the area and learned that many of the koi ponds are currently empty as a lot of production has moved out of state. Some ponds are housed inside buildings. Data are being collected at several points throughout the watershed. There is currently no discharge occurring from the koi ponds and more research is being done to determine whether there has been discharge in the past. Manager Anderson requested more detail on the Sunrise River Drained Wetland Restoration (Tax Forfeit Properties) grant request noted in the Administrator's Report. Dr. Funke noted this is a Clean Water Fund grant application for a project on the District's tax forfeit property next year.

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 \$94,620.14, largely due to a Clean Water Partnership loan disbursement and expenses of \$194,568.21. President Spence noted that this expense value differs from the Treasurer's Report in the board packet because there was a last-minute additional expense to be paid this month - payment in the amount of \$25,901.75 to Dunaway Construction for the Shields Lake Fish Barrier Retrofit Project.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$194,568.21. Seconded by Manager Spence. Upon vote, the motion carried 4-0.

11. Report of Officers and Managers

Manager Schmaltz reported that he attended the MN Aquatic Invasive Species Research Center (MAISRC) Showcase where he attended several presentations on a variety of topics such as starry stonewort, AIS and climate change, and carp. He recommended other managers attend the conference next year, as it is very informative.

Manager Anderson reported that the City of Wyoming is going through a comprehensive plan update. She recently reviewed the plan and was impressed with the "nature park" concept that it contains. The intent is to protect the natural environment, including wetlands and old growth tree stands, while still having a public park area and educational kiosks. She suggested that the District coordinate with the City on this project and work together to protect as much natural land as possible. There was agreement for Manager Anderson to continue conversations with the City and Chisago County to coordinate on this topic. Mr. Kinney noted that there have been further discussions with the landowner of the Banta parcel in Wyoming regarding the District's potential purchase of a portion of that land. He will plan to bring this topic to the next board meeting.

12. Summary and Approval of Board Direction

Directions from the current meeting included:

- Mr. Miller to add to the AIS update that a survey of Bone Lake did not result in any zebra mussel observations.
- Mr. Kinney discuss snow management and associated pollution risks with MN Pollution Control Agency and local municipalities.
- In conjunction with the salary survey, Mr. Kinney will explore with other watershed districts the opportunity for combining resources.
- The Board would like a discussion regarding the District's monitoring program scheduled in a timely way to inform next year's monitoring plan.
- With respect to the WMP update, hold small group meetings no earlier than 6:30 pm on weekdays, offer Saturday mornings, no longer than 1.5 hours, having two in

November and two in January, explore the use of a facilitator and using BWSR grant funds for a facilitator.

13. Adjourn

a) Next regular board meeting – October 24, 2019

Manager Anderson moved to adjourn the meeting. Seconded by Manager Oknich.

Upon vote, the motion carried 4-0, and the meeting was adjourned at 8:43 p.m.

Jen Oknich, Secretary _____