

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, May 28, 2020**

**1. Call to Order**

President Spence called the May 28, 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 (CLFLWD staff); Meghan Funke, Greg Graske, Cecilio Olivier, Kyle Crawford (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Denise Martin (Chisago County Press); Paul Girard (City of Forest Lake).

**2. Setting of Meeting Agenda**

Items 7d – Bone Lake Outlet Barrier and item 13 – Banta Property Appraisal were added to the agenda, and item 7c – WJD-6 Scope of Work was moved after 8a.

Manager Anderson moved to approve the agenda as amended. 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		

**3. Consent Agenda**

- a) **Special Board Meeting Minutes – April 8, 2020**
- b) **Regular Board Meeting Minutes – April 9, 2020**
- c) **Special Board Meeting Minutes – April 14, 2020**
- d) **Special Board Meeting Minutes – April 16, 2020**
- e) **Regular Board Meeting Minutes – April 23, 2020**
- f) **Special Board Meeting Minutes – April 30, 2020**

Manager Oknich moved to approve the consent agenda as presented. 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		

#### **4. Public Open Forum**

There were no comments.

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

Operations & Outreach Specialist Jessica Lindemyer reported that the Citizen Advisory Committee (CAC) postponed its most recent scheduled meeting instead of meeting remotely. Manager Anderson asked if there has been any progress on the tree planting project on Bone Lake. Ms. Lindemyer noted Jason Kuennen in the District office is working on this project with the Bone Lake Association. Mr. Kinney indicated a further update can be provided during the Administrator's Report.

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

Watershed Assistant Garrett Miller reported that he set up temporary fish barriers in the pond near Shields Lake and is monitoring carp spawning activity with a remote camera. Once he notices enough activity, he will work with the local commercial fisherman to either electroshock or net the carp in the pond. It currently looks like carp are about ready to start spawning. Mr. Miller reported Forest Lake and Bone Lake were treated for curly-leaf pondweed (CLP) a couple weeks ago. Shields Lake and Moody Lake were treated for CLP last Friday; they were delayed while staff obtained landowner permissions. The herbicide applicator, Lake Management Inc., noticed far more CLP in Shields Lake than expected, possibly due to increased water clarity resulting from the capital improvement projects CLFLWD has implemented on the lake this year. Only 3.1 acres of CLP was treated on Shields Lake this year, and the applicator does not expect to achieve the same full lake control that was achieved last year. Mr. Miller will discuss the possibility of performing a second treatment with the Department of Natural Resources (DNR). Though water temperatures are above the 60-degree regulatory threshold, biodiversity is so low in Shields Lake that a late season treatment may be allowed in this case to get CLP under control. Mr. Miller is looking into how to reintroduce native species into Shields Lake. Mr. Miller provided an update on the watercraft inspection program. Five inspectors were stationed at public accesses over Memorial Day weekend, and seven to eight are expected to work this upcoming weekend. Mr. Miller anticipated having good coverage despite the COVID-19 pandemic's impacts to the hiring and training process. He noted that the public accesses at local lakes have been busy this season; people are getting out of the house and getting on

the lakes. Mr. Miller reported that he has been in communication with the Comfort Lakes Association (CLA) about the Comfort Lake Eurasian watermilfoil (EWM) treatment. CLA is treating early to avoid impacting native water lilies nearby, as regulated by DNR.

Manager Schmaltz suggested Mr. Miller connect with Forest Lake Lake Association (FLLA) President, Jerry Grundtner, for news on the Forest Lake plant harvester. Manager Anderson noted CLA is using Aquathol K herbicide and asked if it is a broad-spectrum herbicide. It was confirmed that Aquathol K can have impacts on plants beyond EWM. Mr. Miller reported that Keegan Lund, DNR, considers Aquathol K to have little effect on lilies. Diquat is preferred to treat EWM, but lilies are sensitive to it. Ms. Heinz advised that the District has used Aquathol K for CLP. Mr. Miller added that the District will use it later in the season when lilies can be avoided.

Manager Dibble reported that the Forest Lake plant harvester is setting up at the 2<sup>nd</sup> Lake access and will start running this week. It might not run every day for now but will increase activity later in the summer once aquatic plants start to grow more densely. Manager Dibble indicated purple loosestrife is present on 3<sup>rd</sup> Lake in floating bogs around Shadyland Point. Mr. Miller explained that the District has a management plan for purple loosestrife (PLS) which includes rearing PLS-eating beetles and spreading them in PLS plants around the District. Manager Dibble asked that the District examine the area that he has referenced. Manager Anderson noted that in a past survey, Comfort Lake was identified as having low aquatic plant species and density. She suggested the District send out a communication at the beginning of every year so that those using herbicides are taking steps to protect native plants. President Spence confirmed that CLA treated EWM earlier today.

Mr. Miller provided an update on the Bone Lake zebra mussel infestation. The DNR did three veliger tows, the results of which confirmed that there is a reproductive population in Bone Lake, possibly since 2018. He expressed the treatment effort last spring was worth the time and effort and was a good learning process for not only the District but others in the aquatic invasive species field. Manager Schmaltz noted that he has heard there are not any *native* cattails left in the area. He suggested staff determine whether populations in the District are native or nonnative. Mr. Kinney noted that cattails are known to like dirty water, so reductions in populations could be due to the lakes being cleaned up.

Manager Anderson reported that a fellow Comfort Lake resident noticed sunfish eating zebra mussels off his sampler plate. Manager Dibble noted that he has noticed a muskrat on his shoreline eating zebra mussels off the dock. Engineer Greg Graske noted that sunfish and panfish in the western U.S. have adapted to eat zebra mussels more frequently. Manager Anderson indicated she will send additional comments received from a fellow Comfort Lake resident to Mr. Miller.

## **7. New Business**

### **a) Insurance Liability Coverage Waiver**

Mr. Kinney noted this is an annual form the District must fill out.

Manager Anderson moved to elect “The member DOES NOT WAIVE the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.” option provided on the LMCIT Section 1: Liability Coverage Waiver form. Motion seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0.

**b) 2021 Budget Schedule**

Watershed Technician Emily Heinz summarized the proposed schedule which entails discussing the budget at six regular board meetings and one special meeting throughout the summer. This is a similar schedule to last year’s schedule.

Manager Schmaltz moved to approve the 2021 budget schedule and direct staff to prepare a preliminary proposed budget. 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) WJD-6 Iron Enhanced Sand Filter Scope of Work [moved to Old Business]**

**d) Bone Lake Outlet Barrier**

Mr. Kinney explained there have been complaints from Bone Lake residents regarding high lake levels and the operation of the outlet fish barrier. One resident requested that the District update the fish barrier operations and maintenance manual. Mr. Miller reported that staff has responded to resident complaints and adjusted operation of the fish barrier accordingly. Some stop logs were removed from the outlet barrier, and the lake level seems to be going down. There was consensus to direct staff to research this issue and bring a proposed revised manual to a future meeting for the Board to approve.

**8. Old Business**

**a) 2019 WJD-6 Feasibility Report & Iron Enhanced Sand Filter Scope of Work**

Dr. Funke presented highlights from the Washington Judicial Ditch 6 (WJD-6) feasibility report including surveys and assessments performed, project feasibility steps, and recommendations. There are a couple high quality wetland plant communities just south of Highway 97. The rest of the sedge meadow has a lot of invasive species such as reed canary grass and cattails. Dr. Funke walked through the geomorphic assessment

of the ditch explaining stream meandering patterns, bank stability (or lack of stability due to erosion), connection to floodplain, and groundwater seeps (oxidized iron deposits, which are rust-colored, are evidence of mineral-rich groundwater). Grab samples had generally high phosphorus concentrations and showed widespread iron and phosphorus-rich groundwater. The groundwater dominance may be masking hotspots or legacy phosphorus loading sources. Dr. Funke suggested considering another survey under lower groundwater conditions (e.g. after a rain event during a drier year) to better identify phosphorus loading hotspots. The study found that the drawdown of wetland water levels due to the ditch are not as significant as expected. This could be due to the strong groundwater interaction and/or re-meandering of the ditch. In response to a question from Manager Schmaltz, Dr. Funke indicated that the ditch may have dried out the landscape enough in past (drier) years for agriculture, but the recent increased precipitation plus the re-meandering pattern is likely resulting in less drainage occurring and more water staying on the landscape. Manager Anderson asked whether, under state law, the channel is required to have a vegetated buffer. Engineer Graske replied that as a public ditch, WJD-6 is required to have a buffer, but that any sort of perennial crop is considered a buffer, so turf grass is included. Further, the grass can be mowed, which has been a significant criticism of the buffer law. Legal Counsel Holtman confirmed that mowed turf grass is in conformance with the buffer law. Manager Anderson asked if WJD-6 should be kept as a public ditch or abandoned. Mr. Graske explained this is a big picture question that the Board should discuss. Mr. Holtman advised that as long as the ditch is providing drainage to the benefitted lands, whether agricultural or otherwise, property owners still have the right to that drainage function. In such a case, the property owners would need to concur in the abandonment, unless the District determines that the system provides no measurable useful drainage.

Dr. Funke presented on floodplain modeling which estimated the maximum extent of the channel's floodplain; this is not entirely apparent from the topography alone. In response to a question from Manager Schmaltz, Dr. Funke explained this is a large wetland complex surrounded by uplands, so the flooded area does not expand further with each increase in rainfall event, but the water in the shaded area does get deeper. Historic records were reviewed, showing sediment accumulation in the ditch over time. Dr. Funke presented on project feasibility for the subwatershed including greenway corridor, County Road 50 Iron Enhanced Sand Filter (IESF), WJD-6 Wetland Restoration, Channel/Ditch Enhancements, and R7D Wetland Enhancement. Next steps include project implementation on the IESF. Manager Anderson asked if it is possible to route more water through WJD-6 wetland enhancement; would this achieve greater nutrient reduction? Mr. Graske explained that this would overwhelm the wetland system and there would be no added benefit. Phosphorus reductions in each potential project would be affected by the implementation of other items, as implemented projects would reduce the load coming through the system. Dr. Funke explained that it is crucial to have drawdown in the IESF so the sand dries out. Therefore, an elevation difference is crucial, which affects the siting constraints. The total phosphorus reduction goal from the WJD-6 subwatershed is 169 pounds per year. The IESF's 85 pound-per-year reduction comprises about half of that goal reduction. Manager Dibble asked about land access considerations. Mr. Kinney explained that the IESF project will likely be a 25-year

easement. The other projects may be done with an easement, or potentially an acquisition. He explained that staff is looking into the options for these various sites. Manager Anderson favors moving forward on this project, but also would like a workshop discussion concerning the broader late of opportunities. Dr. Funke indicated this could be discussed in the context of the Watershed Management Plan Update.

Manager Schmaltz moved to accept the 2019 WJD-6 Feasibility Report. 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		

Mr. Kinney explained there may be modifications to the project resulting from Task 1. Therefore, there are two options for this scope of work: approving only task 1 for now, or, approving the entire scope with the understanding that coordination will occur after Task 1 is complete. Mr. Kinney recommended the latter. Any modifications to the scope could be reviewed by the board president and legal counsel. Dr. Funke indicated EOR would not proceed beyond Task 1 without concurrence with Administrator Kinney. Kyle Crawford explained the scope of work carries through feasibility and initial design, which would be brought back to the Board. Tasks 1-4 include Project Management & Project Agreements, Field Data Collection, Preliminary Permitting and Review, 60% Design. Managers Anderson and Spence suggested approving the entire scope so as not to delay the process. Manager Schmaltz asked what the estimated cost-benefit of the project is. Mr. Graske indicated the estimated range is \$500-\$700 per pound of phosphorus removed. Manager Schmaltz recommended capturing this piece of information in the records as early in the process as possible.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the April 15, 2020 scope of work and in an amount not to exceed \$63,400. Seconded by Manager Dibble.

Discussion: Mr. Kinney confirmed he will work closely with EOR, and if questions arise, he will communicate with President Spence. It was clarified that the timeframe for the scope of work is predicated on how quickly a landowner agreement can be reached. Mr. Kinney cautioned that the landowner agreement process has taken up to a year in some of the District’s past projects. Mr. Holtman noted that the Clean Water Fund grant requires a minimum 25-year project lifespan. He asked if the iron-sand medium is replaced, could the project have an indefinite lifespan? As such, should a perpetual easement or ownership be pursued? Mr. Kinney agreed that he will seek to maximize the agreement term. The Board concurred that a perpetual easement is preferred. Mr. Holtman advised that if there is no payment involved, and no atypical risk for the District, he would advise Administrator Kinney that he has the authority to

sign an easement agreement with the landowner on behalf of the District. If payment or a significant risk is involved, Mr. Kinney would bring the easement to the Board for approval.

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) Watershed Management Plan Update**

Ms. Heinz summarized upcoming meetings as part of the Plan update, including workshops on June 9<sup>th</sup> and June 22<sup>nd</sup>. A joint board-council meeting with the City of Wyoming will be scheduled sometime in July. Manager Anderson requested Ms. Heinz send managers a scheduling update every Friday afternoon with a summary of upcoming meetings the following week. There was discussion about the budget and scope amount. Manager Anderson asked if there are grants available for this. Ms. Heinz indicated she is not aware of any grants for this type of planning. She noted the District’s Performance Review and Assistance Program (PRAP) grant is explicitly not to be used for the Plan update; it is for the workload analysis only.

Manager Schmaltz moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the May 20, 2020 scope of work and in an amount not to exceed \$41,000 and approve a fund transfer from reserve to 3-006-F, in the amount of \$10,383. 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		

Manager Anderson asked that Administrator Kinney include the District’s standard fund transfer form in the packet for transfers such as this one.

**c) Lower St. Croix One Watershed One Plan Comments**

Manager Schmaltz summarized recommendations in the proposed comment letter, generally surrounding the topic of cost-benefit analysis and use of the Prioritized,

Targeted and Measurable (PTM) framework. He noted that the deadline to submit the comments is June 3<sup>rd</sup>. President Spence indicated he reviewed the draft letter and provided some comments already. Manager Anderson summarized some of her thoughts on the letter and indicated she would work with Manager Schmaltz to incorporate these.

Manager Spence moved to direct Manager Schmaltz to complete editing the comment letter and to delegate authority to the Administrator and President to finalize the letter and direct the President to send it out to the Lower St. Croix group. 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		

## **9. Report of Staff**

### **a) Administrator**

Mr. Kinney reported that staff has been working with Tom Furey on the Bone Lake tree planting gravel bed initiative. For several reasons, especially the COVID-19 pandemic, it is unlikely the gravel bed will be constructed this year. However, public outreach will still be done, and prep work will be completed so the gravel bed will be ready to plant in spring 2021. Mr. Kinney noted the City of Wyoming has a new Assistant City Administrator, the City is applying to the Tree City USA program, and it is also working on several other sustainability initiatives. There may be opportunities to partner with the City on tree initiatives next year as well. Ms. Lindemyer and Mr. Kuennen are preparing a gravel bed-related survey to be sent out to the Bone Lake area tomorrow. He noted that development activity has not slowed down at all this year, and unpermitted work is taking up just as much staff time as the permitted work lately.

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

Dr. Funke reported lake sampling was started this week. She agreed there is a lot of permitting activity going on. EOR is also working on project feasibility for the Sunrise River Wetland Restoration project. EOR can provide an expected phosphorus reduction cost-benefit range for each project in the monthly engineer's 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 \$14,189.76 and expenses of \$125,603.43.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$125,603.43. Seconded by Manager Oknich.

Discussion: It was noted Ms. Lindemyer will be in the office at 8:30 AM tomorrow. Managers Anderson and Schmaltz will go to the office to sign the checks.

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		

**11. Report of Officers and Managers**

Manager Anderson indicated she had several notes that she would type up and send out. She will also include the website and how to download an informative presentation slideshow from MN Aquatic Invasive Species Research Center (MAISRC). She explained MAISRC is building a catalogue of types of EWM and hybrids. President Spence noted again that CLA treated EWM on Comfort Lake today.

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

Board directives from the meeting were summarized.

- Mr. Miller to connect with Jerry Grundtner for news on the Forest Lake harvester.
- Mr. Miller to look around 3<sup>rd</sup> Lake for potential purple loosestrife treatment.
- The District to send out an annual communication at the beginning of each year to each lake association promoting protection of native plant species.
- Staff to revise the Bone Lake outlet fish barrier O&M manual and bring back to the Board.
- Schedule a workshop to further discuss WJD-6 project options (which may be done in conjunction with the Plan update this summer).
- EOR to report phosphorus reduction cost-benefit estimates for each project in the monthly engineer’s report.
- Staff to utilize the District’s standard fund transfer form as an agenda document.
- Manager Anderson to send Mr. Miller additional comments that she received from another Comfort Lake resident.

- Ms. Heinz to send out an email to managers every Friday (during the busy Plan update time period) with an outlook of meetings for the next week.

### 13. Banta Parcel Appraisal

Manager Oknich left the meeting.

Manager Anderson moved to convene in closed session to consider an offer to acquire a portion of property located in the City of Wyoming, Chisago County, PID 21-10640-20. Seconded by Manager Schmaltz. Upon a roll call vote, the motion passed 4-0.

<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		

The Board reconvened in open session.

### 14. Adjourn

- a) **Next Plan update workshop – June 9, 2020**
- b) **Next regular board meeting – June 11, 2020**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon vote, the motion carried 4-0, and the meeting was adjourned at 10:18 p.m.

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