

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, August 8, 2019**

1. Call to Order

President Spence called the August 8, 2019 regular board meeting to order at 6:30 p.m. in the offices of the Comfort Lake-Forest Lake Watershed District, 44 Lake Street South, Suite A, Forest Lake.

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

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz (via teleconference) (CLFLWD staff); Meghan Funke (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Jerry Grundtner (Citizen Advisory Committee, Forest Lake Lake Association)

2. Setting of Meeting Agenda

Items 4c – Storm Damage and 5c – District Tour were added to the agenda.

Manager Moe moved to approve the agenda as revised. Seconded by Manager Anderson. Upon a vote, the motion carried 5-0.

3. Public Open Forum

There were no comments.

4. New Business

a) Water Hyacinth

Administrator Kinney noted that this new invasive species, water hyacinth, is originally from the southern U.S. and not expected to survive the Minnesota winter. Manager Oknich suggested the plant may have been introduced to the Bone Lake area by dumping of a residential aquarium. Mr. Kinney explained that staff has surveyed the shoreline surrounding the area of discovery and found no additional plants beyond the original bed which was hand pulled. It appears that all of the water hyacinth in this area has been removed. Mr. Kinney indicated that staff will perform outreach regarding dumping aquarium contents into the wild and follow-up with additional surveys in the future to check for re-growth. Staff also looked for zebra mussels during the survey on Bone Lake and found none.

b) MAWD Resolution – Ag Infiltration

Mr. Kinney explained that staff and legal counsel drafted a resolution based on Manager Moe's suggestion regarding water conservation requirements associated with groundwater appropriation permits. Proposed resolutions must be submitted to the Minnesota Association of Watershed Districts (MAWD) by September 1st. Manager Anderson suggested further clarifying what the resolution is asking of the Department of Natural Resources (DNR). Legal Counsel Holtman explained that the resolution, as currently written, requests that MAWD engage the DNR. The route by which the goals of the resolution can be pursued is through the DNR's appropriation permit authority. The DNR could undertake a rulemaking to put in requirements to incorporate soil best management practices (BMPs) in order to obtain a permit. Alternatively, the DNR could do this separately from the permit through some type of education program. The DNR typically avoids revising its rules because it is a lengthy and often controversial process. The proposed resolution aims to begin these discussions in an attempt to find a reasonable way to incorporate the desired practices. There was agreement to revise the resolution to indicate "Therefore be it resolved that the Minnesota Association of Watershed Districts shall engage the Minnesota Department of Natural Resources to incorporate soil management best practices into groundwater appropriations permitting." Manager Moe suggested that wetland restorations could be a potential BMP as well. Mr. Kinney suggested emphasizing the economic benefits of such practices to producers, as reflected in the last whereas.

Manager Moe moved to approve the resolution as revised. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

Mr. Holtman noted that there is a sheet that accompanies the resolution which describes the goal of the resolution and who might be supportive or not. There was agreement that Mr. Kinney, with legal counsel assistance, would draft and submit this. There was discussion about agricultural fertilizer usage. Mr. Kinney is working on another resolution concerning this topic and will bring it to the next meeting for consideration.

c) Storm Damage

Manager Moe described some of the damage around Bone Lake after the last major storm which included several downed trees along the shoreline. He expressed concern about the potential phosphorus release from the exposed soil under the overturned tree roots near the water. He suggested that with the potential for climate change to increase severe storm events in Minnesota, the District may want to consider a policy or program to address fallout from these storms, and asked whether the District may wish to make funding available for emergency soil protection measures in these situations. Manager Oknich added that there is additional exposed soil on lake lots as a result of the construction equipment being brought in to fix damages to homes. She suggested providing erosion and sediment control BMPs to homeowners in emergency situations such as this. Manager Moe suggested agreements with the District's local units of government for removing cleanup debris from roads. Manager Anderson indicated that climate change is occurring. She suggested creating a rapid response plan for the

resulting severe storm events, similar to the District's rapid response plans it has for aquatic invasive species. She emphasized that this program would be directed toward managing water resource impacts, not other types of damage, particularly that which is covered by homeowner's insurance. Manager Oknich added that such a program should be careful to avoid funding homeowners' discretionary tree removals. There was discussion about elements of such a plan including funding mechanisms, the District's technical expertise on erosion and sediment control, other local regulations such as city ordinances, and potential past erosion and sediment control noncompliance on certain lots. Manager Schmaltz suggested researching to see if other plans like this exist. Mr. Kinney suggested that the District send out a mailer to local lakeshore owners advertising its plant grant program as a solution for lost shoreline vegetation as a result of the storm. Jerry Grundtner indicated that he receives inquiries from lake association members that accidentally tipped over a watercraft and leaked gas and oil. He suggested including information in the mailer regarding what to do in the event of a gas/oil leak on the water. Manager Oknich noted that concerns would apply not just to riparian lands since storm events also could create conditions for sediment and phosphorus discharges into storm inlets. There was further discussion regarding direction for staff to distribute the mailer and to research a severe weather rapid response plan.

Manager Moe asked about using a floating silt curtain to address shoreline erosion issues. Mr. Kinney explained that the curtain extends to the bottom of the lake, so it would help incoming sediment drop down to the bottom rather than staying in the water column and spreading throughout the lake. Utilizing the curtain may not always be cost-effective.

5. Old Business

a) Office Space

Manager Anderson indicated that she met with the current office space landlord. The landlord signed the revised lease but signed the redlined version of it. She recommended Mr. Kinney and Mr. Holtman review the agreement and President Spence sign it. Mr. Holtman recommended that the landlord sign a clean copy.

Mr. Kinney explained that the District has a pending grant application to the Board of Water and Soil Resources' (BWSR) Performance Review and Assistance Program (PRAP). This grant would assist the District in a staffing needs assessment as part of the 10-year Watershed Management Plan (WMP) update. The purpose of the board packet memo is to begin a long-term visioning process and discuss whether the District should seek assistance with this. Manager Schmaltz suggested completing more planning prior to undertaking some of the steps that Capitol Region Watershed District did as part of its new office space construction. There was discussion about the District's WMP update. Mr. Kinney suggested organizing smaller work groups to discuss priorities and goals in the early stages of the update.

There was further discussion about staff and office space visioning. Mr. Holtman clarified that the District is discussing three types of professional services: 1) visioning to determine office space/location needs, 2) real estate services, 3) architecture and design. He described the request for proposals (RFP) process including advertising the District's goals and interviewing professional service providers. Manager Anderson suggested establishing the District's vision for 10-20 years down the road prior to beginning an RFP process for architectural and real estate needs.

The Board directed staff to begin gathering information on the types of firms that can assist with visioning.

[Manager Oknich left the meeting.]

b) Draft 2020 Budget

Mr. Kinney explained that the budget for projects that are not yet fully programmed has been reduced to an amount that would basically cover initial work on the project, rather than the entire estimated 2020 project cost. He referred to the tracked changes spreadsheet to show the items that have been revised since the last meeting. He noted that the public hearing notice indicated a proposed budget and levy consistent with the budget in the board packet (budget: \$2.6 million, levy: \$1.4 million).

Manager Anderson had several questions and comments on the budget:

1. Budget overview: Does the budget for District staff include the two new staff members that are in the process of being hired? Mr. Kinney indicated that this number may in fact be a little short. Manager Anderson suggested adding \$170,000 to the budget for the new staff members' salaries and benefits. There was discussion about other income from the staff sharing agreement with Carnelian-Marine-St. Croix Watershed District (CMSCWD). Watershed Technician Emily Heinz was called in via conference call. It was clarified that the CMSCWD funding for staff sharing should be itemized as other revenue, similar to permitting revenue. Staff was directed to clarify this in the budget documents.
2. 3003 Monitoring and Data Assessment: This is largely driven by the 2020 monitoring quote from the Washington Conservation District (WCD). Will this figure still be appropriate if the District decides to contract with a different entity for monitoring services? Mr. Kinney recommended that, if the District decides to work with a different entity, it should consider making the transition slowly over multiple years, rather than a complete shift in a single year. He indicated that the District needs to reevaluate its long-term comprehensive monitoring plan. In any case, the monitoring budget should work. Manager Anderson asked if there is going to be faster turnaround on the monitoring data.
3. 3006 Technical Resource Sharing & Interagency Communication: It was clarified that staff intends to discontinue the webmapper subscription in 2020

because the program isn't useful for staff. Other project mapping programs are being evaluated.

4. 3011-29-F Comfort Lake Point-Intercept Macrophyte Survey: Manager Anderson pointed out that the survey is supposed to occur every 5 years, and it is occurring this year. There shouldn't be a budget for it in 2020.
5. 5-220-A Volume Control Facility Planning & Design: Manager Anderson asked if the full stormwater mapping from the City of Forest Lake should be completed prior to beginning this project. Mr. Kinney explained that this project is intended for the purpose of creating a regional stormwater treatment facility using stormwater funds contributed by District permittees that have contributed to the stormwater impact fund as an alternative to meeting stormwater requirements onsite. He indicated that budget item 3-004-E Municipal Stormwater Remediation Program funding can be used as the Board decides to work with the City to complete its stormwater inventory mapping including culvert inverts and elevations.

Manager Schmaltz had several questions and comments:

1. 5-228-D Forest Lake Urban Stormwater Retrofit Implementation: Why was the budget reduced from \$65,000 to \$20,000? Mr. Kinney recommended reevaluating the design of this dead-end street project, as it may not fully be within the desired cost-effectiveness range. Mr. Grundtner noted that the Citizen Advisory Committee (CAC) reviewed the budget at its meeting on Tuesday. He recommended budgeting and including time in the work plan for implementation of dead-end street projects around Forest Lake. There are 39 parcels abutting the lake where the City holds property rights for dead-end streets, storm sewer outlets, and/or parks. For the most part, there is currently no stormwater treatment in these corridors draining to the lake. It was clarified that the WCD's subwatershed analyses cover these areas. Dr. Meghan Funke explained that Emmons & Olivier Resources (EOR) reviewed the dead-end street projects and estimated that the 6th Street project was the best. Mr. Kinney noted however that with the new street sweeping in this drainage area, a revised project design was probably likely if the District wanted to remain with a low cost-benefit threshold. Manager Anderson agreed that this is an important area to address because there is currently no treatment in some areas and, in aggregate, smaller projects can make a big difference. She indicated that the District has the Clean Water Partnership loan program to cover additional expenditures for projects that progress further next year.
2. 5-228-L Washington Judicial Ditch 6 (WJD6) Implementation: This item was reduced from \$400,000 to \$50,000. The volume control project was reduced to 50% of the original amount while this item was reduced to 12% of the original amount. Why was this item cut back so much?

[Manager Moe left the meeting]

Mr. Kinney explained that staff and EOR is in the process of preparing the next round of Clean Water Fund grant applications. If a grant is awarded for this project, the budgeted \$50,000 would cover the local match for the initial landowner coordination and design work.

3. 5-228-B4 Hayward Avenue: Manager Schmaltz requested that the title of this line item be further clarified as Hayward Avenue Cattail Harvesting. Mr. Kinney indicated that there may be potential for other projects, beyond the cattail harvesting, in that subwatershed. There was agreement to leave the line item title more general and refer to the comments on the right side of the page for further detail.
4. 5-228-A Forest Lake Diagnostic Study and Implementation Plan: Is \$15,000 sufficient to continue monitoring work to identify phosphorus loading to Forest Lake next year? Mr. Kinney indicated that most of this work would be done by seasonal technicians with some support from EOR. It's possible that spending could exceed \$15,000. Manager Schmaltz expressed that monitoring in the Forest Lake subwatershed is moving too slowly. Mr. Kinney explained that in the WJD6 subwatershed, there aren't yet any projects that are clearly far better than the rest. Mr. Kinney and EOR meet weekly to discuss projects and strategies. Dr. Funke explained that some subwatersheds take more rounds of monitoring to understand where the best projects exist.

Manager Schmaltz pointed out that the Projects budget appears to be decreasing each year, while the Programs budget increases. He noted that the loan repayments of \$150,000/year will begin in 2021, and he expressed concern regarding the District's ability to implement projects. Manager Anderson indicated that the current WMP projected decreasing funding for projects over time after substantial projects are implemented in the current time period. She indicated that most of the top tier projects will be implemented by the end of the current 10-year plan timeframe, and that the District will need to start looking at lower tier projects to be implemented in aggregation.

There was discussion about monitoring and project identification in the WJD6 subwatershed. Mr. Kinney estimated that the major project in the WJD6 subwatershed will be a structural practice such as an iron-enhanced sand filter. He noted that, with regard to the increasing Programs budget, programs such as permitting and nonpoint source pollution abatement also have a significant measurable impact on the lakes.

Mr. Kinney confirmed that the public hearing is scheduled for August 22nd. He noted that the August 22nd agenda also tentatively includes acceptance of the budget resolution, but the Board can revise the budget numbers in between the public hearing and resolution adoption. Manager Schmaltz recommended that, in between now and the August 22nd meeting, staff look into the Forest Lake dead-end street projects more closely. Manager Schmaltz noted that the District has a coordination meeting with the City of Forest Lake on August 26th. It was clarified that the budget amounts may not

necessarily need to change as a result of further reviewing the dead-end street projects because reserve funding can be used.

Manager Anderson had several comments and questions pertaining to the Lake District Budgeting table.

1. WJD-6: Sunrise River Headwaters Restoration. She recommended that the table shouldn't refer to this as the headwaters until it is confirmed.
2. In the Comfort Lake management district section of the table, the phosphorus reductions are reduced by 43% to account for treatment by Shallow Pond. Manager Anderson indicated that Shallow Pond is not meant to be a treatment system in the long-term, so this will need to be addressed.
3. Direct Drainage: 6th Street Dead End IESF. Manager Anderson requested that this item include a notation regarding the need for full municipal stormwater mapping and the need to look at this comprehensively and in aggregate.
4. What is the impact from high water years, like we're having in 2019, to the phosphorus load numbers?

c) District Tour

Mr. Kinney explained that the week leading up to the District Tour, which is scheduled for Saturday, September 21st, will be a board packet week. He indicated that staff has discussed implementing several activities in celebration of the District's 20th anniversary this year such as an open house. Mr. Kinney has been in contact with MAWD Program Manager, Maddy Bohn, regarding recognizing the events. Ms. Lindemyer has reserved the bus for the tour. Manager Anderson suggested publishing an article in the newspaper and sending out a specific notice to the CAC. Mr. Kinney reviewed the stops during the last District Tour. Potential stops for this year's tour include: Shields Lake Stormwater Harvest & Irrigation Reuse System Project, Shields Lake Fish Barrier, Shields Lake public park and fishing pier, Bone Lake, and Moody Lake. Some demonstrations may occur along the tour as well, such as the do-it-yourself monitoring equipment in action. Manager Anderson requested that staff prepare an outline that the Board can review at the next meeting.

Manager Anderson went over some requests that the landlord has made including sending rent checks automatically on the first of the month and maintenance of the office native plantings.

6. Summary and Approval of Board Direction

President Spence and Mr. Holtman reviewed the direction items from the meeting:

1. Research a rapid storm response program
2. Generate information regarding assistance with District visioning
3. Budget-related revisions
4. Send out notices to Bone Lake residents regarding plant grants and technical assistance

7. Adjourn

a) Next regular board meeting – August 22, 2019

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon vote, the motion carried 3-0, and the meeting was adjourned at 8:48 p.m.

Jen Oknich, Secretary _____