

**DRAFT MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, March 28, 2019**

**1. Call to Order**

President Spence called the March 28, 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, Assistant Treasurer Wayne Moe.

Others: Mike Kinney, Jessica Lindemyer (CLFLWD staff); Meghan Funke, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); John Brockgreitens (Claros Technologies); Paul Girard (Forest Lake City Council)

**2. Setting of Meeting Agenda**

Manager Anderson requested that the Clean Water Fund (CWF) agreement item be moved down to new business, as it requires a roll call vote. She indicated that she has a minor correction to the minutes, but that can stay in the consent agenda. She expressed that it is okay to leave the Carp Solutions report in the consent agenda as long as there is a note referring readers to section 4, Results (pages 4-6). Administrator Kinney recommended that item 7a – Claros Technologies be moved below the Hayward Avenue items as the two topics are closely related.

Manager Moe moved to approve the agenda with reordering of the CWF grant agreement and Claros Technologies matters. Seconded by Manager Schmaltz.

Discussion: President Spence noted that he may postpone items 7g – Comfort Lake Nitrogen Study and 7h – Governance Manual Revisions if the meeting ends up going longer than desired.

Upon a vote, the motion carried 5-0.

**3. Consent Agenda**

- a) **Special Board Meeting Minutes – February 5, 2019**
- b) **Special Board Meeting Minutes – March 4, 2019**
- c) **2018 Carp Solutions Shields Lake Survey Report**

Manager Anderson pointed out a typo in the March 4<sup>th</sup> minutes. She requested again that the minutes refer readers to section 4, Results (pages 4-6) of the 2018 Carp Solutions Shields Lake Survey Report.

Manager Moe moved to approve the consent agenda with the March 4<sup>th</sup> minutes as revised per Manager Anderson’s request. Seconded by Manager Anderson. Upon a vote, the motion carried 5-0.

**4. Public Open Forum**

There were no comments.

**5. Citizen Advisory Committee Update**

Watershed Assistant Jessica Lindemyer explained that the Citizen Advisory Committee (CAC) has not yet elected a chair. There have been conversations about potentially electing a chair and co-chair so that the responsibilities are shared. The CAC has also discussed the idea of working with local lake associations to host lake tours for local officials.

**6. New Business**

**a) Clean Water Fund Grant Agreement**

Manager Anderson moved to adopt resolution 19-03-01 as presented. 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		
Wayne Moe	X		
Stephen Schmaltz	X		
Jen Oknich	X		

**b) RCWD-SRWMO Boundary Review**

Administrator Kinney explained how a number of parcels in Anoka County located within the Sunrise River Watershed Management Organization (SRWMO) appear to drain into the District. The area also is adjacent to the Rice Creek Watershed District (RCWD) boundary. The District’s recent boundary review ended at the Anoka County line, so these parcels were not considered during that review. Mr. Kinney requested direction from the Board regarding reviewing the hydrology of this area and evaluating next steps with regard to adjusting the boundary or, alternatively, working with SRWMO and RCWD to ensure adequate management of this area.

Manager Anderson explained that this area was part of the initial assessment when the District was established 20 years ago. At that time, it was not included in the assessment it because it was so small and there was a choice not to complicate the District’s status by incorporating part of a third county into the District (in addition to Washington and Chisago). She expressed that staff should investigate this, and if the parcels do in fact drain to District then the boundary should be changed.

Manager Anderson moved to direct staff to investigate the hydrology and report to the managers. Seconded by Manager Moe.

Discussion: Manager Schmaltz asked how much time and money this effort might cost. He expressed that he would like the District boundary to be hydrologically accurate but, since it is such a small area, it may not be worth the cost. Administrator Kinney explained that SRWMO has completed its initial review and RCWD will begin its review soon. He recommended that staff review the findings from the two organizations and potentially perform some small amount of field observations of its own, then report back to the Board. Manager Anderson agreed that this is the intent of the motion.

Upon a vote, the motion carried 5-0.

### **c) 2019 AIS Management Plan**

Mr. Kinney explained that the 2019 Aquatic Invasive Species (AIS) Prevention and Management Plan largely reflects the 2019 budget and previous board discussions. The only variation pertains to the proposed Shields Lake carp removal project, which has recently come to staff's attention through the results of the 2018 surveys by Carp Solutions. Mr. Kinney explained that he has been in touch with the local commercial fisherman who seems interested in performing an open water seine (i.e. netting) in the spring. He estimated that the cost of hiring the commercial fisherman would be \$10,000-\$12,000. Carp Solutions quoted \$16,000 for box netting, which is an alternative to the commercial fisherman seining. A substantial amount of carp should be removed from the lake prior to the fall alum treatment. Mr. Kinney suggested that working with bow fishers may help remove carp as well. Manager Anderson agreed that the carp should be removed, otherwise the District's attempt at cleaning up the lake won't be as successful. Mr. Kinney said that an authorization to spend up to \$16,000 would give him flexibility to negotiate with the commercial licensee, with the option to contract with Carp Solutions if that seems to be more suitable. He said that reserves has sufficient funds available.

Manager Anderson moved (a) to authorize the Administrator to enter into contracts to perform carp removal on Shields Lake in an amount not to exceed \$16,000; and (b) to approve the 2019 AIS Prevention and Management Plan with the addition of \$16,000 in approved funding for Shields Lake rough fish management. Each motion was seconded by Manager Oknich. Upon votes, each motion carried 5-0.

Manager Anderson asked if AIS prevention best practices are being used by all of the consultants that the District works with out on these lakes (e.g. Washington Conservation District for water monitoring). She recommended that staff make clear to them the importance of preventing the spread of AIS. She requested that the DNR classifications for Natural Environment lakes be added to the AIS Update report.

There was discussion about the Forest Lake plant harvester. Manager Anderson explained that the harvester doesn't capture all of the plant fragments and those end up washed up along the shorelines, especially in the bay area. She indicated that there is a big cluster that accumulates near the Aqua Restaurant on Forest Lake's middle basin. It was clarified that the harvester avoids known patches of AIS. Manager Anderson expressed that the invasives aren't the issue, but the plant fragment clusters smell unpleasant and get tangled in boat propellers. There was discussion about the amount of material being left behind by the harvester and level of effort needed to collect it. Manager Schmaltz estimated that the costs to collect the leftover fragments would be prohibitive and that, if the District pursued this, it would have many residents calling and requesting cleanup of their own shorelines. Mr. Kinney explained the history of the harvester and District involvement in refining its planning and tracking process. Manager Schmaltz expressed that staff shouldn't spend time pursuing this request because requests such as these can pile up and bog staff down.

Manager Anderson moved to direct staff to evaluate the cleaning up of stray plant material from the harvester on Forest Lake. The motion failed for lack of a second.

#### **d) TeamUp Calendar**

Mr. Kinney explained that this online program is easy to use and may help staff coordinate with the Board to schedule meetings and other events. It was clarified that the program is free. There was discussion about the level of specificity for entries. Ms. Lindemyer suggested that major events like out-of-town trips be the priority so that staff can anticipate if a quorum can be achieved at a given meeting. In response to a question from Manager Oknich, there was discussion about the program's security level. Legal Counsel Holtman clarified that the scheduling information would not be considered public information so that the question would simply be one of internal security.

#### **e) Draft 2018 Water Monitoring Report**

Mr. Kinney noted that the draft report is available for review. It was clarified that any comments or questions are requested to be submitted by April 5<sup>th</sup> so that they can be incorporated into the final draft prior to the April 18<sup>th</sup> regular board meeting. The final draft may then be accepted at the May 23<sup>rd</sup> regular board meeting, after discussion at the April 18<sup>th</sup> meeting.

#### **f) Legislation**

There was discussion regarding an introduced bill that would require that the RCWD spend at least 90 percent of levy funds from property in Washington County on projects in Washington County, rather than other parts of the watershed district. Mr. Kinney expressed that it is possible to spend funds outside of a county on a project that has downstream effects on a lake that is in that county. For example, spending money to improve Moody Lake, which is located in Chisago County, helps to reduce downstream pollutant loading to Bone Lake, which is located in Washington County. Mr. Holtman

clarified that the legislation wasn't proposed by RCWD nor, to the RCWD's understanding, by Washington County. Further, the RCWD board adopted a resolution opposing the legislation. At this point, it appears that the legislation will not move forward unless someone proposes to put it into a bill that is already moving forward. RCWD and the MN Association of Watershed Districts (MAWD) oppose the proposed legislation, among other reasons, because it would undermine the concept of watershed-based management.

## **7. Old Business**

### **a) Castlewood Subwatershed Assessment Report**

Dr. Meghan Funke described the diagnostic monitoring that occurred. The goal phosphorus reduction for this subwatershed is 20 pounds per year. Monitoring confirms that the flow-weighted mean concentration of phosphorus is higher upstream of the Castlewood Golf Course than downstream. As such, the highest priority project is the agricultural field upstream of the golf course, just west of Hayward Avenue. The District is working with that landowner to convert the field to perennial vegetation which will reduce erosion and pollutant loading from the field. There are some options for other projects within the golf course and in the surrounding neighborhood which are lower priority than the agricultural field. These will be pursued as opportunities arise. It was clarified that the rental agreement has been executed since completion of the report. EOR will update the report to reflect that.

Motion: Manager Moe moved to accept the February 12, 2019 Castlewood East Assessment and Feasibility Study, as revised. Seconded by Manager Oknich. Upon a vote, the motion carried 5-0.

### **b) Hayward Avenue Subwatershed Assessment Report**

Dr. Funke described the monitoring that was done and recommended best management practices for the Hayward Avenue subwatershed. The highest priority project is in the "R3" catchment and would entail treating the water as it flows south from North Shore Trail. A proposed project may incorporate Claros Technologies' phosphorus-absorbing media into ditch checks. An alternative would be to install a subsurface permeable drain trench. This site is one of the proposed test sites to be discussed in another agenda item later in this meeting. Additional potential projects include cattail harvesting (high priority), wetland restoration (medium priority), agricultural best management practices (medium priority), pond/wetland cleanout (medium priority), neighborhood raingardens (medium priority), and a wetland enhancement (low priority).

Manager Moe noted that he recently drove past an agricultural field in this area on which manure appears to have been recently spread. There was further discussion about potential best management practices (BMPs). Manager Oknich asked about frequency of the proposed cattail harvesting, potential for long-term native vegetation restoration, and options for dredging cattail seed source and phosphorus-laden sediments. Dr. Funke

explained that the 2019 scope of work includes sediment sampling to determine necessary harvest frequency and long-term habitat restoration potential. The sediment excavation is another option that will be explored as part of the 2019 scope as well. There was discussion about residential septic systems, wet-dry cycles in the wetland proposed for cattail harvesting, and agricultural BMPs. Mr. Graske recommended that staff and the Washington Conservation District consider ag BMPs, but it is not within the EOR scope.

Manager Moe moved to accept the February 19, 2019 Hayward Avenue Assessment and Feasibility Study. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

**c) Hayward Avenue Assessment and Feasibility 2019 Scope**

There was discussion about the residential raingardens that were described in the report. Engineer Greg Graske explained that residential raingardens may not have a very large impact on the lake, but would have the benefit of reducing loading to the wetland basins. There is also the educational benefit of working with local residents and demonstrating how these types of projects work. Nonetheless, they are still the lowest priority project out of all those listed. There was discussion about land access and coordination associated with implementing raingardens in the right of way. It was noted that EOR may estimate potential phosphorus reductions associated with implementing raingardens.

Manager Moe moved to authorize the administrator, on advice of counsel, to enter into an agreement with Emmons & Olivier Resources in accordance with the March 19, 2019 scope of work and in an amount not to exceed \$34,804. Seconded by Manager Schmaltz. Upon a vote, the motion carried 5-0.

**d) Claros Technologies**

Mr. Kinney noted that this topic was last discussed in January. Since then, staff worked with EOR and Claros to put together an initial grant proposal to the Legislative-Citizen Commission on Minnesota Resources (LCCMR). The purpose of the proposed project is to implement this new Claros media technology at various test sites in order to better understand its functionality in the field, as it has only been tested in the lab so far. The three proposed sites include: Hayward Avenue (as previously discussed), Moody Lake Wetland C, and an in-lake trial on a lake that has yet to be determined. It was clarified that the LCCMR grant request was \$150,000 and that funds would not be available until July 2020. As such, the proposed grant would not cover initial work, but would cover continuation of the evaluation process and expansion to new sites in 2020. Staff is evaluating other sources of grant funding that might be available for this year's phase of the project. In response to a question from Manager Schmaltz, Mr. Kinney clarified that the Claros media would be installed at the proposed sites and absorb phosphorus. The media would be removed and sampled at various times to measure how much phosphorus was actually removed, in addition to upstream and downstream monitoring.

There was further discussion about the mechanics of the project. Engineer Graske estimated that there wouldn't be enough space at the Hayward site to install a traditional iron-enhanced sand filter, which is why the new Claros media seems like a good option. There was discussion about costs and the relationship between Claros and the University of Minnesota. John Brockgreitens stated that Claros is a private company that was spun out of the University in May 2018. It still operates out of University facilities and sponsorship. He stated that Claros needs to cover its costs in order to avoid a conflict of interest with the university. President Spence asked if it is necessary to include all three sites in this initial field test. There was discussion about the status of the Moody Lake Wetland C project. Mr. Graske recommended that the Hayward site is the top priority out of the three, but is not expected to be on the ground this season, as there has not yet been communication with the landowner for approval. The Moody Lake Wetland C site could be delayed. The lake trial would be the simplest of the three sites. He and Mr. Kinney offered that a reasonable approach is to undertake the lake trial and the engineering work for the Hayward site.

Manager Schmaltz asked Mr. Brockgreitens how many other test sites Claros has operated. Mr. Brockgreitens replied that it has some mercury removal sites and some private industry sites operating for stormwater treatment purposes. Mr. Graske indicated that an authorization of no more than \$20,000 would suffice for the recommended steps. Manager Anderson expressed that the District should move forward quickly with this innovative new technology and should aggressively seek nontraditional funding.

Manager Anderson moved to authorize the Administrator to enter into a contract with Emmons & Olivier Resources to perform engineering services related to the Hayward Avenue site in an amount not to exceed \$20,000, and to also pursue a lake trial at a cost not to exceed \$11,100. Seconded by Manager Schmaltz.

Upon a vote, the motion carried 5-0.

**e) WJD-6 Watershed Assessment and Feasibility 2019 Scope**

Dr. Funke explained the proposed monitoring and projects in order to restore the Washington Judicial Ditch 6 (WJD-6) system and reconnect it with the surrounding wetland, which would address 90% of the phosphorus load going through that watershed. The full 2019 scope of work exceeds the 2019 budget for the WJD-6 line item, so EOR recommends that one of the tasks may be optional. Alternatively, the District may use funds from the Castlewood subwatershed budget line item, as there is no proposed 2019 monitoring for Castlewood in 2019 (focusing on the agricultural BMPs instead of doing more monitoring).

Manager Anderson asked if WJD-6 is in fact the headwaters of the Sunrise River, and not just another part of the river. Dr. Funke recommended that there be further discussion regarding naming of the project in relation to the Sunrise River headwaters.

There was agreement to refer to the project as “Sunrise River (Former WJD-6)”. Mr. Graska indicated that the three branches of the Sunrise River in question are all essentially headwaters; it’s a matter of what the District wants to officially designate as the headwaters. There was discussion about changing the profile of the ditch and requirements for avoiding impacts to property owners. A partial abandonment may be achievable and the 2019 feasibility study will provide further information on that matter.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with Emmons & Olivier Resources in accordance with the March 19, 2019 scope of work and in an amount not to exceed \$80,193. Seconded by Manager Moe. Upon a vote, the motion carried 5-0.

**f) Watershed Management Plan Amendment**

President Spence summarized that the purpose of this agenda item is for the Board to consider adopting the resolution to initiate the amendment process and to discuss scheduling a kick-off meeting sometime in late June. Mr. Kinney noted that the District is starting its process a bit sooner than recommended so as to leave more time for citizen engagement and finalize the amendment in time for the 2022 budget cycle.

Manager Anderson indicated that there are some items about which she is concerned. She requested that the Board reserve time at a future meeting to discuss those concerns. One concern is whether there is enough time for public input.

Manager Anderson moved to adopt resolution 19-03-02 initiating the 10-year plan amendment. 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		
Wayne Moe	X		
Stephen Schmaltz	X		
Jen Oknich	X		

There was discussion regarding scheduling the kick-off meeting sometime this summer. Mr. Kinney explained that the kick-off meeting must occur after the 60-day agency priority issues comment period which will begin on about April 1. There was consensus that the managers would update their TeamUp calendars with available dates in late June to early July, and staff would use that information to determine possible kick-off meeting dates.

**g) 2018 Comfort Lake Nitrogen Study Report Final Draft**

**h) Governance Manual Revisions**

There was consensus to postpone these items to a future workshop in the next few weeks: 2018 Comfort Lake Nitrogen Study Report Final Draft, and Governance Manual Revisions. It was clarified that further discussion on the Watershed Management Plan amendment would occur at that workshop as well.

#### **i) State of the Watershed Public Meeting Update**

Mr. Kinney explained that staff is seeking Board clarification on multiple matters pertaining to the meeting proceedings including: managers' presentations on their lake management districts and manager outreach to local government units (LGUs) prior to the meeting. Manager Anderson suggested that staff and EOR prepare presentations in addition to the managers. She suggested the presentations touch on the District's history, its adaptive management philosophy, its projects, and specifics for each lake management district, but not have the presentations run too long. There was further discussion about timing. Ms. Lindemyer indicated that the meeting is currently scheduled from 6-8 pm, with a reception starting at 5:30 pm. Manager Oknich cautioned against focusing too heavily on lakeshore residents because the majority of District residents do not live on lakeshore property. Manager Anderson suggested that the introduction presentation set the stage and explain how everyone's actions can impact water resources. Even those who don't live directly on a lake can have impacts on the lake. There was agreement to designate Manager Anderson as the liaison for this event and work with staff to complete further planning.

Ms. Lindemyer explained that she will send out email and letter invites to LGUs. She recommended that managers send personalized invitations to other LGU officials as well, as that may have a greater impact than an invitation from staff. Manager Anderson agreed. There was further discussion about outreach to LGUs.

Paul Girard, Forest Lake City Council member, introduced himself and explained that he is the new city council liaison to the watershed district. He recommended that the District use fewer acronyms at its public meeting, as that can be confusing for people who aren't familiar with them.

#### **j) Office Space**

President Spence recommended that the Board move into closed session if it wishes to consider developing an offer for a purchase or lease agreement. Legal Counsel Holtman concurred, adding that discussion of policy considerations for office space options should occur in open session. There was agreement to move this discussion after the Report of Officers and Managers, toward the end of the meeting, in the event the Board elects to convene in closed session.

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

#### **a) Administrator**

Mr. Kinney called attention to the Bone Lake sediment core collection photos in the Administrator's Report. He noted that staff has been compiling information in order to quantify the cost-benefit of the permitting program, and he looks forward to being able to share that information with the Board soon. Permitting Coordinator Erin Edison organized the first of many reoccurring coordination meetings with the permitting staff from other watershed districts; it was held yesterday. Mr. Kinney requested that managers stop by Lake Area Bank to sign the necessary signatory documents for the new bank accounts. There was discussion about Mr. Kinney's coordination with the local soil and water conservation districts regarding an agricultural best management practice program structure and ranking system.

Mr. Kinney explained that the District was awarded two grants from the Washington County AIS Prevention program. He recommended that the Board authorize the President to sign the grant agreements.

Manager Schmaltz moved to authorize the Board President to sign the two 2019 Washington County AIS Prevention grant agreements. Seconded by Manager Oknich. Upon a vote, the motion carried 5-0.

**b) Emmons & Olivier Resources**

Nothing to report.

**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 \$52,018.63 and expenses in the amount of \$73,799.46.

Manager Moe moved to accept the Treasurer's Report and pay the bills in the amount of \$73,799.46. Seconded by Manager Anderson. Upon vote, the motion carried 5-0.

**10. Report of Officers and Managers**

Manager Schmaltz provided an update on the last One Watershed, One Plan (1W1P) meeting where wetland priorities were discussed. He stressed the importance of incorporating the Prioritized, Targeted, and Measurable (PTM) structure into this process. The plan is currently behind schedule and not predicted to be completed until June 2020.

Manager Anderson indicated that she has been impressed by the way that the group is handling the planning process by section (e.g. wetlands, lakes, groundwater etc.).

Manager Anderson reported on a recent communication regarding the state perspective on 1WIP. She expressed that it seems helpful for the managers to have this and understand how the State is looking at this.

President Spence said that, moving forward, he would like to aim to keep meeting durations to 2 hours or less (i.e. ending at 8:30). This may not always be doable, and if an item needs to be discussed then it will receive adequate time. President Spence will work with Administrator Kinney to format the agenda in such a way that maximizes efficiency. He requested that managers provide any edits to consent agenda items by Monday of the week of the board meeting so that the consent agenda can be quickly approved during the meeting itself.

## **11. Office Space**

Manager Anderson moved to enter into closed session to review offers for the following office space locations: 44 Lake Street South, Suite A, Forest Lake MN; Shilling Plaza on Highway 97; BP Strip Mall on Highway 97; and the Sears building on Greenway Avenue. Seconded by Manager Moe. Upon a vote, the motion carried 5-0. The Board convened in closed session.

The Board reconvened in open session.

There was discussion about what features the office should have such as: garage space, storage space, and facilities such as a shower for field staff. Manager Anderson recommended that the Board agree on a vision for office space needs, as well as obtain staff's vision. There was discussion about the Jeffers Foundation education grant opportunity and location preferences. Manager Moe recommended that the District purchase a building which would have more long-term stability. There was discussion about options for building a new office as an alternative to retrofitting a retail space into an office space. Manager Anderson recommended setting a workshop just to discuss the office space vision.

President Spence moved to authorize Managers Anderson and Schmaltz to work with Administrator Kinney on the renewal of the current lease contract and set up a schedule for office space visioning workshops. Seconded by Manager Oknich. Upon a vote, the motion carried 5-0.

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

There were no adjustments to the summary table.

## **13. Adjourn**

- a) **Next regular board meeting – April 18, 2019**
- b) **Annual Public Meeting – April 30, 2019**

Manager Anderson moved to adjourn the meeting. Seconded by Manager Oknich. Upon vote, the motion carried 5-0, and the meeting was adjourned at 9:11 p.m.

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

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