

**DRAFT MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, September 24, 2020**

**1. Call to Order**

President Spence called the September 24, 2020 regular board meeting to order at 6:30 p.m. via online video conference.

Present: President Jon Spence, Vice President Jackie Anderson, Secretary Jen Oknich (joined at 6:38 p.m.), Treasurer Steve Schmaltz, Assistant Treasurer Jim Dibble.

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Garrett Miller (CLFLWD staff); Meghan Funke, Greg Graske (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Paul Girard (Forest Lake City Council).

**2. Setting of Meeting Agenda**

Manager Anderson moved to approve the agenda as presented. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 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		

**3. Consent Agenda**

- a) **Regular Board Meeting Minutes – August 13, 2020**
- b) **Special Board Meeting Minutes – August 18, 2020**
- c) **Special Board Meeting Minutes – August 20, 2020**
- d) **Regular Board Meeting Minutes – August 27, 2020**

Manager Dibble moved to approve the consent agenda as presented. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 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		

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

There were no comments.

#### **5. Citizen Advisory Committee (CAC) Update**

Operations & Outreach Specialist Lindemyer reported that the last CAC meeting focused on the September 19<sup>th</sup> volunteer event. At the event, volunteers stenciled storm drains around North Shore Trail in Forest Lake and picked up trash in Lakeside Park. The CAC also discussed joining the October 6<sup>th</sup> board workshop.

{Manager Oknich joined the meeting.}

#### **6. Aquatic Invasive Species (AIS) Update**

Watershed Assistant Miller reported that aquatic invasive species (AIS) management season is winding down for the year. The last flowering rush treatment was performed on September 22<sup>nd</sup> and provided good control of the population. Blue Water Science completed a diving search for zebra mussels on Bone Lake during the week of September 14<sup>th</sup>. The intent of this search was to confirm suspicion of a reproductive colony in Bone Lake and to locate the epicenter for future tracking and management.

Mr. Miller reported 3,377 hours were budgeted for the watercraft inspection program this season. As of September 14<sup>th</sup>, watercraft inspectors completed 3,260 inspection hours, bringing the District over 90% of the way toward the goal for the season. The season will run until October 25<sup>th</sup>, making it very likely all hours goals will be achieved. Currently, 9,000 inspection surveys have been completed which exceeds last year's amount by over 2,000 surveys. Manager Spence asked why it is so difficult to find zebra mussels in Bone Lake. Mr. Miller responded that it is hard to track the early stages of a new infestation. Manager Anderson asked if there is anything to report on Comfort Lake. Mr. Miller explained that Blue Water Science performed a Eurasian watermilfoil (EWM) assessment on September 4<sup>th</sup> and found light to moderate growth around the perimeter of the lake.

Blue Water Science also included a shoreline purple loosestrife survey along with its EWM treatment assessment survey. The survey revealed no purple loosestrife around the shoreline. Currently, the only known population of purple loosestrife on Comfort Lake is located at the lake outlet. Mr. Miller also noted that the Comfort Lake volunteer found no zebra mussels on his sampler plate; Mr. Miller hopes to get more volunteers next year to continue this monitoring work. Manager Anderson asked how long it takes to delist a lake for zebra mussels. Mr. Miller said he would ask the Minnesota Department of Natural Resources (DNR); as far as he is aware, no waterbodies have been delisted once infested and there may not be a delisting criterion. Manager Anderson asked if Mr. Miller attended the hybrid milfoil webinar through the Minnesota Aquatic Invasive Species Research Center. Mr. Miller said he was unable to attend but was hopeful that they would publish notes and presentations from the event as they were all on Zoom. Manager Dibble asked if the second round of flowering rush treatment included Forest Lake's 3<sup>rd</sup> Lake/East Basin

area, near the public boat launch. Mr. Miller explained that treatment has successfully broken up the large patches and reduced overall density by 99% compared to 2014. The progress has put the flowering rush population into maintenance mode rather than aggressive treatment. Mr. Miller explained PLM Lake & Land Management advised that once populations are dispersed, it is difficult to treat every stem. Mr. Miller indicated he believes the area in question was treated but will confirm. Manager Schmaltz asked about the carp removal plans for Shields Lake. Mr. Miller recommended the District attempt a different approach like working with bow anglers rather than contracting with WSB again. Mr. Miller stated that staff are currently in the process of contacting local bow anglers.

## **7. New Business**

### **a) Greenway Corridor Scope**

Administrator Kinney noted the reoccurrence of the greenway corridor topic over the last few months; most recently with the City of Forest Lake during Monday evening's joint board-council workshop. Determining a proposed scope would begin moving this effort forward. Mr. Kinney indicated this is a large undertaking, and the District would need to be a leader in the process. Engineer Graske explained this was recently discussed with regard to the Washington Judicial Ditch 6 (WJD-6) subwatershed and could tie into the Sunrise River corridor upstream of Comfort Lake. Mr. Graske explained the primary objectives of the Greenway Corridor Visioning are to identify the extent of the core corridor, provide maps and visual renderings that can be used for meeting with potential project partners and residents, further refine WJD-6 Greenway corridor project components, hold visioning workshops with the CLFLWD Board, outline key steps and potential strategies for land acquisition, and explore outside funding sources for land acquisition and the requirements of those programs.

Manager Schmaltz stated that the visioning project is well planned and should produce a good outcome. Manager Schmaltz suggested that the District also consider how the plan would get landowner buy-in and input from the City of Forest Lake, specifically the Park Board. Additionally, Manager Schmaltz recommended the District get input from entities that have been successful in implementing greenway corridors so that the District's plan can benefit from their learning experience. He suggested these recommendations should be implemented after task one of the visioning process.

Mr. Graske stated that the project manager for this scope would be a senior landscape architect who will attend future meetings. Upon suggestion by Mr. Graske, Manager Schmaltz agreed that landowner outreach can occur after task two or three.

Manager Anderson noted that the Greenway Corridor Visioning project did not just start with the WJD-6 project; the Board has been discussing the restoration of the greenway corridor of the Sunrise River for several years. Due to the location of WJD-6, there is a lot of individual property negotiation that needs to occur. Manager Anderson stated that it is important for the Board to discuss its vision, and that working with someone experienced is critical. Further, she noted the cities of Minneapolis and Minnetonka have

done a tremendous job with the greenway corridor and natural park concept. In addition to working with an experienced professional, other entities like the DNR, state agencies, and counties should be involved, especially during the early stages. She suggested that efforts need not begin at the headwaters, but can start where the Sunrise River exits Forest Lake, where the District is able to move more quickly by virtue of its property interests and work done to date. She also emphasized that the water resource purposes are broader than just flood control.

Manager Anderson inquired if wetland banking would be a possibility as a part of this project. Administrator Kinney indicated the Wyoming Park Advisory Commission seemed supportive of the project when the District presented it to on September 14th. There will be a more detailed discussion when the District has a more specific proposal. As noted by Mr. Graska, the visioning process is a long-term project. The District should also consider working with the Minnesota Land Trust to help establish some natural areas. To answer Manager Anderson’s question regarding wetland banking, Mr. Kinney indicated the District has evaluated this potential component for the Sunrise River area recently. The Minnesota Board of Water and Soil Resources (BWSR) said the investment in the tax forfeit property would be much higher than would be received from banking. However, that does not mean there are not some areas that could be restored to a wetland banking level.

Manager Schmaltz moved to approve a fund transfer from 000-2900 Reserve Fund to 5-520-B Natural Resources Inventory and Prioritization in the amount of \$63,857. 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 suggested breaking the scope down into phases by combining tasks one and two into phase one and then tasks three and four into phase two. She recommended that each phase be followed up with a report prior to progressing.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the September 18, 2020 scope of work with a report following task one and two by February 2021, and in an amount not to exceed \$63,857. 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		

**b) Vehicle, Equipment, and Safety Policy**

Administrator Kinney explained this summer, the District acquired its first vehicle and motorized watercraft. To ensure proper usage and safety while operating this equipment, staff drafted the attached Vehicle, Equipment, and Safety Policy. The policy outlines proper safety, procedure, and protocol for operating District vehicles and watercraft.

Manager Anderson recommended revising the proposed policy to state that the driver must pull to a safe parking area to receive or make calls; and that accident reporting forms will be kept in an envelope in the glove box. Legal Counsel Holtman suggested including proposed text about maintaining PPE/wipes/gloves in vehicles in the District COVID-19 policy rather than the vehicle policy. Manager Anderson agreed.

Manager Anderson moved to adopt the Vehicle, Equipment, and Safety Policy as revised. 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		

**8. Old Business**

**a) University of Minnesota (U of M) St. Anthony Falls Lab Wake Boat Study**

Administrator Kinney stated the study already has reached its funding goal. He explained counsel recommends that the District may not provide additional funds since goals have been reached, as the District funds would not be directed to an identified water resource benefit to the District. However, Mr. Kinney noted that the District could talk to the U of M about being a potential test site. Manager Anderson agreed with that suggestion. Manager Schmaltz conveyed the importance of maintaining a positive and involved relationship with the U of M. Manager Dibble noted that the DNR and law enforcement do not have the funds to actively monitor activity on the lakes which results in fewer hours spent on enforcement. If the study were to result in a law, it will be difficult to enforce due to the aforementioned situation. President Spence stated that it may have to be a self-policing law and an opportunity for education. He noted that some individuals may not know wakes can be harmful to lakeshores. Manager Anderson stated that more information on enforcement capability would be needed. Manager Schmaltz suggested that watershed organizations could lobby for more funding for enforcement if the study proves the detriment of wakes to lakeshores and a law is

implemented. There was general consensus to reach out to the U of M to volunteer staff resources to assist with the study.

Manager Anderson moved to direct staff to work with the U of M to offer District staff resources for the purpose of this study. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 4-1.

<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) One Watershed One Plan**

Administrator Kinney noted he and Watershed Technician Heinz attended the Steering Committee meeting earlier that day and discussed the Watershed Based Implementation Funding (WBIF) work plan. BWSR recently released guidance on the grant metrics called milestones. For example, milestones could include number of projects or number of landowners communicated to; it did not include metrics related to water quality outcomes such as sediment reductions. Manager Schmaltz shared his dissatisfaction with the shift to number of projects as a metric. Manager Oknich stated that these milestones are similar to the Wetland Conservation Act’s Local Government Unit metrics with respect to the number of projects and people contacted. Ms. Heinz noted that from a process standpoint, if the Board wants to participate in the process moving forward, the Board will need to take action in November or December. Manager Anderson recommended moving up the timeline as much as possible. President Spence noted that the Chisago County press recently wrote an article about One Watershed One Plan, which he will circulate.

**c) Watershed Management Plan Update**

Ms. Heinz noted the joint board-council meeting with the City of Forest Lake on Monday was very productive. She provided an update on the upcoming timeline, including a proposed workshop on October 6<sup>th</sup>. Manager Spence asked that managers provide comments to Ms. Heinz by September 30. Responding to Manager Schmaltz, Ms. Heinz confirmed that groundwater would be a topic on the workshop agenda.

**d) Project Updates**

Mr. Kinney provided updates on several projects:

The Shields Lake Stormwater Reuse Project is completed, and staff is communicating with the golf club and surrounding homeowners regarding the native pond buffer.

The Shields Lake Alum Treatment has continued as planned with phase two occurring during the week of September 20<sup>th</sup> and finishing up September 23<sup>rd</sup>.

The Tax Forfeit Wetland Restoration Project remains on hold while the District communicates with the adjacent landowners. EOR will proceed with project design once landowners provide a final answer. Dr. Funke described wetland monitoring occurring on the tax forfeit property.

The county line ditch, which is located on the Chisago-Washington county line near the storage facility, had ongoing complaints about lack of stabilization and standing water on the east side of the road. This conveyance is part of the City of Forest Lake's Municipal Separate Storm Sewer System (MS4) permit, and it is the legal owner of this area. The City cleared vegetation and coordinated with the District regarding required permits and controls. The District supplied 400 feet of erosion control biologs, which the City installed to prevent sediment from the exposed soil on the adjacent lot from entering the ditch. Manager Anderson asked if there is supposed to be a buffer on the ditch. Dr. Funke explained one of the weaknesses of the state buffer law is that grass counts as sufficient stabilization, as opposed to native plantings. It also was noted that the law may not apply to this channel.

The cattail harvest was successful in that a test harvest was done and sent to a lab for analysis of phosphorus removal potential. Project Coordinator Blayne Eineichner is compiling a report of findings which will be presented at a future board meeting.

A culvert blockage was reported at Hawk Meadows by a nearby landowner, Mr. Ducharme. The culvert, which is along the Sunrise River, was blocked by vegetative mats, causing water to back up. The District notified the City of Wyoming which then cleaned out the culvert.

Mr. Eineichner evaluated the channel between School Lake and Little Comfort Lake as part of the stream physical habitat survey and incorporated the information into the District's Clean Water Fund application. A report of this information will be brought to a future board meeting.

Staff continue to perform monitoring tasks, especially lake and stream gage monitoring this year. Mr. Kinney noted that that District staff have been in the field a lot this summer. Mr. Miller has been doing ciBioBase in the kayak and obtaining lake sediment profiles. Manager Anderson asked if staff have been wearing District-branded clothing to identify themselves. Administrator Kinney responded that reflective vests are branded. Operations and Outreach Specialist Jessica Lindemyer noted the hats have the District logo on them as well.

## **9. Report of Staff**

### **a) Administrator**

Administrator Kinney indicated he will communicate with BWSR regarding utilizing WBIF grant funding for diagnostic monitoring.

Manager Anderson had several questions regarding items in the Administrator's Report:

- She requested more information regarding the item "District staff worked with EOR and Smith Partners to interpret allowable structures in lake access to answer permittee's questions." Mr. Graska explained that this situation occurred on Comfort Lake. An individual proposed a patio within the lakeshore buffer using pervious pavers.
- She requested an update on the Chestnut Creek wetland buffer issue. Administrator Kinney provided a verbal report of the following. Permitting Coordinator Abigail Ernst coordinated a meeting with the permit authorized agent, permittee's engineer, District staff and EOR and laid out a path forward to resolve the issue. The permittee and agent need to review and share all survey data. Mr. Kinney had correspondence with the agent on September 24<sup>th</sup>. All correspondence has been via email. Mr. Kinney explained it is the developer's responsibility to get the site into compliance, and the District will review submittals from the developer.
- She asked about ciBioBase mapping on larger District lakes, such as Comfort Lake. Mr. Kinney explained that the license the District owns allows for surveys on lakes up to 100 acres. He indicated it is a time-consuming process.
- She asked about lakeshore bluff mapping. Technician Trey Jonas is continuing to evaluate potential bluff areas by using the state definition. Mr. Jonas completed a sample evaluation on Comfort Lake. This information will inform District staff about when a particular area may trigger city ordinances, permits, etc. Mr. Kinney clarified that the application is in GIS. The District receives a highly discounted rate for the software through an Esri conservation grant.
- Mr. Kinney provided a recap of meeting with the Wyoming Park Advisory Committee. The Committee was interested in collaborating on some joint projects.
- Manager Anderson asked if it was possible to use other grants as match for the Section 319 Small Watersheds grant. Mr. Kinney confirmed this is possible.
- Manager Anderson requested more detail regarding resident complaints of high water levels as well as locations of operations & maintenance activities.

Manager Schmaltz suggested that if Manager Anderson had additional questions that they be discussed with Administrator Kinney outside of the meeting. He suggested that if there is a critical issue it can be brought to the Board's attention at a future meeting.

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

Nothing further to report beyond the project updates provided earlier.

#### **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 \$2,886.

Manager Oknich moved to accept the Treasurer’s Report and pay the bills in the amount of \$151,814.16. 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		

**11. Report of Officers and Managers**

Manager Dibble reported he plans to move to a new home which is located outside District boundaries. Legal Counsel Holtman indicated board members must reside in the District to be appointed.

President Spence noted Comfort Lake levels are unusually low recently.

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

Board directives from the meeting were summarized.

- Mr. Miller to look into delisting process for zebra mussel infested lakes
- Mr. Miller look into flowering rush treatment near 3<sup>rd</sup> lake public launch
- Staff to reach out to U of M and volunteer for wake boat study
- Staff to notify Manager Anderson regarding the 10/28 BWSR board meeting attendance instructions
- Staff to share Chisago County Press One Watershed One Plan article
- Mr. Holtman will look into when a manager's residence is deemed to expire for manager qualification purposes
- Mr. Kinney will provide the location of the Moody Lake Wetland C enhancement project
- Staff will wear District branded clothing when performing work in public
- Administrator report will contain more detail regarding high water level complaints and operations and maintenance work

**13. Adjourn**

- a) Next special board meeting – October 6, 2020**
- b) Next regular board meeting – October 8, 2020**

Manager Oknich moved to adjourn the meeting. Seconded by Manager Dibble. Upon vote, the motion carried 5-0, and the meeting was adjourned at 9:18 p.m.

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

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