

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE-FOREST LAKE
WATERSHED DISTRICT
Thursday, February 11, 2021**

1. Call to Order

President Spence called the February 11, 2021 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, Treasurer Steve Schmaltz.

Absent: None.

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

2. Setting of Meeting Agenda

Greenway Visioning Workshop discussion was added after the Watershed Management Plan Update. Potential land acquisition was added after the Summary and Approval of Board Direction.

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

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

3. New Business

a) Clean Water Fund Grant Agreement

Planning Coordinator Heinz presented the Clean Water Fund grant agreement.

Manager Oknich moved to adopt Resolution 21-02-01. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

Manager	Aye	Nay	Absent
Jon Spence	X		
Jackie Anderson	X		

Stephen Schmaltz	X		
Jen Oknich	X		

4. Old Business

a) Lower St. Croix One Watershed One Plan

Manager Anderson noted that in accordance with the schedule set by the Policy Committee, partners must act to approve the Lower St. Croix One Watershed One Plan (1W1P) Work Plan by February 24, 2021. The present meeting is the last District board meeting before that date. Manager Anderson, on behalf of the Board, sent a letter to the Policy Committee with concerns on the Work Plan on January 27th, 2021 and has not received feedback. Manager Schmaltz clarified that the Board needs to decide whether to vote no and recommend changes to the current Work Plan, or vote yes and continue to discuss 1W1P with the other partners. He reminded the group that the letter suggests using a targeted funding approach in subwatersheds by prioritizing the projects that will have the biggest positive impacts. He also noted that the current performance requirements in the Work Plan are ineffective and that the standards should, at a minimum, meet BSWR requirements.

In response to Manager Schmaltz, Manager Anderson stated that the Board does not have time to make detailed changes to the Work Plan. She reiterated that, in her opinion, the Board needs to make note of its concerns but keep the 1W1P process moving. In response to a question from Manager Schmaltz, Manager Anderson affirmed her intent that the District press for changes in the work plan approach over time as an adaptive management concept. Specifically, she would work to adjust how the group operates, so that staff does not continue to drive the partnership's program, but the Policy Committee exercises its discretion and independent judgment and that there is movement over time toward a watershed-based approach.

The Board discussed how to improve the plan. Manager Anderson believes that the decision-making process could be improved by including more members earlier on in the process. She suggested that that an effective demonstration would be for the District lead the work for one of the high priority subwatersheds using prioritize-target-measure (PTM) methodology. She requested that Administrator Kinney take this suggestion to the planning committee. She agreed that this would involve funding reallocation. Manager Anderson made another comment about the letter, stating that it relies heavily on a U.S. Army Corps of Engineers (USACE) Soil and Water Assessment Tool (SWAT) model which concluded that land-focused projects are effective but take a long time due to property owner approval, and that targeting deteriorated wetlands would be just as effective in a shorter time frame. The hope is that the letter conveys the importance of targeted work. Manager Schmaltz supported this approach and suggested that Administrator Kinney ask EOR to review the SWA study so that Board can be prepared to recommend a subwatershed to be the subject of the work. Manager Schmaltz requested that EOR research wetland function in order to prioritize work. There was

Board discussion about potential targeted areas. Manger Anderson reiterated that, in her view, the only way to get the 1W1P to change its methodology is through demonstration.

Manager Schmaltz noted that BWSR guidance covers performance requirements for grants. One requirement is showing that the grant resulted in improvements. He thinks this should be shared with the Policy Committee in order to emphasize the importance of PTM methodology.

Manager Anderson reiterated that the decision before the Board is to approve or deny the Work Plan so that it can be submitted to BSWR for review.

Manager Schmaltz reiterated that he would like the Board to pick an engineering firm to review the SWAT model in order to designate a subwatershed for District focus. Manager Anderson suggested that this is not pertinent to the Work Plan decision and could be decided later.

Administrator Kinney expressed his discontent with several SWCD and BWSR funding policies. He suggested that the District wait to hire an engineering firm to look into subwatershed targeting until such time as there is an indication of support for this.

Manager Spence moved to approve the work plan. Seconded by Manager Anderson.

Discussion: Manager Schmaltz stated that the District should vote no on the work plan to protect its position that the plan does not follow criteria stipulated by BWSR. Manager Anderson replied that, in her view, this would limit the District's ability to work to improve the approach. She also expressed concern that a partner can independently obtain a grant for a project in the work plan and implement it. In her view, the Board should approve the work plan and reference the letter that was submitted.

President Spence asked Attorney Holtman if there is an option to vote with a condition. Attorney Holtman responded that under the joint powers agreement, the approval of the work plan is approved by a 2/3 vote of all the entities. He is not certain how a conditional approval would be counted. President Spence commented that by voting with a condition it may cause additional complications. Attorney Holtman noted that the Board could vote either way and then have a separate action to articulate the Board's the dissatisfaction with the Work Plan. Manager Anderson asked Attorney Holtman if the letter could be referenced in the vote and brought forward with the approval process. Attorney Holtman confirmed that the letter could be referenced or incorporated, but in his judgment the vote must be yes or no. Manager Anderson responded that she would like to include the letter to show that it is Board approved. President Spence suggested voting no and referencing the reasons in the letter as they have not been remedied. President Spence stated that the Board needs to be assertive in expressing its discontent but continue to collaborate on the 1W1P so that the next plan can be improved. He believes this will not thwart the present work, as the work plan will receive two-thirds approval in any event.

Administrator Kinney stated that the work that the District has put into the 1W1P thus far has not been pointless and improvements have been made. Regardless of the vote, District efforts can help further improve the plan. He stated that in the decision, the Board should also point out positive aspects of the plan.

Manager Anderson asked Administrator Kinney how he thinks the Board should vote. Kinney responded that initially, he thought no, but upon further discussion and counsel input, he now thinks that there is value in voting yes and following up with further critique/improvements.

Manager Anderson indicated that she and Manager Schmaltz have an additional critique/suggestion letter in progress. Manager Schmaltz stated that in his view, one of the main points to make is that the Work Plan is supposed to be a collaborative effort, but the partnership is considering only a single approach and is not considering other approaches brought forward.

Attorney Holtman offered two process-related comments - if the motion is to approve the Work Plan, the Board could also decide to vote on a motion to authorize the President to sign a resolution articulating the Board's dissatisfaction with the Work Plan. Or, the Board could adopt a second resolution that sets forth critiques/suggestions. The Board could wait to vote on these resolutions and convene a special meeting prior to the February 24th, 2021 deadline. Manager Anderson stated that she prefers the second option. President Spence clarified the second option which is to have District staff work with Managers Anderson and Schmaltz to formulate a response to the Work Plan and hold both resolution votes for a special meeting to be held prior to February 24th, 2021.

President Spence moved to table the main motion and proceed per the second option. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

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

b) Watershed Management Plan Update

Administrator Kinney stated that the District received two responses to its inquiry as to Watershed Management Plan (WMP) review, one from Houston Engineering Inc. (HEI) and the other from Barr Engineering. Mr. Kinney summarized the responses- Houston Engineering staff stated that they reviewed the scope and decided the plan is sufficient and that HEI review would not add substantial value. Barr Engineering staff offered a review scope not to exceed \$8,000. Administrator Kinney trusts and values the input from Houston Engineering and so does not believe there is a need to retain this review work. He stated additionally that there will be input from agencies during the 60-day

comment period. Mr. Kinney also noted that BWSR Conservationist Dan Fabian agreed with Houston Engineering that the draft WMP appears sound.

President Spence commented that he is satisfied with the feedback from Mr. Fabian and Houston Engineering and that a review contract is not needed. Managers Anderson and Schmaltz concurred.

Manager Schmaltz commented that Jerry Grundtner had inquired on the progress of the Downtown Broadway Boulevard project. He emphasized the importance of coordinating with the City of Forest Lake regarding downtown stormwater planning. Administrator Kinney noted that he has a meeting with the City engineer to review the findings from the regional stormwater ponding research which should provide more information on the project status. Manager Anderson asked why the District engineer has not been involved in these meetings/projects. Administrator Kinney responded that so far, the project is mainly discussion and visioning, so the engineer does not need to be involved yet. Administrator Kinney noted that the City has hired a design firm and so the time is approaching for the District to be more heavily involved.

c) Greenway Visioning Workshop

The Board scheduled a visioning workshop involving itself and EOR for March 16th from 11:30 a.m. to 1:30 p.m.

5. Summary and Approval of Board Direction

The following are Board direction items for follow-up:

- Staff work with managers regarding the 1W1P Work Plan
- Manager Schmaltz requested that staff continue to be involved with the City of Forest Lake downtown stormwater study
- Manager Anderson requested that Kevin Biehn provide an update on the tax forfeit property and park visual

6. Land Acquisition

Administrator Kinney directed the Board's attention to the location at County Road 50 for siting the District's grant-supported iron-enhanced sand filter project. The District is in communication with one property owner, and he may be receptive to siting the project.

The original location for the filter is in a presently wooded area. This creates complications as to habitat destruction and cost. After this, EOR and staff believed that a different parcel would be more suited. Initially, the design suggested placing the IESF north of the main road. However, the area is forested wetland, which would create additional wetland permitting issues and with that, additional costs.

Manager Anderson moved to convene in closed session to discuss an offer or counteroffer regarding property with parcel identification number 23.032.21.41.002. Seconded by Manager Schmaltz. Upon a vote, the motion carried 4-0.

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

The Board convened in closed session.

The Board reconvened in open session. Manager Anderson commented that she would like the Board to review the status of the Banta property on a March agenda.

7. Adjourn

a) Next regular board meeting – February 25, 2021

Manager Anderson moved to adjourn the meeting. Seconded by Manager Oknich. Upon vote, the motion carried 4-0, and the meeting was adjourned at 9:06 p.m.

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

Jen Oknich, Secretary _____