

**MINUTES OF SPECIAL MEETING
OF THE
COMFORT LAKE - FOREST LAKE
WATERSHED DISTRICT
Thursday, April 9, 2015**

1. Call to Order

The President called the April 9, 2015 Special Board meeting to order at 6:30 p.m. at the Forest Lake City Offices, 1408 Lake Street South, Forest Lake, Minnesota.

Present: President Richard Damchik, Vice President Jackie Anderson, Treasurer Jon Spence, Secretary Wayne Moe and Assistant Treasurer Stephen Schmaltz

Others: Mike Kinney and Emily Schmitz (CLFLWD staff), Ryan Peterson (CLFLWD summer intern), Chuck Holtman (Smith Partners), Greg Graske, Jason Naber and Cecilio Olivier (EOR), Margie Schmidt (Scandia resident and Bone Lake Association), Mark Lobermeier (City of Wyoming).

2. Setting of Agenda

The President called for the reading and approval of the April 9, 2015 Special Board meeting agenda. Manager Moe moved to approve the agenda. Seconded by Manager Anderson. Motion carried 5-0.

3. Public Open Forum

The President asked for public comments. There were no comments.

4. New Business

a) MMC Associates Proposal for Annual Report and Newsletter

Manager Schmaltz moved to approve the contract with MMC Associates. Seconded by Manager Moe. Motion carried 5-0.

b) Cost Share Shoreline Ice Heaves

Administrator Kinney stated that at the last meeting photos were shown of three cost share restorations that had ice heaves. He talked with James Landini of WCD about the designs, asking if they are appropriate for the size of this lake and the wind. Plans are to have the District engineer and the Minnesota Department of Natural Resources (DNR) provide input. Discussion included:

- Was this a designer or contractor error with the rock/riprap
- According to Steve McComas every year is different related to ice heaves
- This year appeared to be particularly bad for ice heaves
- Ice heaves are natural occurrences and can't be prevented
- How did riprap get introduced and are the boulders doing more damage
- The DNR permits riprap so what can the District legally do besides educating and having homeowners sign a liability waiver

- How do BMP properties not using riprap compare to the three riprap BMPs
- Most homeowners remove vegetation, making the shoreline unnatural and unstable
- Are the county conservation districts adding riprap or are homeowners requesting this
- Does the District share in the liability for the design

Mr. Holtman stated that the District rules for shoreline riprap require it be designed in a way that it will not react to ice pressure, the District has the authority to apply the standards to cost shares and he is not sure what role the District plays in the design.

Manager Anderson moved to have the engineers review the design, report back to the Board at the next meeting and report on what causes the ice heaves. Seconded by Manager Moe. Upon vote, motion carried 5-0.

c) EOR Schedule for AIS Treatments

Mr. Naber presented a 2015 work plan for AIS activities by lake related to the budget and reports. The spreadsheet provides an inventory of the reports and then a lake specific AIS treatment plan and budget. Mr. Naber provided a summary for Sylvan, Shields, Little Comfort, Big Comfort, Moody and Bone Lakes.

Mr. Naber asked for other information to be included and responded that actions identified in the 2010 Six Lake TMDL Reports are included in the implementation plan. Managers suggested additional items and actions:

- Add key dates to the work items
- Shields—Discussion on doing a carp survey and then a diagnostic study
- Bone—Discussion on the cost of treating for curly-leaf pondweed focused on the acreage needing treatment. Mr. Graske stated that this year’s survey might identify more acreage to treat, but last year’s survey did not find much. Margie Schmidt stated that she handled the treatment last year and the lake association spent \$5,000 for just a small portion of the lake. This year the lake association budgeted \$10,000. Ms. Schmidt further stated that Mr. McComas did an early assessment, while the DNR’s later assessment found more curly-leaf. In response to funding, Ms. Schmidt responded that the lake association had not been asked to contribute and that Scandia has refused. Manager Schmaltz stated that an assessment of Forest Lake lakeshore property showed the city is under spending related to AIS and the value of the properties. The same type of information for Bone Lake lakeshore owners could be compiled and shared with Scandia. An assessment and remediation plan for Eurasian watermilfoil and management of rough fish are included in the 2015 budget. Plans are to tag carp this year and harvest them in 2016. Issues with harvesting carp are the cost of reimbursing commercial fishermen, debris on the bottom of the lake, which can damage nets and only one commercial fisherman per county is licensed by the DNR. If that fisherman does not want to do the harvest, no other fisherman can. Discussions with other district managers on solutions to harvesting, changing state law or holding carp fishing contests were suggested.
- A Washington County AIS grant was applied for and received for flowering rush treatment on Forest Lake. AIS treatments on other lakes were not applied for because the District did not want to compete against itself for funding, the application process is time consuming, staff did not think effectiveness could be demonstrated for milfoil

treatment on Bone and county staff indicated that milfoil treatments would be considered maintenance.

- Boat launch inspections should be scheduled during high time use. EOR, managers and lake residents can provide input on peak times. Emily Schmitz stated that she will be talking with Jerry Spetzman of Chisago County about improving scheduling.
- Adding a carp assessment to Bone Lake feeder lakes and wetlands.
- Providing web access to the spreadsheet, monthly updates to the board and a tracking system like this for other projects.

d) 2015 MAWD Summer Tour

Manager Anderson moved to move the regular meeting to June 18 to allow staff and managers the opportunity to attend the MAWD summer tour. Seconded by Manager Moe. Motion carried 5-0.

5. Old Business

a) Washington County AIS Funding

Administrator Kinney summarized the funding requests and allocations. It was noted that the District received nearly half of the funding and is much farther ahead with AIS assessments. WCD received county-wide funding that included CLFLWD. Administrator Kinney stated that he did not know about WCD's request, he has concerns with the boat inspection rate of \$38 per hour and will meet with Jay Riggs about involvement in the grant and the inspection rates.

b) Spectrum Sign Design

Administrator Kinney stated that, at the Manager's request, design pieces were added and the all designs conform to the city sign ordinance requirements. The sign designs were discussed. It was noted that tree trimming is needed on the property, WCD would like to install a raingarden, probably on the north side of the lot and parking lot maintenance contributions of \$6,000 could go toward the raingarden.

Manager Spence moved to accept signs 3 & 4 and, if possible, add a tagline on sign 3, if that can be done without narrowing the sign. Seconded by Manager Moe. Motion carried 5-0.

c) Logo Contest and Community Outreach

Administrator Kinney reported that he talked with Angie Hong about participating in outreach activities. Future Farmers of America in Forest Lake was one example of an outreach opportunity that Manager Moe suggested. Manager Anderson had suggested a logo contest as a way to get the public more involved in a fun way, inform the public about the new office and meeting location and provide some education about the District. The majority of the Managers spoke in favor of the current logo with comments being: the District has a strong logo and nice tagline, the watershed district is scaled out in the logo so it communicates that the District is more than just lakes, when asked, work colleagues understood the logo and it will take more money to communicate a new logo. It was agreed that at this time a logo contest is not needed.

Manager Anderson stated that the District should be more transparent with public education. The program should be more organized with touch points for more consistent communication. Specific suggestions included regular notification of lake association presidents and key stakeholders, buildup of the Citizen Advisory Committee, trainings at no cost, reassessment of the East Metro Watershed Resource Education Program (EMWREP) and its services/activities, addition of a communications employee, development of a communications plan and an update of the website with interactive maps and a water quality database. Further discussion on the website identified the South Washington Watershed District and WCD as good examples. Administrator Kinney stated that Flatrock developed an interactive map with BMPs for WCD and the Washington County watershed districts. The District website can link to this map. He noted that EMWREP has asked for an increase in the District contribution, which is currently \$17,000, and asked if the District should come up with a list of activities for EMWREP's involvement rather than the other way around and then budget for other education activities. All acknowledged the impressive turnout for the flowering rush workshop that EMWREP helped coordinate. Manager Anderson stated that the District needs repetitive education to get people educated and excited. EMWREP does not have time to be devoted to a specific watershed district, but this is needed. The Districts needs to have multiple things going: communication in an understandable way on what we are doing, on BMPs, on sediments and phosphorus. Manager Moe suggested developing a job description and tasks for a communications staff.

d) Communications with Lake Associations and Property Owners

Manager Anderson stated that while this was covered, key people need to be identified, touch points formalized and consistent information provided to all. She noted the sea change with the City of Forest Lake, once the District sat down and communicated and educated them. Manager Moe stated that only a handful of people will be involved, and we need to nurture and cater to them so they continue to be involved.

e) Personnel Policy

Administrator Kinney reported that although Ellen Hinrichs was not available for this or the April 23rd meeting, she is available by phone to talk with Managers. Mr. Holtman provided some thoughts on the concerns with the draft manual and ways to proceed.

1. Length of the manual— a skeletal manual meets legal requirements, but additional text can communicate expectations and state policies in more detail to help avoid disputes.
2. A critical element of the manual is the statement that employees are at will, meaning that no grounds are required to terminate the employment relationship.
3. Policy choices cover allocation of authority between the board and administrator. Suggestions included: minimal text for employee criteria or expected behavior; a policy on leave and paid time off; communication of culture, which is also communicated by the length of the document.
4. Process or a sequence of steps: highlight the legal compliance parameters. This could be done by Ms. Hinrichs in conjunction with HR counsel that works with her, with or without Smith Partners providing a second opinion. What remains is

descriptive text, which the Board can decide how much to pare down at a regular or committee meeting.

5. The board could ask that Ms. Hinrichs also highlight areas in the manual that reflect policy choices, so that the board can review and ensure concurrence in those choices.

Manager Anderson moved to set up workshops to work on the personnel policy and request highlighted text identifying legal requirements from Ellen Hinrichs. Seconded by Manager Moe. Motion carried 5-0. It was agreed that workshop dates would be scheduled at the next meeting.

f) Proposal from Human Resources Services

Administrator Kinney stated that this is informational.

g) Staffing Discussions

Administrator Kinney reported there have some been some discussions and staff is trying to organize programs and projects to align with the management plan and budget. Some project elements can be the same structure as Manager Anderson has suggested. A handout provided a comparison of old District files and structures to the updated system, which allows staff to be subjective in decision-making. The overall structure for the plan uses a numbered series. While it is an effort to convert all of the files to an electronic format, staff has been working with Allied Business Solutions for some of the scanning to ensure everything is standardized and archived in a place that is readily retrievable. The goal is to align staff work, programs, and capital projects with the budget process. The District will probably need a plan update sooner than later and education and other changes can be incorporated at the same time.

6. Report of Staff

a) Administrator

Administrator Kinney reported:

- He is trying to start a conversation with the City of Forest Lake about the Shields Lake project. The city engineer stated that the city council must review the project, even though it should fall under its MS4 permit. Actions are pretty well laid out in the TMDL and are mostly based on BMPs and do not include capital projects. The District will need to communicate to the city that Shields is an impaired water body and is contributing to the Forest Lake load.
- The draft chloride TMDL for the Metro area is up for review. Part of the former judicial ditch 2 on the north side Forest Lake is one of the impaired water bodies. Administrator Kinney will work to help the city understand that there are some BMPs and practice changes the city can implement that can reduce costs and loads. Manager Anderson suggested reducing loads into the lateral ditches that drain to the Sunrise River. Manager Schmaltz stated that maintenance agreements on permitted projects are not being followed and annual maintenance reports are not being provided to the District. Administrator Kinney responded that the District has not followed up on the agreements, and Ms. Schmitz is looking into this. Staff has developed a reporting form and is requesting inspection reports to ensure BMPs are being maintained and

are functioning. In response to EOR's role, Mr. Graske noted that EOR has permits and records of which permits require maintenance on file and, if requested, can track permits and inspect BMPs. Mr. Holtman added that what is being described are the conditions of the permit including requiring the property owner to maintain the project. The permits require that maintenance covenants be recorded and fulfillment of the conditions needs to be tracked. If the maintenance requirements are not on the title, they are not enforceable if the property changes hands. Mr. Holtman has had some communications with Ms. Schmitz about this. Manager Schmaltz commended EOR for the fine work they do, but recommend EOR track permits on Shields Lake through a one-page document or chart to indicate what needs to be done and who is responsible. Mr. Graske agreed to compile a timeline.

b) Emmons & Olivier

Mr. Graske reported that he is working with Dr. Jacobson on a Shields Lake diagnostic study. He is trying to schedule a time to replace the screens on the Forest Lake dam. This will require sandbagging the lift for a day or two so the work can actually be done. Both of the grates have been installed at the Bone Lake fish barrier outlet. The contractor will make a few adjustments and a few more locks will be ordered. Mr. Graske suggested that interactive maps on an updated website should include AIS and other projects. Administrator Kinney added that he discussed with Eric Schmid about having an interactive feature for each lake, possibly with public delineation.

c) Smith Partners - Nothing to report.

9. Report of Officers and Managers

- Manager Schmaltz reported that 140 people attended the flowering rush open house, hosted by the District, Forest Lake and the Forest Lake Association and coordinated by EMWREP. Jerry Spetzman did a great job leading the discussion and staying on schedule.
- Manager Spence reported that the administrator assessment form was distributed. He asked Managers to complete and return the form in two weeks.

10. Adjourn

Manager Spence moved to adjourn at 8:58 pm. Seconded by Manager Moe. Motion carried 5-0.

Wayne S. Moe, Secretary _____