

**MINUTES OF THE REGULAR MEETING
OF THE
COMFORT LAKE–FOREST LAKE
WATERSHED DISTRICT
Thursday, April 23, 2020**

1. Call to Order

President Spence called the April 23, 2020 regular board meeting to order at 6:30 p.m. via online teleconference.

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

Others: Mike Kinney, Jessica Lindemyer, Emily Heinz, Garrett Miller (CLFLWD staff); Meghan Funke, Kevin Biehn, Cecilio Olivier, Kyle Crawford (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Paul Girard (City of Forest Lake).

2. Setting of Meeting Agenda

Item 8g – Workload Analysis was added to the agenda.

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

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

3. Consent Agenda

- a) **Regular Board Meeting Minutes – January 9, 2020**
- b) **Regular Board Meeting Minutes – January 23, 2020**
- c) **Regular Board Meeting Minutes – February 13, 2020**
- d) **Regular Board Meeting Minutes – February 26, 2020**
- e) **Special Board Meeting Minutes – March 10, 2020**
- f) **Regular Board Meeting Minutes – March 12, 2020**
- g) **Emergency Board Meeting Minutes – March 19, 2020**
- h) **Regular Board Meeting Minutes – March 26, 2020**
- i) **Emergency Board Meeting Minutes – March 31, 2020**

Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 4-0.

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

4. Public Open Forum

Paul Girard, Forest Lake City Councilmember, reported that Republic Waste Services has recommenced picking up yard waste, beginning this week. CLFLWD has expressed concern about this issue in the past. Manager Schmaltz thanked Councilmember Girard for his involvement in getting this done. Mr. Dibble noted that Republic will only pick up bins with the truck’s mechanical arm. Any bags set on the curb beside the cans will not be picked up because trash collectors are not exiting the vehicle due to COVID-19. Manager Anderson also thanked Manager Dibble for bringing the matter to the City Council.

5. Citizen Advisory Committee Update

Operations and Outreach Specialist Jessica Lindemyer noted that the Citizen Advisory Committee canceled its April meeting and is considering holding a virtual meeting in May. There has been some communication continuing via email.

6. Aquatic Invasive Species Update

Watershed Assistant Garrett Miller reported that watercraft inspectors are being interviewed and hired. He noted that, according to Steve McComas of Blue Water Science, we are expecting a lot of curly-leaf pondweed growth this year. Last week staff submitted an application to the MN Department of Natural Resources (DNR) Behavior Change grant program. The proposed project will help improve the bait disposal compost bins and signage at public accesses in the District. Grant funds would also be used to create stickers to hand out to boaters to remind them to dispose of their unused bait. Mr. Miller reported that partnerships make the application stronger, and CLFLWD will partner with Washington Conservation District on this project. Chisago County would have been a partner, but their aquatic invasive species (AIS) staff are currently not working due to COVID-19. The DNR is still internally working on its plan for watercraft inspections this year, which will likely include an online watercraft inspector training course. Mr. Miller noted he is looking into how the District could potentially station inspectors out at public accesses without DNR training/authorization. Administrator Kinney explained that staff is looking into how we can at least get some inspectors out stationed at public accesses to do some education, or if an inspector was trained and authorized last year, can they inspect again this year? He expressed that if the governor’s order relaxes to allow golfing and fishing, we should be able to have the watercraft inspection program.

[Manager Oknich entered the meeting at this time.]

There was discussion about safety precautions in response to a question from Manager Schmaltz. Mr. Kinney explained that it is possible to maintain social distancing while inspecting watercraft and it helps that the activity is outdoors. Additional safety protocols will be established as well. Manager Schmaltz noted that DNR has not yet put in the docks on the public accesses. Mr. Kinney noted the DNR is currently restricted from most field work, but conservation officers are still out doing their job. Manager Anderson noted that research is finding that the virus does not live very long in the sun. She noted that there is new guidance coming out every day, and everyone should stay up to date on the Centers for Disease Control and Prevention (CDC) website, which is constantly being updated.

7. New Business

a) 2019 Audit Report and Presentation

Managers noted they watched the presentation video ahead of time. Manager Anderson explained that she had a question about how it looked like expenses were exceeding revenue, which she discussed with the auditor over the phone earlier that day. She explained that this section of the report can be confusing for the public, and that she wanted to clarify that the financial health of the watershed is very good. She noted that the optics of this could be improved if the District does regular fund transfers so that the numbers better reflect the District’s good financial health.

Manager Anderson moved to accept the Abdo, Eick & Meyers, LLP prepared Management Letter and Annual Financial Report of the Comfort Lake Forest-Lake Watershed District for the year ended December 31, 2019 and direct staff to forward to the State of MN as required. Seconded by Manager Schmaltz.

Discussion: Mr. Kinney noted the presentation and audit report are on the District website and available to view at any time.

Upon a roll call vote, the motion carried 5-0.

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

b) Sunrise River Wetland Restoration Scope of Work

Mr. Kinney explained that the District received a Clean Water Fund grant for this project. The scope of work currently includes the property currently owned by the District, the Tax Forfeit Property. There is potential to acquire an adjacent 20 acres to expand the project. Mr. Kinney noted that the District is waiting on the appraisal for that property. Kevin Biehn, Emmons & Olivier Resources (EOR) Community Practice Lead,

introduced himself and explained he is a Landscape Architect and head of EOR’s design group. He noted that he has been involved in designing several CLFLWD projects over the years. He prepared the scope of work and can answer any questions.

In response to a question from Manager Schmaltz, Dr. Funke explained that the phosphorus load reduction seen at Comfort Lake is estimated to be 80 pounds per year. The District is still working toward the long-term phosphorus concentration goal of 30 ppm in Comfort Lake. Dr. Funke noted through the Watershed Management Plan update the District will be reevaluating several short- and long-term lake goals. Manager Anderson asked about other benefits of the project, such as removal of sediment, nitrates, etc. She indicated these added benefits are what make the projects so valuable. Cecilio Olivier indicated that while phosphorus is the main target, EOR will also monitor other variables. Manager Anderson requested that we take before, during and after pictures so there is a good record of the project, especially one this big. She asked if drone/unmanned aerial vehicle (UAV) videos and photos could also be taken. There was discussion about incorporating ditch meanders and incorporating trees into the revegetation plan. Manager Anderson suggested meeting with the City of Wyoming and looking at its comprehensive plan for signage, recreational opportunities etc. Emily Heinz noted UAV videos and photos of the project is incorporated into the grant budget and work plan. Mr. Biehn indicated that fostering evapotranspiration is a conscious element of the design and the District will see options from EOR about incorporating various types of trees into the project design.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with EOR in accordance with the April 15, 2020 scope of work and in an amount not to exceed \$67,390, on the condition that the grant agreement is executed. Seconded by Manager Schmaltz.

Discussion: Manager Schmaltz asked if incorporating removal of other nutrients such as nitrogen will alter the project design. Mr. Olivier indicated there will be some additional considerations as part of the design, such as a forebay to catch sediments, but largely the design will be the same. Mr. Biehn noted that there will also be ecological/habitat benefits, improved aesthetics, and possibly also passive recreation. Manager Anderson indicated she is in favor of that. Mr. Kinney noted that early discussions about the upcoming Highway 8 reconstruction project are suggesting that there will be a recreational trail component, which will need to be discussed as part of a long-term vision for the area.

Upon a roll call vote, the motion carried 5-0.

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

c) Forest Lake Curly-Leaf Pondweed Treatment Contract

Mr. Kinney noted this might be an above average year for curly-leaf pondweed. The DNR permit applications are already submitted.

Manager Anderson moved to authorize the Administrator to enter into contracts for treatment of curly-leaf pondweed on District lakes (Forest Lake, Moody, Bone, Shields, Comfort) in a total amount not to exceed \$90,000. Seconded by Manager Dibble.

Discussion: There was discussion about maintaining flexibility for the cost allowance so Mr. Kinney can adjust quickly to the outcomes of the delineation surveys. By unanimous consent the motion was amended to increase Mr. Kinney's authority from \$90,000 to \$150,000.

Upon a roll call vote, the motion carried 5-0.

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

d) 2020 Shields Lake Common Carp Removal Phase II

Mr. Miller explained that that the District and WSB & Associates attempted gill netting last year, only removing about 71 carp (about 1,000 pounds of biomass). This wasn't considered very successful. This year, in an effort not to disturb the alum treatment that occurred last fall, Mr. Miller recommended no more netting/lake bottom disturbance. He recommended targeting shallow spawning basins to trap carp and scoop them out with a commercial fishing seine net. Mr. Miller recommended this is the best option the District has for removing the existing carp. However, if this doesn't work, staff can pursue other options such as working with bow anglers to remove more carp. Manager Anderson indicated the project sounds good, but questioned why the District would use reserve funds. Mr. Kinney explained that the Shields Lake Stormwater Reuse and Alum Treatment grant doesn't have any remaining grant funds for this task. The project was originally predicted to come in underbudget, but the outlet pond erosion event experienced in conjunction with the Forest Hills Golf Club project required additional work, exhausting grant funds. Mr. Kinney noted that the Shields Lake Shoreline Restoration grant doesn't include any funding for carp removal.

Manager Anderson moved to authorize the Administrator to enter into a contract with WSB Engineering for the removal of common carp on Shields Lake in an amount not to exceed \$8,525.00 from reserve funding to account number 3-011-26-H to complete tasks 1-4. Seconded by Manager Oknich.

Discussion: President Spence asked how the trap will work. Mr. Miller explained that WSB Engineering and the commercial fisherman will use a temporary in-stream barrier at the basin outlet to trap spawning carp in the shallow pond north of Shields Lake. Using a remote camera, District and WSB staff will monitoring spawning activity. Once spawning activity is at its peak, the commercial fisherman will pull a seine net through the shallow pond to capture the spawning carp. In response to a question from Manager Schmaltz, Mr. Miller explained staff have confirmed, through coordination with the Forest Hills Golf Club superintendent, that spawning is in fact occurring. Bluegill help predate young carp eggs. Now we just need to get rid of the older carp that are still in the lake. Mr. Miller noted that the aerator upgrade will only further improve that fishery for bluegill and keep controlling that population. Mr. Kinney noted the Forest Lake Parks and Trails Commission recently approved an agreement for the District to place equipment for a new aerator, similar to the Moody Lake aerator, in the Shields Lake City Park. The agreement will go to the City Council for consideration next. Mr. Kinney noted staff is working on landowner agreements with the golf course and a lakeshore resident for this as well. Dissolved oxygen levels in Shields Lake have been low the last couple of winters, which this new aerator will help increase.

Upon a roll call vote, the motion carried 5-0.

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

8. Old Business

a) 2019 Water Monitoring Report

Manager Anderson explained several comments she had on the draft report. She indicated she would meet with Dr. Funke to go through some updates to the report. There was discussion about confidence in the underlying monitoring data, even though there are some significant changes in calculated loads from 2018 to 2019, and discussion about coordinating timing so that staff can ensure the monitoring data in the Annual Report won't change, as the Annual Report must be submitted by April 29th. Mr. Kinney and Dr. Funke expressed that they appreciate this feedback from managers.

b) 2019 Annual Report

Watershed Technician Emily Heinz noted that she received several comments on the report from Manager Anderson, which have been incorporated into the redlined version currently on the District website. Manager Anderson indicated that these reports get better every year, and any edits are mainly for clarification purposes.

Manager Schmaltz moved to approve the 2019 CLFLWD Annual Report and direct staff to forward to BWSR as required. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

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

c) 2019 Progress Report

Manager Schmaltz commended staff on the report and indicated that it is a benchmark report for the District. He reiterated a past recommendation for the District to address the idea of developing a schedule to inspect best management practices constructed and maintained throughout the District pursuant to District permits. He indicated that the Progress Report should contain a listing of those and how frequently they need to be monitored. Mr. Kinney explained that staff are currently in the process of looking at performance metrics and areas for improvement such as this. He noted that he is not aware of any other entities putting out a report like the CLFLWD Progress Report, and he is working with a group of other watershed district administrators to push forward ideas like this. He added that some other administrators are interested in our work plan and incorporating ideas like this into their systems. Manager Anderson indicated she wasn't finished reading the report but is fine with approving it if other managers have already reviewed.

Manager Oknich moved to approve the 2019 CLFLWD Progress Report. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

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

d) Check Signing

In a follow-up to the March 26 discussion, Mr. Kinney advised that after reviewing procedures and need, he does not believe that the District needs to revise its check-signing procedures. He noted the need for the managers to determine who will go in and sign the checks tomorrow to pay the monthly bills. Mr. Kinney thanked Ms. Lindemyer for being in the office to help coordinate this. Manager Anderson indicated she is glad to see the District using electronic payments as much as possible. In response to a

question from Manager Schmaltz, it was clarified the Board approves all of the expenditures through the monthly Treasurer's Report, even if some approvals such as credit card purchases are retroactive approvals since there isn't a physical check. Mr. Kinney noted the auditor reviews everything, and all managers can request further detail on all invoices/purchases at any time.

e) Watershed Management Plan Update

Managers Spence, Schmaltz, Anderson and Dibble indicated their schedules are clear on the potential workshop dates provided. Manager Oknich indicated she needs to check her schedule.

f) Lower St. Croix One Watershed-One Plan

Mr. Kinney explained that this will be the District's last opportunity to provide comments on the Lower St. Croix (LSC) draft 1W1P plan. He encouraged the Board to provide a full comments letter, even if it is redundant with previously stated comments. He explained that this is the 60-day comment period where anyone can submit comments. Then the LSC team will decide how it wants to address the comments received, and then BWSR will do its 90-day review and consider whether the comments were addressed. Comments received during the 60-day period will become part of the official record. Mr. Kinney stressed the importance of adhering to BWSR's Prioritized, Targeted and Measurable (PTM) guidelines, and explained the current draft is a 100-year plan (i.e., it will take 100 years to reach water quality goals in LSC priority lakes and streams). Manager Schmaltz supported the idea of providing comments. Manager Anderson expressed that this is not a watershed-focused plan. She suggested sending a separate letter to BWSR with CLFLWD's recommendations on how to move forward with a more succinct watershed focused plan.

g) Workload Analysis

There was discussion about how Houston Engineering Inc. (HEI) should structure the workload analysis report. Manager Anderson suggested that the District can keep it organized at the higher level of aggregation that HEI has proposed, and then break it out into the levels desired eventually. She reiterated that HEI should look at what can be done in house vs contracted, and District office space needs.

9. Report of Staff

a) Administrator

Mr. Kinney made note of the uptick in board meetings recently as the District works through its plan update and workload analysis. He indicated he has been impressed with staff's ability to adapt to recent challenges. For example, Project Coordinator Blayne Eineichner is doing a lot of coordination to keep the water monitoring program moving forward. Permitting Coordinator Abigail Ernst is doing a good job reviewing items as

part of the permitting program. AIS activities, as noted earlier, are proceeding as planned. Mr. Kinney indicated the District is still making progress on nearly all of its work, at almost the level as would be achieved if staff were working out of the office.

b) Emmons & Olivier Resources

Dr. Funke noted that EOR staff has been working with Mr. Eineichner on the Bone Lake Wetland Restoration Project. There is a lot of coordination going on between staff and EOR on the water monitoring program. At the Shields Lake Stormwater Reuse Project: stream restoration final touchups were completed by the contractor this week, EOR is receiving good feedback from the Forest Hills Golf Club Superintendent on the project, and the irrigation reuse system will start up in May.

c) Smith Partners

Mr. Holtman noted that since the District’s adoption of resolution 20-03-01 in response to COVID-19, the governor has issued additional executive orders to expand and refine the Critical Sectors work that may occur outside of the home. These have not altered the ability of the District to keep doing the tasks it identified in Resolution 20-03-01. Smith Partners is monitoring new executive orders, communicating regularly with Administrator Kinney, and will advise the Board as needed.

10. Report of Treasurer

a) Approval of Bills and Treasurer’s Report

Treasurer Schmaltz reported income for the period of \$4,683.15 and expenditures of \$148,627.19.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$148,627.19. Seconded by Manager Dibble. Upon a roll call vote, the motion carried 5-0.

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

11. Report of Officers and Managers

Manager Anderson reported that the Comfort Lake Association has obtained DNR permits and is preparing to perform its own Eurasian watermilfoil treatments this year. She noted an increase in eagle activity around Comfort Lake recently.

12. Summary and Approval of Board Direction

Board directions were summarized.

- Sunrise River project development: proper reference to and assessment of other project benefits, before and after photos and UAV work, consideration for ditch meandering where possible, incorporation of trees consistent with Wyoming land use plan.
- Monitoring report: Manager Anderson had several comments which she will meet with Dr. Funke to discuss.
- Manager Schmaltz requested the next Progress Report contain a specific listing of permitted best management practices throughout the District.
- Manager Anderson requested a printed copy of the 2019 Progress Report.
- Manager Anderson suggested a separate letter to BWSR to comment on the LSC One Watershed One Plan process.

13. Adjourn

a) Next regular board meeting – December 19, 2020

Manager Anderson moved to adjourn the meeting. Seconded by Manager Spence. Upon roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:40 p.m.

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

Jen Oknich, Secretary _____