

**MINUTES OF THE REGULAR MEETING  
OF THE  
COMFORT LAKE–FOREST LAKE  
WATERSHED DISTRICT  
Thursday, February 25th, 2021**

**1. Call to Order**

President Spence called the February 25th, 2021 regular board meeting to order at 6:30 p.m. by online video conference.

Present: President Jon Spence, Vice President Jackie Anderson, Secretary Jen Oknich.

Absent: Treasurer Steve Schmaltz

Others: Mike Kinney, Emily Heinz, Garrett Miller, Trey Jonas, Blayne Eineichner (CLFLWD staff); Dr. Meghan Funke, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Kevin Schaekel (Permit 20-001 Timber Ridge II).

**2. Setting of Meeting Agenda**

Item 7c - Lower St. Croix One Watershed-One Plan was added to the agenda.

Manager Anderson moved to approve the agenda as amended. Seconded by President Spence. Upon a roll call vote, the motion carried 3-0.

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

**3. Consent Agenda**

- a) **Regular Board Meeting Minutes – January 14, 2021**
- b) **Regular Board Meeting/Workshop Minutes – January 19, 2021**
- c) **Regular Board Meeting Minutes – January 28, 2021**

Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 3-0.

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

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

There were no comments.

#### **5. Citizen Advisory Committee Update**

Planning Coordinator, Emily Heinz, stated the Citizen Advisory Committee (CAC) did not meet in the month of February.

#### **6. New Business**

##### **a) Office Facility ISG Proposal**

District Administrator, Mike Kinney, opened the discussion of professional services as they relate to office facility planning by clarifying that ISG, the consultant whose proposal is presently before the Board, is only one of several consulting firms that do this type of work. Given that the District is not pressed for time on this matter, it might be appropriate for the District to pursue additional quotes from similar firms. Addressing the ISG proposal specifically, Mr. Kinney pointed out two areas of the proposal the Board may wish to specifically discuss: 1) The nature of Task 1 outlined in the ISG proposal lends itself to the possibility of being pursued independently from the rest of the proposal. 2) The Board may wish to consider whether the District would want a firm such as this involved in the process of parcel review and identification.

He continued on to state that there are three options for the Board regarding the ISG proposal: Accept the proposal as-is, accept just Task 1, or provide feedback on the current proposal and direct staff to obtain more proposals from other firms.

Manager Anderson stated that while the ISG proposal is good, it does not include the real estate component which is the first step in the process. She would be in favor of either obtaining more proposals, to see if there is a firm that would be able to include the real estate component, or hiring a local realtor to identify parcels for review by the design consultant.

Manager Anderson inquired about the fee structure detailed in the ISG proposal. While the cost associated with the visioning process is rather straight forward and reasonable, the percentage range given for the rest of the activities in the proposal is a bit unclear and needs to be clarified.

Manager Anderson expressed concern about not utilizing a competitive bid process for this work given the size of the contract. She inquired about the monetary threshold at which the District would be required to obtain bids for this work. Mr. Holtman advised that there is not a bid requirement for professional services, but a competitive request for proposals (RFP) process could still be used for this purpose. Manager Anderson asked if the construction of a building would be considered a project or a service. Mr. Holtman clarified that the contractor responsible for the construction of the building would be subject to selection through a sealed bid process, but the company who designs the building would not.

Manager Oknich expressed her excitement about the project, noting that she is looking forward to this process moving ahead.

President Spence shared that he had a discussion with Mr. Kinney prior to the Board meeting about how the fees detailed in the ISG proposal relate to the District's expectations for the work. He agrees with Manager Anderson's assessment of the ISG proposal and the desire to obtain proposals from other firms.

Manager Anderson suggested that the District obtain client references from ISG for both in-process projects and projects that have been completed in the last two years.

President Spence expressed concern about the additional time an RFP process would take, noting that this is not a process the District would want stretched out over a number of years. Manager Anderson concurred that this is a process the District should move swiftly on and suggested that if the District could get an RFP out quickly, the Board should have more proposals in by early April for review.

Mr. Kinney confirmed that he would work with district Staff and EOR to get the RFP out as soon as possible. He proposed that the Board also consider having several parcels identified that could be presented to the consulting firms for use in presenting initial concepts.

Manager Anderson offered to share her local realtor contact with Mr. Kinney to assist in the initial parcel identification process. The realtor is certified in both residential and commercial property acquisition.

Manager Anderson asked Mr. Kinney to let ISG know that it put together a nice proposal and to ask it to clarify the basis for the fee percentage range listed for Phase 2 in the proposal.

Kevin Schaekel, engineer for permit application 21-001 Timber Ridge II, joined the meeting and was acknowledged by the Board. Mr. Schaekel confirmed that he is there to observe and does not have a matter to bring forward for the Board at this time.

#### **b) 2020 DIY and CAT Monitoring Report & Presentation**

Project Coordinator, Blayne Eineichner, provided an update on the 2020 in-house monitoring efforts.

Mr. Eineichner began the presentation by summarizing two new CLFLWD staff lead programs developed in 2020, the Do-it-Yourself (DIY) diagnostic monitoring program and the Citizen Assisted Tributary (CAT) monitoring program. Both programs use commercially available colorimeters and reagents.

Mr. Eineichner went on to summarize the 2020 DIY and CAT monitoring locations. In total, four subwatershed drainage areas were monitored by these programs in 2020. The DIY program monitored the Heims Lake drainage area along with the Washington Judicial Ditch-6 (WJD6) drainage area. The CAT program monitored the Bone Lake drainage area and the drainage area of Forest Lake's third basin. Approximately 40 monitoring sites were initially identified through GIS; field verification narrowed those sites down to 32. Between 8-13 precipitation events were monitored in each subwatershed which resulted in 244 samples being collected and analyzed.

Mr. Eineichner touched on some of the program limitations as they relate to the importance of properly timing grab sample collection and the measurement of phosphorus having been limited to orthophosphate rather than total phosphorus.

Mr. Eineichner summarized the results of each subwatershed.

- Heims Lake: This drainage area had a total of 8 sampling events. All water samples collected had orthophosphate levels less than 0.35 mg/L which is slightly elevated over the natural background levels. No one monitoring location had a sustained elevated level over the entire monitoring period. These data indicate that there is no one main source of orthophosphate entering into the subwatershed but rather a dispersed contribution of orthophosphate. When comparing the DIY program data with those collected by EOR at the same location the results indicate some offset between the data sets with the EOR data coming in around 0.06mg/L lower with more variability being introduced as the drainage area dried out later in the season.
- Washington Judicial Ditch-6 (WJD-6): This drainage area had a total of 9 sampling events. The majority of water samples collected had orthophosphate levels less than 0.4 mg/L. Out of the 61 water samples collected in this area, 12 samples had elevated levels between 0.4 mg/L and 0.8 mg/L. Locations G, L, and M had the highest average concentrations indicating they are potential sources of orthophosphate loading in the subwatershed. While site L exhibited elevated levels, it is unlikely to be a primary source of orthophosphate loading to the subwatershed due to relatively low flow. Site G and M both exhibited elevated levels of orthophosphate and the flow necessary to consistently move this load downstream. These results are corroborated by the EOR WJD-6 Assessment and Feasibility Study. When comparing the DIY program data with those collected by EOR at the same locations, the results again indicate some offset with the EOR data coming in a bit lower than the DIY data. However, the overall results are fairly consistent with some variability being introduced in areas that dried out toward the end of the season.
- Bone Lake: This drainage area had a total of 13 sampling events. The majority of the water samples collected in this area had orthophosphate levels less than 0.4 mg/L. Of the 83 samples collected, 22 samples had elevated levels greater than 0.4 mg/L. Locations 1.5 and 6 are likely loading sources for the watershed. These two sites exhibited consistent flow throughout the season and the samples collected came in with the highest average orthophosphate concentrations. These results are corroborated by both EOR's 2015 Diagnostic Study and their 2020

Diagnostic Monitoring efforts which identified the same areas as likely loading sources. When comparing the CAT program data with those collected by EOR at the same locations, the results were fairly consistent especially after removing a couple of outliers.

- Forest Lake (3rd Basin): This drainage area had a total of 7 sampling events. The majority of the water samples collected in this area had orthophosphate levels less than 0.5 mg/L. Of the 40 samples collected, 11 samples had elevated levels greater than 0.5 mg/L. Sites 3a and 6 had the highest average concentrations coming at 1.23 mg/L and 0.88 mg/L indicating that they may be sources of loading to the subwatershed. However, both sources dried out completely toward the middle of the sampling season suggesting that there may not be enough flow to transport the orthophosphate downstream during the majority of the year. The sample collected on July 27<sup>th</sup> at Site 3a exhibited a very high orthophosphate concentration of 3.3 mg/L. This concentration is likely due to the water sample having contained bottom sediments as a result of the low flow. The data indicate the most likely source of orthophosphate in the subwatershed to be site 5. While site 5 had a lower average concentration than site 3a, it exhibited consistent flow throughout the season. These results are corroborated by EOR's 2018 Forest Lake Diagnostic Study and Implementation Plan Update. When comparing the CAT program data with those collected by EOR at the same locations, the results exhibited some variability.

Mr. Eineichner wrapped up the presentation by stating that while the DIY and CAT programs are great low-cost screening tools for identifying areas for additional monitoring, they are currently unable to replace traditional diagnostic monitoring. Timing, equipment, and experience are all variables that can result in discrepancies in the data, and the lack of flow data is a big hurdle for these programs. Future program improvements include tightening the monitoring protocol, improving staff and volunteer training, increasing public outreach, including flow monitoring, and completing an additional evaluation of the equipment. In 2021 staff plan to use the DIY program to monitor the tributaries and inputs of the Sunrise River between Forest Lake and Comfort Lake, further evaluate the equipment, and explore the correlations between orthophosphate and total phosphorus. The CAT program in 2021 will focus on the third and second basins of Forest Lake and improving volunteer outreach and training.

In response to a question posed by President Spence, Mr. Eineichner confirmed that the EOR data compared against the DIY/CAT data was also for orthophosphate, though EOR also tested their samples for total phosphorus and total suspended solids.

Manager Anderson expressed her satisfaction with 2020 DIY and CAT Monitoring Report, stating that the first few paragraphs were an excellent summary of the District's monitoring efforts. President Spence concurred.

Manager Anderson stated that she has a few questions related to the report but would save them for discussion when the 2021 monitoring plan is brought before the Board.

Manager Anderson moved to accept the 2020 DIY and CAT Monitoring Report. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 3-0.

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

(Mr. Holtman departed the meeting at this time.)

## 7. Old Business

### a) Watershed Management Plan Update

Planning Coordinator, Emily Heinz, directed the Board’s attention to the proposed 60-day draft Watershed Management Plan. She noted that are still a few features of the Plan that staff will work on during the 60-day review period to be incorporated in the next draft including the detailed historic timeline.

Manager Anderson stated that she believes the Plan to be in good shape for this initial public comment period. President Spence concurred.

President Spence moved to approve the draft Watershed Management Plan and direct staff to submit the draft for the 60-day review period. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 3-0.

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

Ms. Heinz summarized the upcoming timeline of events related to the plan update stating that the 60-day public comment period will officially commence on Monday, March 1<sup>st</sup> and conclude on Friday, April 30<sup>th</sup>. Staff recommends that the Board tentatively schedule a workshop for May 18<sup>th</sup> to review the comments received and the proposed responses. Staff are currently proposing June 10<sup>th</sup> for the public hearing.

Manager Anderson requested a demonstration of the interactive timeline be brought before the Board at a future meeting. She also noted that the diagnostic studies for Comfort Lake and Little Comfort Lake are listed in the draft plan as having been completed in 2020, however the Board has yet to receive those documents and as such they should be listed as having been completed in 2021.

**b) Watercraft Inspection Program Joint Powers Agreement Revision**

Watershed Assistant, Garrett Miller, reminded the Board that this item was approved at the January 28, 2021 regular board meeting. Since that time Chisago County has requested to include some additional language in the Joint Powers Agreement (JPA) to formalize the County’s monetary contribution to the District’s Watercraft Inspection Program and its commitment to providing 250 hours of watercraft inspections on Comfort Lake using the JPA funds.

Manager Anderson moved to re-approve the joint powers agreement between Chisago County and the Comfort Lake-Forest Lake Watershed District, which includes the aforementioned changes. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 3-0.

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

**c) Lower St. Croix One Watershed-One Plan (LSC 1W1P)**

Manager Anderson informed the Board that the District’s LSC 1W1P workgroup has been in communication in preparation for a resolution to approve or not approve the Lower St. Croix Watershed Based Implementation Funding (WBIF) grant work plan. She noted that the Board of Water and Soil Resources (BWSR) has approved additional capacity funds for Soil and Water Conservation Districts (SWCD). There have been no details provided on how that funding may impact BWSR’s other funding programs such as the Clean Water Fund. She suggested the Board further discuss the topic when Manager Schmaltz is back at the first regular board meeting in March.

Mr. Kinney turned the discussion over to Ms. Heinz to provide a summary of the latest LSC 1W1P Planning Team meeting. Ms. Heinz reminded the Board that the Policy Committee approved the first draft work plan in late January; the CLFLWD provided some initial comments but has not approved the work plan. The Planning Team has since sent that initial work plan to BWSR for review and received comments. BWSR’s comments and those of other entities have been incorporated into a second draft of the work plan that has been sent back out to the Planning Team. Many of the committees and subcommittees listed in the work plan either do not have a designated lead, or are assigned to the Chisago SWCD. The current plan is to have lead agencies for the committees and subcommittees to be identified by the March 8<sup>th</sup> Steering Committee meeting.

Mr. Kinney expressed frustration with the Planning Committee's continued rejection of establishing metrics that are meaningful from a water quality standpoint. He stated that it is difficult to stand by and watch the District's suggestions continue to be rejected especially given the extent to which the CLFLWD has pursued a program of cost-benefit and efficiency with taxpayer dollars.

Mr. Kinney asked for direction from the Board regarding his continued involvement in the LSC 1W1P. Given the partners' lack of reception to his input over the course of the past two years, Mr. Kinney stated that he believes his time would be more fruitful focusing on the growth of the District's agriculture program instead of participating in continued LSC 1W1P committee discussion. Manager Anderson expressed her support for this suggestion.

Manager Anderson inquired about the selection process for the projects currently listed in the work plan. Were they run through the matrix process for acceptability? Mr. Kinney clarified that the project selection process has not yet been completed which is problematic given the fact that hiring will occur before the workload is finalized.

Manager Anderson directed the Board's attention to resolution 18-02-02, specifically the last two paragraphs on page one, which convey the District's commitment to holding the LSC 1W1P process accountable to utilizing sound, watershed-based diagnostic assessments to identify, sequence, and prioritize projects by both pollutant reduction outcome and cost-effectiveness. She noted that District's LSC 1W1P representatives will be bringing forward two potential resolutions, one approving and one not approving the WBIF grant work plan, to the March 11<sup>th</sup> regular board meeting.

Mr. Kinney clarified that the Board has already approved the LSC 1W1P Comprehensive Watershed Management Plan (CWMP); the upcoming resolution is for approval of the WBIF grant work plan (which is a portion of the implementation plan). Manager Anderson added that the Board approved the LSC 1W1P CWMP due to the inclusion of the adaptive management philosophy, but what we're seeing now in this first work plan period is that the tools and philosophies included in the approved CWMP are not being utilized.

## **8. Report of Staff**

### **a) Administrator**

Mr. Kinney highlighted a couple of projects that are moving forward including the DCB wetland, WJD-6 Iron Enhanced Sand Filter, and the completion of the Forest Lake Outlet Fish Barrier. He noted that staff will likely be bringing something forward on the land component of the Sunrise River Project for direction in regards to outreach to adjacent properties.

Manager Anderson inquired about the status of a concept drawing for the nature park on the tax forfeit property. Mr. Kinney explained that he has not yet given EOR direction

to move forward with developing the concept due to a number of unknowns related to the scale of the project. Manager Anderson stated that a concept drawing would be highly beneficial for outreach purposes.

Mr. Kinney stated that staff held their coordination meetings with Scandia and Wyoming. Staff have also met with the City of Forest Lake regarding the downtown study and the regional stormwater pond as it relates to Broadway Avenue. Staff have requested the City of Forest Lake look into the drainage area to the west of Highway 35 as the next topic of evaluation and consider what the City's vision is for that area.

Mr. Kinney informed the Board that Permitting Coordinator, Abigail Ernst, has taken a position with another watershed district. He expressed thanks to Ms. Ernst for her work at the District over the past year.

Manager Anderson had several comments related to the Administrator's report. She suggested that the District provide its technical input to the City of Scandia regarding the setback variance requested for a property on Sea Lake. She expressed support for increased promotion of the plant grant and cost-share programs, and encouraged staff to review the DNR's prioritization program for lake work. Manager Anderson also asked that the Board be provided with a memo style report for all city coordination meetings attended by staff and requested additional information on the Comfort Lake restoration grant.

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

Dr. Meghan Funke provided an update on the Clean Water Fund grant projects. She reminded the Board that the District received two fiscal year 2020 grants: Tax Forfeit Wetland Restoration and County Road-50 Iron Enhanced Sand Filter. The Tax Forfeit project is on hold until the land ownership transition for the adjacent property is resolved; in the meantime, Mr. Eineichner and Mr. Kinney have been moving forward with a site for the County Road-50 project. The workplans for the fiscal year 2021 grants are due to be submitted to BWSR soon. These grants include the Little Comfort Lake Implementation project and the Bone Lake NE Wetland Restoration project.

Dr. Funke noted that the 2021 monitoring plan is scheduled to come before the Board at the March 11<sup>th</sup> board meeting. She also noted that there is still time for Managers to provide comment on the 2020 monitoring report as the final data have not yet been received from the Metropolitan Council. Manager Anderson inquired about what work the Metropolitan Council is still completing in regard to the data for the Water Monitoring Report. Dr. Funke stated that there was an error in the way the full range of significant digits was reported, which the Metropolitan Council is working to correct.

President Spence commented that the Forest Lake Outlet Fish Barrier project has been completed which has been a long time coming.

## 9. Report of Treasurer

### a) Approval of Bills and Treasurer's Report

President Spence stated the District had income of \$102,086.94 for the month of February. The month's expenses total \$194,896.89. President Spence asked the Board to approve payment of monthly expenses.

Manager Anderson moved to accept the Treasurer's Report and pay the bills in the amount of \$194,897. Seconded by Manager Oknich. Upon a roll call vote, the motion carried 3-0.

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

## 10. Report of Officers and Managers

Manager Anderson shared information regarding an interesting PBS special that focused on the natural reclamation processes implemented along the Danube River. She informed staff that the City of Wyoming will soon be publishing its 10-year plan for agency review. Within that plan there is a map of the township from 1888 that refers to the Sunrise River as the "South Branch of the Sunrise River". She suggested that staff and EOR review the map and consider adding it to the 2021 Watershed Management Plan if there is room. Lastly, Manager Anderson asked that managers and staff consider how the District's community grant program may be used by lake associations to control aquatic invasive species.

## 11. Summary and Approval of Board Direction

Directives from the meeting were summarized:

1. Clarify percentage cost basis for contract with ISG
2. Post RFP for building services and start identifying parcels by late March/early April. Manager Anderson will send realtor info to Mike Kinney
3. Send Little Comfort Lake water quality project materials to Manager Anderson
4. Board and staff provide input on eligibility of lake associations utilizing funds from the District's community grant program for AIS treatments
5. Provide demo of GIS timeline to the Board sometime during the WMP 60-day review period
6. Look into the water quality impact of City of Scandia Sea Lake variance
7. Look into prioritization program discussed in the Midwest Glacial Lakes Partnership Lake Conservation Webinar

## 12. Administrator Performance Review

By unanimous consent, the Board agreed to convene in closed session to complete the Administrator's performance review.

The Board reconvened in open session. President Spence summarized the closed session: The Comfort Lake-Forest Lake Watershed District Administrator's performance has been reviewed and discussed by the Board and the Administrator in closed session. The Board finds the Administrator's performance has reached our standard of 'excellent', our highest rating and we have taken salary actions to commensurate with his high level of achievement over the March 1, 2019 – March 1, 2021 period. The Administrator has accepted our performance review and salary action recommendations. The review committee will proceed with informing the CLFLWD Accountant of the change in salary and the necessary retroactive salary actions for the Administrator.

## 13. Adjourn

Manager Oknich moved to adjourn the meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 3-0, and the meeting was adjourned.

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

### a) Next regular board meeting – March 11, 2021

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