

**MINUTES OF THE REGULAR MEETING OF THE
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT
Thursday, April 28, 2022**

1. Call to Order

President Schmaltz called the April 28, 2022, regular board meeting to order at 6:30 p.m. via online video conference.

Present: President Steve Schmaltz, Vice President Christopher Loth, Secretary Dave Bakke, Treasurer Jackie Anderson, Assistant Treasurer Douglas Toavs.

Absent: None.

Others: Mike Kinney, Administrator; Bobbie Law, Office Manager; Blayne Eineichner, Project Coordinator; Jessica Lindemyer, Operations and Outreach Specialist; Garrett Miller, Watershed Assistant; Aidan Read, Land Management Specialist; Mike Sandager, Technician; Emily Heinz, Planning Coordinator (CLFLWD staff); Greg Graske, Kyle Crawford, Cecilio Olivier (Emmons & Olivier Resources); Chuck Holtman (Smith Partners); Ted Hansen (CAC Member); Scot Doboszenski (District resident).

2. Setting of Meeting Agenda

Manager Anderson moved to approve the agenda as presented. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

3. Consent Agenda

- a) **Regular Board Meeting Minutes – March 10, 2022**
- b) **Regular Board Meeting Minutes – March 24, 2022**

Manager Toavs moved to approve the consent agenda as presented. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

4. Public Open Forum

There were no comments.

5. Public Hearing: CR50 Iron Enhanced Sand Filter

Manager Schmaltz opened the public hearing. Mr. Kinney introduced Emmons and Oliver Resources (EOR) engineer Kyle Crawford to present project information. He noted that Board action on a resolution to order the project would be a separate agenda item.

Mr. Crawford gave a brief overview and presentation covering the Clean Water Fund grant awarded for the project, project location, planned design concepts, the diversion of the Washington Judicial Ditch (WJD) 6 flows, subsequent drainage capacity of the ditch, project construction cost, phosphorus reduction, water quality benefits, utilities, and a proposed project schedule.

Scot Doboszanski, a resident within the WJD-6 subwatershed, asked about the drainage capacity and wondered how the historic drain tile would be impacted by the project. He noted that residents have experienced sinkholes in the area. Mr. Crawford explained that the project would not impact the drainage capacity of the ditch. He noted that the pumps would shut off at low water and not fully dewater the ditch. Mr. Doboszanski asked if when the water is being pumped it will be moving faster than it otherwise would. He explained that he has concerns about structures located on his property near the old drain tile and sink holes.

Mr. Kinney explained that District staff has been working diligently to understand the drainage system. He mentioned that there have been several site visits to investigate the drain tile and sinkholes on Mr. Doboszanski's property. Mr. Crawford explained that the drain tile was scoped but they were not able to view the entire system. Mr. Eineichner added that it is in poor condition. Mr. Crawford responded to Mr. Doboszanski that any upstream impacts on water flow velocity in the channel or movement of sediments would be minor.

President Schmaltz called for any further comments and/or questions. Seeing none, he closed the public hearing.

6. Citizen Advisory Committee Update

Mr. Read provided the minutes of the April CAC meeting and explained that the Board requested he discuss the possibility of the state of the watershed event with the Citizen Advisory Committee (CAC). He noted that the CAC is very much in favor of holding this event and requested it happen during a time when it is safe to hold such an event in person.

Mr. Kinney added that he attended the previous CAC meeting. He noted that the District has recruited another possible member. He recommended that a state of the watershed event be held sometime in the summer of 2022. Mr. Kinney explained that he will direct staff to start planning such an event.

President Schmaltz noted the low attendance at public meetings. He explained that the Forest Lake Lake Association annual meeting has multiple attendees that attended virtually. He stated that this should also be considered as an option for the state of the watershed event.

7. Aquatic Invasive Species Update

Mr. Miller gave an aquatic invasive species update. He covered multiple topics including:

- Aerator shut off for the season
- Curly-leaf pondweed surveys on District lakes
- Shields Lake carp removal for 2022
- Watercraft inspection program incentives and hiring

Manager Toavs asked for an update on a Moody Lake fish survey. Mr. Miller explained that it seems that the Hinckley Area Fisheries Department that does such things may be short-staffed as they continue to tell him things like “we will get to it” and “it is on our to-do list”.

Manager Bakke asked if more than two turf talk sessions would be occurring. Mr. Kinney explained that two are scheduled as of now.

8. New Business

a) Permit 22-006 Detail Shop Parking Lot Improvements

Mr. Graska gave an overview of the project focusing on the site plans. He noted the location near the Forest Lake Target store. He explained that the application is for an after-the-fact permit. Mr. Graska described how the parking lot was gravel and was paved and expanded without proper District and City of Forest Lake approvals. Mr. Graska noted that they will need stormwater treatment on-site and the options are limited. He recommended approval with the conditions outlined in the engineer’s report.

Manager Anderson asked where wastewater would go due to the nature of a detailing facility using water and chemicals. She noted the water cannot be drained out to the stormwater system or ditch. She noted that her concerns are based on the fact the project was not permitted to begin with, and this might show a lack of concern to follow other protocols and laws. She recommended a stipulation of the permit be added to confirm the treatment of wastewater coming from and out of this site.

Manager Anderson moved to approve permit application #22-006 with conditions and stipulations stated in the engineer’s memorandum and with an additional stipulation confirming no discharge of wastewater into the stormsewer system. Seconded by Manager Bakke.

Manager Bakke asked if there are penalties for failing to obtain a permit before doing the work. Mr. Graska explained that there are no penalties although the permittee likely

incurs extra costs for not getting a permit to begin with. Mr. Graske explained that he would defer to legal counsel regarding after-the-fact permit penalties. Mr. Holtman explained that watershed districts do not have statutory authority to impose penalties and only have the authority to charge for costs actually incurred. Mr. Holtman further clarified that the discharge of wastewater into the storm sewer system would be illegal and the City of Forest Lake, under its MS4 permit, would be obligated to have provisions to enforce against such acts. He noted that staff should coordinate with City staff on this matter. Mr. Graske confirmed he would be meeting with the City of Forest Lake to discuss the matter. Manager Schmaltz noted a possible involvement of the MPCA is wastewater treatment and detailing chemicals as well. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Manager Loth asked if the contractor that did the re-surfacing is a local one. He wondered if there is anything staff can do to help contractors inform clients that permits are needed. Mr. Kinney explained that this is a common problem incurred by all watershed districts. Manager Bakke asked how District staff come upon these issues. Mr. Graske explained that this specific project had incurred a wetland violation. Mr. Kinney noted that permitting staff is regularly instructed to check with local government units (LGUs) to ensure projects are permitted, in order to ensure a successful project.

b) 2021 Audit Report & Presentation

Mr. Kinney explained that the audit report has been completed. Justin Nilson, of Abdo, Eick & Meyers, LLP (AEM), submitted a pre-recorded audit presentation that was played during the meeting. He covered many items including:

- Audit results
- Financial report for general fund balance
- General fund budget vs. actuals
- Program and Project implementation budget vs. actuals
- Audit team

Mr. Nilson advised that AEM was able to deliver an unmodified, clean opinion with no internal control audit findings.

Manager Bakke asked what policies and procedures are in place to ensure the District meets accounts payable requirements. Mr. Kinney explained that the District is obligated to pay bills within 35 days. He noted that staff receive invoices and create an accounts payable list that is shared with the District accountant to create a financial report. He noted that audit staff request invoices and receipts to confirm timely payment

during their annual audit. He explained that these are randomly selected by the auditors for review.

Manager Bakke asked who signs the checks and who oversees the process. Mr. Kinney explained that the checks are typically signed by the president and the treasurer.

Manager Anderson moved to accept the AEM-prepared Management Letter and Annual Financial Report of the Comfort Lake Forest-Lake Watershed District for the year ended December 31, 2021 and direct staff to forward to the State of MN as required. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

c) Forest Lake Curly-Leaf Pondweed Treatment Contract

Mr. Kinney explained that since the dollar amount for this contract exceeds his authority, he is bringing it to the Board for authorization. He noted that Mr. Miller is available to answer any questions.

Manager Anderson moved to authorize the Administrator to enter into a contract with Lake Management Inc. for treatment of curly-leaf pondweed on Forest Lake in an amount not to exceed \$35,000. Seconded by Manager Schmaltz.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

d) CR 50 Iron Enhanced Sand Filter Project Ordering & Final Design Authorization and Washington Judicial Ditch 6 Diversion Petition

Manager Anderson requested information on the funding breakdown for the project. She noted that a dollar amount is not listed under the 319 grant item. Mr. Kinney explained that the awarding of the grant was recently released to staff and the amount applied to this project would be released in the fall. The 319 grant would be for roughly \$292,000 to be spent on eligible work as needed. Ms. Heinz explained that another installment would not be available for another four years.

Manager Schmaltz brought up the possibility of vandalism with equipment being located close to accessible areas. Mr. Crawford explained that the pump station will be 50 feet from the road and will be underground, with only an access trap visible. He recommended padlocks be installed on the trap and the control box.

Manager Anderson moved to adopt resolution 22-04-02. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Manager Anderson moved to authorize the administrator on advice of counsel to enter into an agreement with EOR in accordance with the 4-21-22 scope of work and in an amount not to exceed \$104,928. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

(Mr. Holtman departed the meeting.)

e) Bone Lake to Little Comfort Lake BBSLC Channel Investigation Scope

Mr. Kinney explained that the District has a Clean Water Fund grant, awarded based on previous diagnostic monitoring, that includes a portion of the Bone to Little Comfort drainage area. He noted that staff contacted Inter-Fluve, based on previous positive experience, to solicit a scope of work. He explained that they would be assessing the condition of the stream channel and developing two restoration concepts to bring back to the Board.

Manager Anderson asked why a section of the project would not be focused on as heavily as others. She explained that it may be easier to have work completed while a team is out rather than having them come out a second time. Mr. Kinney noted that the area that is inputting sediment is highly incised and altered which is why the focus would be on that area. Manager Anderson explained that staff should examine the man-made sections in the system. Mr. Eineichner explained that water quality monitoring data have identified the lower reach as the source of nutrient and total suspended solids and as such, this area is the focus of the assessment. He further explained that there may be

some phosphorus load reduction projects in the works currently in the areas where this study will not be as thorough.

Manager Bakke asked for confirmation that the Board will be approving a survey of the area and not a set project. Mr. Eineichner explained that it would be a full assessment from Bone Lake down to Little Comfort Lake and more thorough survey from Bone to School Lake. He noted that it will include drone assessments, field assessments, surveying of road crossings, and physical habitat surveys. Manager Bakke asked why this is being done. Mr. Eineichner explained that water quality monitoring data indicate increased phosphorus and total suspended solids loading from the wetland complex between School Lake and Itasca Avenue. He explained that this assessment is to identify possible solutions to improve the water quality. Manager Bakke mentioned drought conditions and their impact on Bone Lake water levels in the previous years. He inquired if projects on this stream channel might impact Bone Lake. Staff confirmed that they would not affect water levels as they would be far enough downstream and much lower in elevation. Mr. Kinney gave an overview of the design of water level controls on Bone Lake.

Manager Anderson explained how connected lake systems can affect each other. She noted agricultural pressure upstream affecting downstream lakes. She noted it is never the District's intention when improving a waterbody simply to move the problem to another location.

Managers discussed diagnostic study processes. Manager Schmaltz asked staff to better quantify goals to spend dollars wisely.

Manager Anderson explained that there have been multiple studies completed that point to the contribution of pollutants from Little Comfort to Big Comfort and the Sunrise River. She noted that the most recent one was on Heath Avenue. She explained that this area is on the impaired waters list. She clarified that there are indicators for issues in this area.

Mr. Kinney described that the pollutant reduction goals for the area are estimated at ~60 pounds of phosphorus per year. He noted the legacy load from historic agriculture and the alteration of the wetland and stream network in this area. He apologized for not including load reduction goals in the memo.

Manager Bakke explained this is a survey to collect more data. He noted that this work makes sense to him.

Manager Anderson moved to authorize the administrator, on advice of counsel, to enter into an agreement with Inter-Fluve in accordance with the 4-15-2022 scope of work and authorize Tasks 1 - 5 of said scope of work in an amount not to exceed \$30,000. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
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Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

9. Old Business

a) 2021 Year in Review, Annual Report, Progress Report

Mr. Kinney stated that Ms. Heinz is available to take any questions.

Manager Anderson moved to approve the 2021 Year-in-Review, Annual Report and Progress Report. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Manager Bakke explained that he thinks these reports are a great educational tool and thanked the staff for their work creating the documents.

b) Public Relations & Communications Plan

Mr. Kinney stated that Ms. Lindemyer was available to answer any questions from the Board. He explained that the request for proposals did not produce the outcome staff hoped for; because of this, District staff has created an updated recommendation to move forward.

Manager Anderson explained that she agrees with the recommendation, but it is disappointing there were limited responses. She explained that a plan still needs to be created and this would be a good way to go. She noted that she has a background in this topic and offered assistance if needed. Manger Toavs agreed that the recommendation provided is a good one.

Manager Bakke asked for feedback and ideas regarding the item. Ms. Lindemyer summarized her efforts in reviewing other watershed districts’ public relations and communications plans. She noted that they are much more robust and could be utilized to update the District’s plan. She noted the importance of learning and understanding what others have done to build the basis of where we want to go. She explained that staff would bring in a professional later to assist in specific areas of plan development once gaps have been identified. She noted that she thinks the plan can be completed

largely in-house and be ready to be implemented in 2023. Manager Bakke noted his support.

Manager Schmaltz noted the importance of outside assistance.

Managers agreed by consensus to have District staff update the Public Relations & Communications plan to begin with in-house efforts and bring in consultant support once specific gaps have been identified.

Manager Loth asked about the planning process regarding the budget. Ms. Lindemyer explained that the District did not include a budget in the request for proposals as the project was not included in the 2022 budget. When discussing with other watersheds she learned that they did include a budget “not to exceed” amount in their requests for proposals. Ms. Lindemyer explained that the districts she spoke with each spent around \$50,000-\$60,000 on the process and have more staff capacity compared to the District. She explained that despite the fact that the District has a smaller staff it has multiple goals already outlined for the program and the materials that others have developed can be utilized as a starting point rather than starting from scratch. She noted that external assistance will likely be sought out to obtain demographics data and shareholder input that is specific to the District. Manager Loth asked why, with less staff, would the District be relying less on outside assistance than other districts that have larger in-house staff. Ms. Lindemyer explained that by utilizing what has already been developed in the Watershed Management Plan in combination with the framework developed by other watershed districts, staff will have a solid foundation from which to build the plan and will not be starting from scratch as some other districts had. Managers discussed the process going forward to identify gaps and the need for consultants and outside sources.

Mr. Kinney noted that he hopes to have additional staff hired soon. He explained that the individual being considered would have the skills to assist with this effort. He explained that this approach of assessing what others do first is an approach that has been a strategy used in the past by District staff. He noted how engineers and consultants work with multiple districts at the same time.

Manager Loth asked for examples of watershed district collaboration in the past. Ms. Lindemyer explained that the creation of the COVID-19 Preparedness Plan was a large group effort where multiple watersheds worked together to create cohesive plans. She noted that many staff members participate in collaborative groups with other watershed districts to share resources and planning efforts. She highlighted the permitting program as a prime example of this collaborative effort. Mr. Kinney added that the administrators also have a SharePoint site to share documents easily.

Manager Anderson added that watersheds throughout the state work to collaborate.

c) 2022 Shields Lake Carp Removal and Budget Transfer

Mr. Kinney explained that the price option to cancel a second removal effort makes the proposal attractive.

Manager Loth asked for some examples of the difference in efforts to remove carp being done in the spring vs. the fall. Mr. Kinney explained that the temperature is a major factor, and their preferred movement temperature is between 60-65 degrees which could be spring or fall. He noted that he hopes for more success this round compared to previous efforts.

Proposed Motion: Manager Loth moved to authorize the budget transfer of \$3,000 from the “(Forest) AIS Management” line item to the “(Shield) Common Carp Management” line item. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Manager Toavs moved to authorize the Administrator, on advice of counsel, to enter into an agreement with WSB for the removal of common carp on Shields Lake as described in its 2022 proposal. Seconded by Manager Loth. Upon a roll call vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

10. Report of Staff

a) Administrator

Mr. Kinney explained that he recently met with the executive director for the Outdoor Heritage Fund. He explained that they discussed District goals and the progress report. He explained the pool of grant funds offered through the Outdoor Heritage Fund. He explained that it was a very good meeting.

Manager Anderson asked about a mention of Metropolitan Council in the administrator’s report regarding an optional survey; she asked if staff had completed that survey. Mr. Kinney confirmed that District staff did complete the survey. She asked him to give an overview of the Metropolitan Council program. Mr. Kinney explained

that it has not distributed a survey like this in many years. He was not sure of the reasoning behind the efforts other than informing staff for funding purposes.

b) Emmons & Olivier Resources

Mr. Graske gave an update on the multiple projects going on. He mentioned he plans to meet with the City of Forest Lake to discuss multiple projects on April 29th. He highlighted the Forest Lake inlet study and explained that sediment cores have been collected for Forest Lake as a part of this project.

Manager Schmaltz asked, in terms of removal of dumping, would it be helpful if the lake associations communicated their support for the effort to the City of Forest Lake. Mr. Graske explained that he believes the City is in support pending the dollar amount of the effort, which already is over budget. He noted that staff will explore different avenues to get the work completed.

11. Report of Treasurer

a) Approval of Bills and Treasurer’s Report

Treasurer Anderson reported income for the period of \$7,001.36 and expenses in the amount of \$194,485.51. She noted that the accounts have enough to operate until the tax levy proceeds come to the District in July.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$194,485.51. Seconded by Manager Schmaltz. Upon vote, the motion carried 5-0.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Managers discussed the location of the District’s storage unit and District printing.

Manager Anderson explained that she has been working with the District accountant to reformat the treasurer’s report and will include Ted Hansen, a CAC member, in this process. She explained that the new format should be much easier to follow.

12. Report of Officers and Managers

Manager Anderson: Reported that the Comfort Lakes Association did receive an all-lake permit to treat Eurasian watermilfoil and will be meeting with District staff to discuss the planned treatment.

Manager Loth: Reported that Administrator Kinney was present at the Forest Lake Lake Association annual meeting. He thanked him for speaking there. He explained that there was good content shared at the meeting.

Manager Toavs: Reported that Mr. Eineichner was at the Chisago Lake Township meeting and did an excellent job presenting on the behalf of the District.

Manager Bakke: Reported ice out on Bone Lake.

13. Summary and Approval of Board Direction

A summary of the Board direction was presented as listed:

- Emmons and Olivier Resources staff will investigate how wastewater is handled for permit number 22-006 and discuss this topic with the City of Forest Lake

14. Adjourn

a) Next regular board meeting – May 12, 2022

Manager Anderson moved to adjourn the meeting. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:35 p.m.

Manager	Aye	Nay	Absent	Abstain
Stephen Schmaltz	X			
Christopher Loth	X			
Dave Bakke	X			
Jackie Anderson	X			
Doug Toavs	X			

Dave Bakke, Secretary _____