

1 **DRAFT MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, January 26, 2023**

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5 **1. Call to Order**

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7 President Schmaltz called the January 26th, 2023, regular board meeting to order at 6:31
8 p.m. via online video conference.

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10 **Managers Present:**

11 Steve Schmaltz, President
12 Christopher Loth, Vice President
13 Dave Bakke, Secretary
14 Jackie Anderson, Treasurer
15 Douglas Toavs, Assistant Treasurer

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17 **Absent:**

18 None

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20 **Staff Present:**

21 Mike Kinney, Administrator
22 Bobbie Law, Office Manager
23 Jessica Lindemyer, Operations and Outreach Specialist
24 Emily Heinz, Planning Coordinator
25 Garrett Miller, Aquatic Invasive Species Coordinator
26 Aidan Read, Land Management Specialist
27 Beth Carreño, Senior Program Manager

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29 **Others Present:**

30 Greg Grasko, Emmons & Olivier Resources
31 Cecilio Olivier, Emmons & Olivier Resources
32 Chuck Holtman, Smith Partners
33 Steve McComas, Blue Water Science

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35 **2. Setting of Meeting Agenda**

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37 Managers discussed amending the agenda to move agenda item 8b to start after item 6b in
38 order to allow Mr. McComas to answer questions on the Eurasian watermilfoil topic.

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

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Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs			X	

Jackie Anderson	X			
Stephen Schmaltz	X			

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3. Consent Agenda

a) Special Board Meeting Minutes – December 5, 2022

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

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

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4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

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Mr. Read gave an overview of the Citizen Advisory Committee’s (CAC) January meeting including the the group’s goal setting for 2023 which included an emphasis on recruitment and membership.

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Managers discussed the rotating board attendance schedule for the CAC meetings in 2023. Mr. Read confirmed that a link was sent out to schedule attendance, and he will resend. He noted that the managers may also email or call with their availability to attend.

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a) Committee appointments

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Mr. Read recommended the reappointment of all six current CAC members.

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Manager Anderson moved to reappoint the existing six CAC members Tom Furey, Jerry Grundtner, Randy Schumacher, Curt Sparks, Ted Hansen, and Geneva Kubal, to serve as the District’s Citizen Advisory Committee for 2023. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 4-0.

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

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75 **6. Aquatic Invasive Species Update**

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77 **a) 2022 Yearend Reports**

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79 Mr. Miller noted that the 2022 yearend reports were made available to the Board for
80 review in December of 2022. He also noted that the associated presentations had been
81 uploaded to YouTube for managers to review. He recommended approval and
82 acceptance of the reports.

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84 Manager Bakke moved to approve the AIS Program Summary and Watercraft
85 Inspection Report. Seconded by Manager Schmaltz. Upon a roll call vote, the motion
86 carried 4-0.
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Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs			X	
Jackie Anderson	X			
Stephen Schmaltz	X			

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89 (Manager Toavs joined the meeting at 6:45 p.m.).

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91 Mr. McComas gave a presentation covering multiple topics including:

- 92 • Bone Lake
 - 93 ○ Curly-leaf pondweed and Eurasian watermilfoil delineation and
 - 94 assessments
 - 95 ○ Zebra mussel and Starry stonewort search
- 96 • Comfort Lake
 - 97 ○ Curly-leaf pondweed and Eurasian watermilfoil delineation and
 - 98 assessments
 - 99 ○ Point intercept survey
- 100 • Moody Lake
 - 101 ○ Curly-leaf pondweed point intercept surveys
- 102 • Shields Lake
 - 103 ○ Curly-leaf pondweed point intercept surveys
- 104 • Forest Lake
 - 105 ○ Curly-leaf pondweed and Eurasian watermilfoil delineations and
 - 106 assessments
 - 107 ○ Flowering rush delineation and assessment

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109 Managers discussed zebra mussels on Comfort Lake. Mr. McComas stated that the
110 population is not abundant in Comfort Lake. He noted that they are low-density and may
111 not be doing well in Comfort Lake. Mr. Miller explained that zebra mussel plate results
112 from 2022 will be coming soon. Manager Anderson asked how many volunteers he
113 would like on Comfort Lake to put out zebra plates. It was determined that a minimum
114 of four well-distributed plates would be best.

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Managers discussed the cleaning process for plates, and whether this affects the effectiveness of the plates in representing the presence of zebra mussels. President Schmaltz suggested placing new and cleaned plates next to each other to observe. Mr. Miller confirmed that detergent is not used when cleaning plates.

Mr. Miller will reach out shortly to the lake associations to recruit volunteers and solicit reporting. Mr. Kinney mentioned a possible analysis of calcium and nitrogen in District lakes. He noted that it could be added to the contract with Blue Water Science at a later date. Mr. McComas said that low calcium could be a cause of weak zebra mussel shells. He noted that fish could be eating the zebra mussels.

Manager Loth asked if the channel areas of Forest Lake were assessed for AIS. Mr. McComas confirmed that the channel on the southwest corner was assessed. He explained that the northeast corner is surveyed on a rotating basis, but not every year.

Manager Bakke moved to accept Blue Water Science’s AIS Reports. Seconded by Manager Loth. Upon a roll call vote the motion carried 5-0.

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

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b) Blue Water Science Service Agreement

Manager Bakke moved to authorize the Administrator, on advice of counsel, to enter into an agreement with Blue Water Science in accordance with the January 18, 2023, services agreement and in an amount not to exceed \$32,600; and authorize the Administrator to request additional services from Blue Water Science, not to exceed \$3,260 (10%), to be compensated in accordance with the 2023 service agreement. Seconded by Manager Anderson.

Mr. Holtman mentioned that the Board discussed a few possible additions to the service agreement. Managers agreed to add those items later. Mr. Kinney confirmed that a dollar amount and scope for additional work would be presented to the Board later.

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

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

Stephen Schmaltz	X			
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c) Eurasian watermilfoil (EWM) Considerations and Options

President Schmaltz asked if managers are prepared to discuss each of the five options presented in the staff memorandum. Manager Anderson expressed her belief that this topic should be discussed in a dedicated special meeting or workshop.

Managers Bakke and Loth were agreeable to discussing the matter. Manager Loth said he also would find value in a special meeting dedicated to the EWM topic.

Mr. Miller gave an overview of the five options for EWM management, including the pros and cons of each option.

1. CLFLWD does not manage EWM – no watershed management plan (WMP) amendment needed
2. CLFLWD manages EWM for ecological integrity – no WMP amendment needed
3. CLFLWD manages EWM for recreational quality – WMP amendment recommended to include managing AIS for recreational benefit
4. Lake Association Grant – December 15th approved version – WMP amendment recommended to include AIS management for recreational benefit
5. Modified Lake Association Grant Program – No WMP amendment needed

Mr. McComas explained the difference between ecological treatment vs. recreational treatment. He noted that 150 stems per square meter would be considered dense enough to have a negative impact on fish habitat. Therefore, treatment of stem densities this high would be considered management for, at least in part, ecological purposes. Another ecological impact Mr. McComas mentioned would be if the EWM was displacing native plants. Although, he noted that there is no strong research supporting this. He noted that the ecological reasons to treat EWM are limited. He spoke about the differences between EWM and curly-leaf pondweed (CLP). Mr. McComas gave examples of how he quantifies recreational impact, which includes impact on fishing, boating, swimming, and navigation. He stated that the main reason to treat for recreational impact would be if the EWM was matting at the surface of the water making things like fishing, boating, swimming, and navigation difficult. He explained that the EWM will only grow and mat in this way if there is the availability of nitrogen. He explained how large beds of EWM can be a recreational hindrance. He referenced a study regarding native plant displacement, noting that it is a temporary condition.

Manager Anderson spoke about the EWM hybridization that is occurring. She noted some issues with management in lakes in the western half of the United States. She noted that she doesn't agree with the nomenclature and the separation of reasons to treat EWM. She asked why the distinction to not treat is made for EWM. She gave an example of the matting occurring on Comfort Lake and asked how and why that would be categorized as recreational impact and not ecological impact. She noted a possible

194 release of phosphorus when the plant dies off, and asked whether an EWM mat might
195 block photosynthesis of native species.

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197 Mr. McComas replied that this is possible, but he hasn't seen it: mats typically would
198 not be sufficiently dense. He explained the plant's lifecycle, noting that EWM die-off
199 occurs in the fall. He clarified that the microbial community benefits from eating the
200 decomposing plants. He explained that a small amount of phosphorus remains in the
201 water for algae growth. He explained the food chain and how dense EWM can benefit
202 the food chain.

203
204 Manager Anderson stated the need for a clear definition of recreation vs ecological
205 impact.

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207 The Board asked Mr. McComas to prepare a matrix document to better define treatment
208 for ecological purposes vs recreational purposes. Manager Loth asked that the cost
209 implications of each option be addressed. He expressed concern that if the District
210 assumes a funding responsibility, it may find itself with a need for management that is
211 beyond its budget. President Schmaltz replied that District involvement would need to
212 be within the framework of a partnership with others including the lake associations and
213 other units of government. Mr. Kinney said that staff can add some additional detail to
214 the document including cost considerations.

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216 President Schmaltz asked Board members to review the options and provide comments
217 to Administrator Kinney.

218 219 **7. New Business**

220 221 **a) Budget Transfer for Audit Services**

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223 Mr. Kinney explained that, due to a new government accounting standard, the 2022
224 audit will cost more than what was budgeted. The purpose of the budget amendment is
225 to reflect these additional costs associated with the audit service agreement with Abdo.

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227 Manager Anderson moved to amend the 2023 budget for account 1-003-4330 to \$15,500
228 and to transfer \$6000 from account 000-2900 to account 1-003-4330. Seconded by
229 Manager Loth. Upon a roll call vote the motion carried 5-0.

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

231 232 **b) Website Preview**

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Ms. Lindemyer gave a presentation on the new website. She stated that a more in-depth presentation is available on YouTube.

Ms. Lindemyer covered the three main improvements of the new website. These include:

- A website management platform that is widely used and easy to work with
- Accessibility features including responsive design that allows for easy mobile viewing. Typefaces, font sizes, and colors now meet the Americans with Disabilities Act (ADA) recommendations for visually impaired individuals.
- A custom document library focused on improving usability and accessibility to the District’s many informational documents.

Manager Anderson asked what species of bird is pictured in the logo. Ms. Lindemyer confirmed that it is a sandhill crane.

Managers Bakke and Schmaltz congratulated staff on implementing a professional and high-quality website.

Managers discussed linking District website materials to local lake association websites. Manager Loth would like to easily link to District website materials from the Forest Lake Lake Association site, as an example. Ms. Lindemyer confirmed that she has been reaching out to partner agencies to ensure they provide accurate links to the District’s materials.

8. Old Business

a) Potential Watershed Management Plan Amendment

Manager Anderson moved to postpone the discussion on the potential Watershed Management Plan (WMP) amendment. Seconded by Manager Toavs. Upon a roll call vote, the motion failed 2-3.

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

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Mr. Holtman clarified that the agenda item would not be postponed because the motion failed.

Ms. Heinz explained that pursuing a WMP amendment would be up to the Board. She noted that the District’s role in EWM management has been discussed for years,

274 including during the most recent WMP update process. She explained that when the
275 WMP was written and approved, the District's stance was not to manage EWM. She
276 noted the distinction between water quality concerns and ecological concerns vs.
277 navigational or recreational concerns. She clarified that WMP goals for aquatic invasive
278 species (AIS) management include only those for water quality and ecology. She noted
279 that the District does serve as a technical expert for anyone that pursues treatment for
280 navigation or recreation.

281
282 Ms. Heinz stated that the Board of Water and Soil Resources (BWSR) Board
283 Conservationist recommends that the District pursue a watershed management plan
284 amendment in order to incorporate the new Lake Association Grant Program.

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286 President Schmaltz spoke about how much the District currently spends annually on
287 AIS management in order to reduce EWM spread.

288
289 Managers discussed the concerns brought up by BWSR. Ms. Heinz noted that BWSR's
290 main focus is the possible misalignment of the proposed lake association grant program
291 and the District's WMP. Manager Loth asked if BWSR has any concerns with the
292 proposed application and approval process. Ms. Heinz noted that BWSR did not
293 comment on that. She noted that it is common for grant programs to require an approved
294 grant agreement prior to spending grant funds. Manager Anderson highlighted her
295 concerns with the memorandum prepared by staff. Manager Anderson emphasized that
296 there are no stormwater requirements in the proposed grant program. Ms. Heinz
297 explained that all the District's cost-share programs are currently housed under the Non-
298 Point Source Pollution Abatement Program in the WMP. She explained how projects
299 might fit under this category by treating stormwater runoff.

300
301 Managers discussed how the District's adaptive management policy might play a role
302 in the proposed lake association grant program. Manager Anderson considers the
303 proposed adjustment of the program to be an example of adaptive management. Ms.
304 Heinz offered that with respect to projects, the District may use adaptive management
305 to shift the types of projects it implements, but the end goal is always the same. For
306 example, the District may propose a different best management practice that achieves
307 the same water quality outcome. In the case of the Non-Point Source Pollution
308 Abatement Program, the situation would be the same. The District could use adaptive
309 management to identify different ways to achieve the goal, but the goal is still to abate
310 non-point source pollution (i.e., treat stormwater, improve water quality). Manager
311 Anderson explained that the topic of WMP amendment came up in the past, and that the
312 District attorney did not think it would be needed at that time. Manager Anderson
313 requested that these communications be provided to the managers.

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315 Mr. Holtman clarified that the need for a WMP amendment would rest on the Board's
316 decision to manage EWM for recreational purposes. He explained that his previous
317 opinion that an amendment would not be required was offered at a time when
318 management for recreational purposes was not within the proposal. He added that if an
319 amendment is required, that doesn't mean that the District can't augment the program,

320 it just provides for a certain process and a degree of involvement of stakeholders and
321 the public. Manager Bakke offered that the term “recreational” made it seem like
322 something extra that might not be needed. He spoke to his experience working in
323 education where it was found that recess, something that may seem extra or not needed,
324 was found to be a necessary part of an effective learning process. Managers discussed
325 how to define the terms ecological and recreational.
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327 **9. Report of Staff**

328 **a) Administrator**

329 Mr. Kinney provided an overview of adaptive management. He noted that a lot of time
330 has been spent on the proposed lake association grant program.
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333 Mr. Kinney gave a summary of January staff activity including:
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- 335 • Year-end reporting
- 336 • Grant reporting
- 337 • Preparations for the 2022 audit
- 338 • A presentation that was given by staff at the Washington County Water
339 Consortium on sequential diagnostic monitoring
- 340 • The District will be presented with the MN Climate Adaptation Partnership’s
341 (MCAP) 2023 Climate Adaptation Organization Award at a ceremony on
342 January 28th.

343 **b) Emmons & Olivier Resources**

344 Mr. Graske gave an update on Emmons and Olivier Resources efforts. He highlighted
345 topics including:
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- 347 • The City of Forest Lake’s downtown redevelopment study
- 348 • Feasibility reports being completed for possible projects
- 349 • Active construction on multiple projects

350 **c) Smith Partners**

351 Nothing to report.
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353 **10. Report of Treasurer**

354 **a) Approval of Bills and Treasurer’s Report**

355 Treasurer Anderson reported income for the period of \$792,042.60 and expenses in the
356 amount of \$239,195.64. The District will need to transfer \$355,000.
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358 Manager Anderson moved to accept the Treasurer’s Report, approve the transfer, and
359 pay the bills in the amount of \$239,195.64. Seconded by Manager Toavs. Upon vote,
360 the motion carried 5-0.
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Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs	X			
Jackie Anderson	X			
Stephen Schmaltz	X			

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Manager Anderson requested possible dates from Administrator Kinney so they can set up a meeting with the First Resource Bank.

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11. Land Acquisition – Gravel Pit

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Mr. Kinney gave an overview of the property including:

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- Possible projects identified within the Gravel Pit property location.
- Landowner coordination regarding the possible acquisition.
- Funding sources for the acquisition.

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Manager Anderson spoke about why the acquisition would be a great benefit and allow the District to accomplish water quality goals within the Little Comfort Lake Management District.

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Manager Bakke asked if the purpose of this proposed land acquisition would be similar to the Cranberry Lake Channel acquired by the District.

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Mr. Kinney clarified that the goal of the Forest Lake North Shore Trail Nature Area (formerly Cranberry Lake Channel) acquisition was preservation. That is not the goal with the Gravel Pit property. He clarified that the Gravel Pit property would be to implement a water quality improvement project on what is currently un-developable land. Manager Anderson asked if there are concerns regarding the environmental assessment. Mr. Kinney explained that there is no indication of such concerns after a site visit, but that the District will revisit in the spring.

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Mr. Kinney noted that there is no public road access to the property, so that an access easement for project construction and maintenance would be an essential element of the acquisition.

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Manager Schmaltz moved to convene in a closed session to discuss the appraisal of, and a possible offer to acquire, the Gravel Pit property PID number 21.10701.10. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0.

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

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The Board convened in closed session.

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The Board reconvened in open session.

Manager Toavs moved to authorize the administrator to release the appraisal and proceed with acquisition negotiations with the landowner. Seconded by Manager Schmaltz. Upon a roll call vote, the motion carried 5-0.

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

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12. Report of Officers and Managers

President Schmaltz: Requested managers send their opinions on the lake association grant program and EWM to Administrator Kinney if they are prepared to do so.

Manager Bakke: Reported that he attended a Bone Lake Association meeting. He explained that the office space survey was discussed. He found the reaction of the public to be noteworthy. He looks forward to seeing the survey results.

Manager Toavs: Nothing to report.

Manager Loth: Nothing to report.

Manager Anderson: Reported that the Minnesota Association of Watershed Districts’ legislative day is scheduled for mid-February. She explained that it will be a special meeting of the membership. She noted that she is recommending a “no” vote regarding the consolidation of officers. She noted that the Board will need to appoint delegates for the meeting. She noted that she will be attending. She requested managers tell staff if they plan on attending.

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13. Summary and Approval of Board Direction

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Board directives were as follows:

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- Staff will send out the sign-up request information for board managers to sign up to attend CAC meetings in 2023. Staff will assign Manager Anderson the same meeting months she attended in 2022. Staff will also include information on which manager is scheduled to attend the coming CAC meetings via email, prior to each meeting.
- With respect to EWM management, Mr. McComas will create a table outlining standards for treatment for ecological and recreational purposes. Staff will also incorporate financial and budget information into this table.
- All board members will send Mr. Kinney their comments on the five EWM management scenarios that staff presented.

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14. Adjourn

- a) Next regular board meeting – February 9, 2023

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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 9:45 p.m.

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

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Dave Bakke, Secretary _____