

**MINUTES OF THE REGULAR MEETING OF THE  
COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT  
Thursday, March 9, 2023**

**1. Call to Order**

President Schmaltz called the March 9, 2023, regular board meeting to order at 6:30 p.m. via online video conference.

**Managers Present:**

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

**Staff Present:**

Mike Kinney, Administrator  
Bobbie Law, Office Manager  
Blayne Eineichner, Project Coordinator  
Emily Heinz, Planning Coordinator  
Aidan Read, Land Management Specialist  
Jess Hall, GreenCorps Member

**Others Present:**

Greg Graske, Emmons & Olivier Resources  
Cecilio Olivier, Emmons & Olivier Resources  
Kyle Crawford, Emmons & Olivier Resources  
Chuck Holtman, Smith Partners  
Leif Erickson, City of Forest Lake  
Denise Martin, Chisago County Press

**2. Setting of Meeting Agenda**

President Schmaltz requested an addition to New Business – Forest Lake Lake Association (FLLA) Annual Meeting and Alum Treatment Outreach. He explained that the FLLA wants to work with East Metro Water Resources Education Program (EMWREP) to advertise its annual meeting and discussion topics including the Forest Lake Alum Treatment and loon habitat on Forest Lake.

Manager Bakke lost connection to the Zoom call.

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

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

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**3. Consent Agenda**

**a) Regular Board Meeting Minutes – January 12, 2023**

Administrator Kinney noted that the January 26<sup>th</sup> minutes are not yet ready to present to the Board and requested they be removed from the consent agenda.

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

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

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**4. Public Hearing – Moody Lake Capstone Project Ordering**

President Schmaltz opened the public hearing. Kyle Crawford gave a presentation about the Moody Lake Capstone Project and associated feasibility report. This project entails a suite of multiple best management practices: Field Gully Repair, Round Barn Soil Excavation, Moody Park Improvements, and South Moody Wetland Dredging. The District was awarded a Clean Water Fund grant of \$239,500 for the project. Predicted total phosphorus reduction for the project is 62 pounds per year, and predicted total suspended solids reduction is 4.47 tons per year. Additional benefits include native vegetation restoration, habitat, public education, and heavy metal removal. Mr. Crawford indicated an estimated construction timeline of Fall 2023 through Summer 2024.

President Schmaltz determined that no members of the public wished to speak to the project and closed the public hearing.

President Schmaltz noted Leif Erickson from Forest Lake City Council is in attendance. He welcomed him to the meeting and thanked him for attending. Mr. Erickson indicated he appreciated the opportunity to be part of the meeting.

**5. Public Open Forum**

There were no comments.

**6. New Business**

81 **a) 2023 AIS Prevention & Management Plan**

82 Administrator Kinney introduced the topic. Manager Anderson noted the Comfort Lakes  
83 Association recently mailed a check for \$500 to the District as a contribution to the  
84 watercraft inspection program. She requested additional detail regarding the native  
85 aquatic plant transplanting project on Moody Lake, noting that Moody Lake is classified  
86 by the Minnesota Department of Natural Resources as a Natural Environment lake. Mr.  
87 Kinney indicated Moody Lake previously had more curly-leaf pondweed growth, prior  
88 to the District’s recent treatments. The District has been successful in decreasing curly-  
89 leaf pondweed growth through these treatments, but the native vegetation in the lake  
90 still isn’t very diverse. Mr. Kinney explained that Moody Lake generally has no boat  
91 traffic, good water quality, and low curly-leaf density, making it a good candidate for  
92 the transplants.

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94 Manager Anderson noted her support for increasing aquatic invasive species (AIS)  
95 management budgets for District lakes. She suggested that staff add another column  
96 onto the lake charts to illustrate the starting points for AIS on these lakes. She called  
97 attention to the Secchi depth trends for Little Comfort Lake and Lake Keewahtin,  
98 indicating declining clarity, as well as the declining phosphorus concentration for Forest  
99 Lake, and asked if they are accurate. She suggested the report make note of last year’s  
100 Eurasian watermilfoil surveys and treatments.

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102 President Schmaltz moved to approve the 2023 AIS Prevention and Management Plan.  
103 Seconded by Manager Anderson.

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105 Manager Bakke noted that he has regained Zoom connection via telephone at 7:00 pm.

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

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

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111 **b) CLFLWD and Chisago County WCI Joint Powers Agreement**

112 Manager Anderson moved to approve the joint powers agreement between Chisago  
113 County and the Comfort Lake-Forest Lake Watershed District for cost sharing of the  
114 boat launch inspection program. Seconded by Manager Bakke.

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116 Administrator Kinney explained that this is a joint powers agreement the District has  
117 entered into with Chisago County each year since 2007. Manager Bakke observed that  
118 the Washington County AIS Prevention contribution for Bone Lake is \$1,000, and for  
119 Forest Lake it is \$14,354. Chisago County contributes \$5,000 to Comfort Lake. He  
120 noted that the contribution to Bone Lake seems disproportionate. Mr. Kinney explained

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that the District needs to apply for the Washington County AIS Prevention Aid grant funds, and Washington County allocates the majority of those funds to the Washington Conservation District. Washington County establishes the framework for these grant dollars and how much funding goes to each waterbody.

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

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

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**c) Moody Lake Capstone Project Ordering & Scope of Work**

Mr. Kinney noted that the resolution has been bifurcated, and there are now two resolutions: 23-03-01a and 23-03-01b. Resolution “A” concerns an element of the project that is located on Manager Toavs’ property. Manager Toavs has the option to abstain from that discussion and vote, if he wishes, but counsel has advised that Manager Toavs reasonably may find that he does not have a conflict of interest, and accordingly may participate if he chooses.

Manager Anderson moved to adopt Resolution 23-03-01a. Seconded by President Schmaltz.

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Mr. Kinney referenced the life cycle costs that were presented during the public hearing. He indicated these projects will physically, permanently remove sources of legacy phosphorus loading. As such, the project lifespans will likely be longer than indicated, and these projects will be low maintenance.

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Manager Toavs noted that he will abstain on this matter, as the project is occurring on his property. This project will remediate legacy phosphorus loading that occurred before he took ownership of the property. Manager Anderson noted that Manager Toavs’ participation in the project is an overall benefit to the project and the District.

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Upon a roll call vote, the motion carried 4-0-1.

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

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Manager Schmaltz moved to adopt Resolution 23-03-01b. Seconded by Manager Anderson. 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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Manager Anderson moved to authorize the administrator on advice of counsel to enter into an agreement with EOR in accordance with the March 2nd scope of work, tasks 2 and 3, and in an amount not to exceed \$36,152. 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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**d) Little Comfort Infiltration Basin Feasibility Scope of Work**

Manager Anderson moved to authorize the administrator on advice of counsel to enter into an agreement with EOR in accordance with the February 16th scope of work, Task 1, and in an amount not to exceed \$31,295. Seconded by Manager Toavs.

Mr. Kinney noted that the originally proposed suite of projects was different from the currently proposed projects. He explained how the District continually strives to collect data and evaluate project cost-effectiveness. During the feasibility phase (concept design and modeling) for the East Wetland Impoundment Project, engineers discovered that the project would result in raised water levels on neighboring properties, which was not originally foreseen. The newly proposed gravel pit infiltration project (“Little Comfort Infiltration Basin”) would achieve the same water quality benefits, without the impacts to neighboring parcels.

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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**e) Residential Cost-Share Program Framework**

Mr. Kinney explained the District’s process for creating the proposed cost-share program framework, which included reviewing cost-share programs of other watershed districts and government units. He indicated that this program will be a big component in the next phase of the District’s implementation – changing public perception of shoreline buffers and encouraging lakeshore stewardship.

Aidan Read gave a presentation on the proposed program. He noted the cost-share program is just one element of the District’s comprehensive shoreline program which involves education & outreach, technical assistance, financial assistance (i.e., cost-share and incentive payments), and regulatory enforcement (i.e., the permitting program). Mr. Read explained the District’s partnership with the MN Pollution Control Agency GreenCorps program, through which Jess Hall was hired. He provided an overview of program participation in 2022 (25 requests for site visits, 7 plant grant applications, 1 application for a shoreline project). Mr. Read indicated the existing Plant Grant Program isn’t well suited to furthering the District’s shoreline restoration goals. He explained that staff worked with the Citizen Advisory Committee to workshop the proposed program framework, resulting in the draft policy that is now being presented to the Board.

The revised residential program includes two new grants (“Mini-Grant” and “Community Water Cost-Share”), one incentive program (“Watershed Legacy Payments”), and enhanced technical assistance. Mr. Read presented two flow charts: one for the cost-share programs and one explaining the Watershed Legacy Payments.

Manager Bakke indicated that the Bone Lake Association is very interested in promoting this program on Bone Lake and encouraging shoreline homeowners to implement shoreline buffers.

Manager Loth asked about the legacy payment amount. Mr. Read explained the recommended amount in 2023 is \$300. Residents meeting the highest tier would receive the full \$300, and residents meeting a lower tier would receive \$150. The Board can choose to change these payment rates, if it would like.

Manager Anderson indicated this program is a long time coming and appears very professional. She congratulated the team that worked on this and indicated she is excited to implement the program and see the response. She asked about the property tax payment program on page 12 of the policy. Mr. Kinney indicated staff has contacted the counties about this and confirmed that the District can pay toward any resident’s property taxes.

President Schmaltz stated that people need to understand the importance of shoreline buffers before they’ll participate in a program like this. He referenced the District’s Shoreline Homeowner Tools & Rules Guide, which can be a useful outreach tool.

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President Schmaltz asked how staff would like managers to provide feedback on the policy. Mr. Kinney indicated that he would like to have the program ready for implementation by the time the snow melts this spring. He suggested that managers email their comments and questions to him by Wednesday, March 15<sup>th</sup>.

**f) Washington County Tax Forfeit Properties**

Mr. Kinney described the tax forfeit properties in question, noting their proximity to Forest Lake and the Parson’s Wetland, on which the McNamara family trust recently donated a different piece of land to the District. He explained that either the District or the City of Forest Lake could acquire the parcels and protect this swath of wetland. The proposed resolution would direct staff to communicate its interest to the County, and ask the County to initiate steps to classify the property as conservation property.

President Schmaltz moved to adopt Resolution 23-03-02. Seconded by Manager Anderson.

Manager Anderson indicated it’s a good idea to pursue opportunities like this and protect properties so close to the lake.

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

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

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**g) Forest Lake Lake Association Annual Meeting & Alum Treatment Outreach**

President Schmaltz explained the Forest Lake Lake Association’s (FLLA) interest in working with the East Metro Water Resource Education Program (EMWREP) to write an article promoting the FLLA’s annual meeting. The article would advertise the meeting itself, as well as the discussion topics at the meeting which include the Forest Lake Alum Treatment and loon conservation on the lake. Manager Anderson noted that the Chisago County Press Editor, Denise Martin, is currently in attendance at the board meeting. Manager Anderson suggested the FLLA reach out directly to the local papers to spread the word as well. Managers expressed support for President Schmaltz’s proposition to work directly with EMWREP.

**7. Old Business**

**a) Comfort Lakes Association Funding Request**

Mr. Kinney explained that this topic has been discussed in the past, and there was more information provided in the February 23<sup>rd</sup> board packet. He referenced guidance from

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legal counsel recommending the Board consider two questions when considering the funding request:

- (1) Did the Comfort Lakes Association (CLA) perform the treatment under a reasonably founded understanding that the District would be contributing \$15,000 to the cost?
- (2) Is there support in the Watershed Management Plan (WMP) as presently written for this expenditure (e.g., as research)?

Manager Anderson moved to approve the Comfort Lake Association’s funding request for \$15,000. Seconded by President Schmaltz.

Manager Anderson indicated this request is tied in with the start of the discussion about the lake association grant program and has transitioned into a discussion about the District’s research fund. She noted the treatment was a research initiative and was partially funded under the DNR’s innovative grant program specifically for lake associations.

President Schmaltz noted that last year the District approved approximately \$7,000 for the Comfort Lakes Association for EWM management in 2021. This funding was provided outside of a formalized cost-share program. President Schmaltz noted the EWM management framework that was approved at the February 9<sup>th</sup> board meeting, which involves the District treating high densities of EWM (>180 stems per square meter), and lake associations/residents are free to treat more if they would like (as permitted by DNR).

Upon a roll call vote, the motion carried 3-1-1.

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

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**8. Program/Project Update**

**a) Project Update**

Blayne Eineichner provided an update on the Sunrise River/Highway 61 Wetland Enhancement Project. The project will restore the hydrology of a wetland adjacent to the Sunrise River, upstream of Comfort Lake. This project was identified through the District’s diagnostic monitoring process. The estimated phosphorus reduction at the project edge/Sunrise River is 89 pounds per year. The estimated phosphorus reduction achieved at Comfort Lake, which is located further downstream, is 65 pounds per year.



307 Construction is underway, and the diversion weir and excavation were completed earlier  
308 this week. The northern ditch connection, revegetation and site restoration will be  
309 completed this spring. Manager Anderson asked about sediment reductions, and Ms.  
310 Heinz answered the estimated sediment reduction at the project edge/Sunrise River is  
311 51,740 pounds per year, and the reduction at Comfort Lake is 18,630 pounds per year.  
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313 Manager Anderson expressed concern about construction vehicles tracking sediment  
314 onto Highway 61, particularly northerly. She asked if there were more preventative  
315 measures the contractor could take in order to reduce sediment tracking. Mr. Eineichner  
316 explained that the District requires a rock entrance for the construction site and street  
317 sweeping at the entrance to pick up any tracked sediments. He advised that the District  
318 will request an increased sweeping frequency.  
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## 320 **9. Summary and Approval of Board Direction**

321 Board directives from the meeting were summarized.

- 322 • Manager Anderson requested the 2023 AIS Management Plan be revised to clarify  
323 statements and figures regarding Secchi disk trends on Lake Keewahstin and Little  
324 Comfort Lake and phosphorus concentration on Forest Lake, incorporate a note  
325 about the spring delineation of EWM related to last year’s treatment, and consider  
326 adding the 2010 phosphorus concentrations for each lake so as to provide  
327 background on the starting point for each lake at the beginning of the AIS  
328 program.  
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- 330 • President Schmaltz requested that the shoreline program outreach methods include  
331 literature educating residents about the importance of shoreline buffers.  
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333 President Schmaltz suggested the Board discuss COVID-19 protocols and board meeting  
334 format at the next meeting.  
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336 There was general consensus among the managers to schedule one or two special meetings  
337 to discuss the administrator’s S.M.A.R.T. goals and have legal counsel provide an  
338 overview/refresher on the District governance manual. President Schmaltz will  
339 communicate with legal counsel to determine how much time the governance manual  
340 discussion will take, and if it requires its own meeting.  
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## 342 **10. Adjourn**

### 343 **a) Next regular board meeting – March 23, 2023**

344 Manager Loth moved to adjourn the meeting. Seconded by President Schmaltz. Upon a  
345 roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:20 p.m.  
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<b>Manager</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent</b>	<b>Abstain</b>
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs	X			

Jackie Anderson	X			
Stephen Schmaltz	X			

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Dave Bakke, Secretary \_\_\_\_\_