

1 **MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, October 26, 2023**
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5 **1. Call to Order**

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7 Vice President Loth called the October 26th, 2023, regular board meeting to order at 6:30
8 p.m. at the CLFLWD office, 44 Lake Street South, and via online video conference.
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10 **Managers Present:**

11 Steve Schmaltz, President (virtual attendance)

12 Christopher Loth, Vice President

13 Dave Bakke, Secretary (virtual attendance)

14 Jackie Anderson, Treasurer

15 Douglas Toavs, Assistant Treasurer
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17 **Staff Present:**

18 Mike Kinney, District Administrator

19 Emily Heinz, Planning Coordinator

20 Garrett Miller, Aquatic Invasive Species Coordinator

21 Mike Sandager, Permitting Coordinator
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23 **Others Present:**

24 Greg Graska, Emmons & Olivier Resources

25 Anne Wilkinson, Emmons & Olivier Resources

26 Chuck Holtman, Smith Partners

27 Michael Welch, Smith Partners
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29 **2. Setting of Meeting Agenda**

30 Manager Anderson moved to approve the agenda as presented. Seconded by Manager
31 Toavs. 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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34 **3. Consent Agenda**

35 **a) Special Board Meeting Minutes – September 5, 2023**

- 36 **b) Special Board Meeting Minutes – September 12, 2023**
- 37 **c) Regular Board Meeting Minutes – September 14, 2023**
- 38 **d) Regular Board Meeting Minutes – September 28, 2023**

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Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Toavs. 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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44 **4. Smith Partners’ Chloride Legislation Support**

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Chuck Holtman introduced Smith Partners attorney, Michael Welch. Mr. Welch explained that chloride pollution in waterbodies is a problem in the Twin Cities area. Currently, there are no legal protections for homeowners and businesses that use smart salting practices (i.e., using less salt than the norm). Smith Partners has been working with a group of activists with a particular interest and significant experience in chloride reduction. The group has put forward a bill limiting liability for property owners and managers who are certified in and follow smart-salting practices. The group is also assessing the viability of and likely effectiveness of municipal licensing and other structural legal mechanisms. Mr. Welch explained that Nine Mile Creek Watershed District has been supporting Smith Partners’ participation in this effort to date. He noted that Smith Partners is currently gauging other watershed district clients’ interest in joining NMCWD to fund Smith Partners’ engagement in the work.

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Manager Anderson added that the MN Watersheds Board has discussed this topic and decided to remain in a supportive position, rather than a leadership position. She noted that once the chloride enters a lake, there’s no way to remove it. She pointed out that there are several lakes within the CLFLWD that are located very close to roadways. She expressed her support for Smith Partners’ proposal.

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Manager Toavs asked if the purpose is to relieve liability of property owners and operators, such as retailers, in the event someone slips on ice and falls. Mr. Welch indicated that is the main focus. He explained that cities enjoy liability protection with respect to chloride use, but private retailers tend to apply as much salt as possible in order to avoid slip-and-fall accidents and resulting lawsuits.

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Manager Loth asked if insurance companies have anything to say on this matter. Mr. Welch indicated he was unaware if the insurance lobby has been particularly engaged

72 in this issue. Mr. Welch indicated that commercial applicators apply approximately 1/3
73 of de-icing materials within the Nine Mile Creek Watershed District.

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75 Manager Anderson recommended that metro watershed districts shouldn't only focus
76 on the legislation element. Rather, they should expand beyond legislation and include
77 research and public education. Manager Loth asked if there is any research on removing
78 chlorides from lakes. Mr. Welch indicated some other watershed districts and
79 engineering firms have some ideas, and he is expecting to receive more information in
80 the coming weeks.

81
82 [President Schmaltz entered the meeting]

83
84 Administrator Kinney noted that there are alternatives to using salt as a deicer, and
85 infrastructure choices, such as pervious pavers, could help reduce the amount of ice
86 buildup in parking lots.

87
88 Mr. Welch noted that Smith Partners' focus is on the legal nuances of the matter, and he
89 recommended that watershed district staff are well positioned to lead the public
90 outreach effort. Manager Anderson indicated she will reach out to Randy Anhorn, the
91 Nine Mile Creek WD Administrator, and discuss the public outreach component.

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93 Manager Anderson asked how much Smith Partners requires for this effort, total. Mr.
94 Welch estimated approximately \$12,000 over the next year. Manager Anderson
95 suggested that Smith Partners might reach out to the other metro watershed districts
96 and request \$1,000 each.

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98 **5. Public Open Forum**

99 There were no comments.

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101 **6. Citizen Advisory Committee Update**

102 Mr. Kinney referred to the Citizen Advisory Committee (CAC) meeting notes including
103 watershed updates and residential cost-share program updates. Manager Anderson
104 noted that the CAC is interested in learning more about the Bone Lake South Wetland
105 Acquisition. Manager Anderson requested that Mr. Read bring a presentation to the
106 Board regarding the community cost-share program. She explained how important it is
107 to document changes in lake shoreline conditions by keeping a photographic record.
108 Manager Anderson indicated that she believes the CLFLWD should be the first point of
109 contact when homeowners have questions about shoreline alterations.

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111 Mr. Kinney noted that the District has been holding informational workshops on shoreline
112 restorations and will work on holding a workshop tailored specifically to contractors. He
113 referenced the District's "Shoreline Homeowner Tools & Rules" guide. He explained that it
114 is a matter of changing public perception about what a shoreline should look like (e.g.,

115 rock shoreline vs native plants). Manager Anderson indicated that the outreach program
116 should emphasize that one pound of phosphorus can support up to 500 pounds of algae
117 growth.

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119 **7. Aquatic Invasive Species Update**

120 Garrett Miller noted that the year-end reports will be brought to an upcoming meeting.
121 There were no questions for Mr. Miller.

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123 **8. New Business**

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125 **a) Permit 23-024 Commercial Plumbing & Heating Building Expansion**

126 Mike Sandager introduced the proposed project which entails a building expansion
127 at 24428 Greenway Ave N, Forest Lake. The project triggers CLFLWD rules 2.0, 4.0, 9.0,
128 & 10.0 which includes stormwater management and erosion control. Greg Graske
129 explained the proposed biofiltration basin meets the District's stormwater
130 management standards. Both the existing building and new building rooftops will
131 drain to the biofiltration basin.

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133 Manager Anderson moved to approve permit application #23-024 with conditions
134 stated in EOR's October 18, 2023 memorandum. Seconded by Manager Toavs. Upon
135 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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139 **b) 2024 Board Meeting Schedule**

140 Mr. Kinney explained the Board is required to annually approve a meeting schedule.
141 He noted a new addition this year is the meeting calendar which details regularly
142 recurring agenda items and their approximate timing.

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144 Manager Toavs moved to approve the 2024 Board Meeting Schedule. Seconded by
145 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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c) MN Watersheds Conference Attendance

Mr. Kinney noted that he, as well as Mr. Read, Ms. Heinz and Beth Carrenoplan to attend. He noted that two hotel rooms have been reserved for managers, and two rooms are on the waiting list. President Schmaltz recommended managers review the program and try to split up and attend as many presentations as possible.

President Schmaltz moved to authorize payment for managers and staff to attend the MN Watersheds annual conference. Seconded by Manager Anderson.

Manager Anderson noted that the District is a finalist for the Program of the Year award. She indicated it would be nice to have as many staff and board members as possible attend, if the District were to receive the award.

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) Watershed Based Implementation Funding Opportunity

Manager Anderson explained that additional Watershed Based Implementation Funding grants are available through the State. She stated that this topic was discussed at the Lower St. Croix Watershed Partnership Policy Committee meeting on Monday, October 23rd. She reported that the Policy Committee directed staff to apply for additional funding for projects within the Lower St. Croix Basin. Manager Anderson noted that the Partnership’s next regularly scheduled installment of Watershed Based Implementation Funding will be available next year. The Partnership is slated to receive over \$2 million in the next biennium. She stated that staff should ensure those dollars are utilized as well.

9. Old Business

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a) Sunrise River/Highway 61 Wetland Enhancement Project Closeout

Mr. Kinney explained that the District has worked very diligently to overcome several hurdles and bring this project to completion.

181 Manager Anderson moved to accept the engineer’s certificate of completion and
182 authorize final payment to the contractor. Seconded by Manager Toavs.

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184 Manager Bakke asked about grants for this project and the District’s local share.
185 Manager Anderson noted that Ms. Heinz gave a presentation at the Lower St. Croix
186 Watershed Partnership Policy Committee meeting on Monday. Ms. Heinz presented
187 an overview of the project budget and timeline. A combination of three separate
188 grants funded 55% of the project, and the District funded the remaining 45% locally.
189 She explained how the project budget increased over the course of the project
190 timeline due to factors such as unexpected onsite conditions and construction
191 prices. Greg Grasko mentioned that the District also added another component to
192 the project to capture runoff from the highway and maximize water quality returns.
193 This resulted in a higher construction cost as well, but the cost-benefit remained
194 within the desirable range.

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196 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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199 **b) Aquatic Invasive Species Prevention Partnership Grant Opportunities**

200 Ms. Heinz explained that the proposed partnership would be similar to the shoreline
201 partnership grant opportunities discussed at the September 14th board meeting.
202 Minnesota Lakes and Rivers would be a valuable partner to work with, and a few other
203 organizations from the Lower St. Croix Watershed Partnership may be interested as
204 well. She explained that the District would not be committed to a single product or
205 brand. There is a wide variety of boat cleaning stations and tools available. Staff
206 would evaluate the cost-benefit of each solution within the context of each boat
207 launch within the District. Staff would present a proposal to the Board in the future.
208 Ms. Heinz noted that grant funds wouldn’t be available until July 2025. She also noted
209 that watercraft inspectors would not be expected to utilize any boat cleaning tools.
210 The MN Department of Natural Resources’ stance, and the stance that the District has
211 followed to date, is that watercraft inspectors are not a boat cleaning service, and
212 their main purpose is boater education.

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214 President Schmaltz stated that the District should approach this effort with the Pareto
215 Principle in mind, that is to focus on the small number of projects that would have
216 the highest impact. He indicated that there are a lot of unknowns at this time, and

217 further analysis is needed. He stated that staff should do some more research into
218 what others have done and weigh the pros and cons before spending any money on
219 boat cleaning tools.

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221 Manager Loth indicated the watercraft inspectors are not present at the boat launch
222 100% of the time. He stated that the boat cleaning stations might be a reminder for
223 people to clean their boats even when a watercraft inspector isn't present.

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225 Manager Anderson moved to direct the administrator to pursue AIS prevention grant
226 partnership opportunities with MN Lakes and Rivers and provide a letter of support.
227 Seconded by President Schmaltz. 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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230 **c) Bone Lake South Wetland Acquisition**
231 Mr. Kinney indicated that he and Blayne Eineichner met with the landowner earlier
232 today. He reported that he presented some additional cost analysis information to
233 the landowner, and he will give the landowner time to review the information. Mr.
234 Kinney stated that he will meet with the landowner again in 2 weeks to discuss asking
235 price.

236 10. Report of Staff

237 a) Administrator

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239 Administrator Kinney reiterated that the District's Legacy Cost-Share Payment
240 Program is a finalist for the MN Watersheds Program of the Year Award.
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242 b) Emmons & Olivier Resources

243 Greg Grasko reported that the District is closing out the County Road 50 IESF project
244 as well as ramping up construction for Moody Lake Capstone Projects and the WJD-
245 6 Western Tributary Wetland Restoration project. He also advised that the District,
246 hopefully, is advancing a project for Little Comfort Lake.
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248 c) Smith Partners

249 Nothing to report.
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251 11. Report of Treasurer

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a) Approval of Bills and Treasurer’s Report

Treasurer Anderson reported income for the period of \$20,458.56 and expenses in the amount of \$469,584.47. She reported that the District’s fund balance is in good shape.

Manager Anderson moved to accept the Treasurer’s Report and pay the bills in the amount of \$469,584.47. Seconded by President Schmaltz.

Manager Bakke asked why the Xcel Energy bill is so high this month. Manager Anderson indicated she would look into this.

Upon 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 reported that he has begun the process of the annual performance review for Administrator Kinney.

Manager Bakke reported that he and the other Washington County managers attended a meeting with Washington County commissioner, Fran Miron, to review the CLFLWD 2024 budget. He noted that Commissioner Miron emphasized the importance of transparency in the budget process. Manager Loth added that Commissioner Miron had asked whether the District’s net tax capacity increase was due to inflation or value increases. Mr. Kinney noted that staff received more information from county staff earlier this afternoon in response to this question. He stated that staff will distribute this information to the Board.

Manager Anderson indicated that the Lower St. Croix Watershed Partnership metro convene meeting will occur soon. The purpose of this meeting is for the metro partners to decide whether to pool the Watershed Based Implementation Funds (WBIF) with the non-metro portion of the basin. Historically, the Partnership has decided to pool funds. Manager Anderson noted that the next biennium’s grant installment is going to be higher than the past WBIF installments.

Manager Toavs reported that the District distributed a letter to Moody Lake area residents with information on the upcoming Moody Lake Capstone Project. He indicated

290 that he has been receiving good feedback from Moody Lake residents about the project.
 291 Manager Anderson requested that a copy of the letter be distributed to the full board.
 292 Administrator Kinney noted that the District will hold an open house on November 8th and
 293 present more information on the project then, as well.

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 295 **13. Summary and Approval of Board Direction**

296 Board directives were summarized.

- 297 • Staff will be mindful of how the next Watershed Based Implementation Funding
- 298 installment of \$2.2 million can be used.
- 299 • President Schmaltz requested that staff evaluate the cost-benefit and efficiency
- 300 of AIS prevention measures.
- 301 • Manager Anderson will work with staff to look into the Xcel Energy bill.
- 302 • Staff will distribute a copy of the Moody Lake Capstone outreach letter.
- 303 • Manager Anderson to meet with Randy Anhorn, Nine Mile Creek Watershed
- 304 District Administrator, regarding smart salting outreach.

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 306 **14. Adjourn**

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 308 **a) Next regular board meeting – November 16, 2023, 6:30 pm**

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 310 Manager Anderson moved to adjourn the meeting. Seconded by Manager Loth. Upon
 311 a roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:21 p.m.
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Manager	Aye	Nay	Absent	Abstain
Dave Bakke	X			
Christopher Loth	X			
Doug Toavs	X			
Jackie Anderson	X			
Stephen Schmaltz	X			

313
 314 Dave Bakke, Secretary _____