

1 **MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, November 16, 2023**
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5 **1. Call to Order**
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7 President Schmaltz called the November 16th, 2023, regular board meeting to order at
8 6:30 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 (virtual attendance)
13 Dave Bakke, Secretary (virtual attendance)
14 Jackie Anderson, Treasurer
15 Douglas Toavs, Assistant Treasurer (virtual attendance)
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17 **Staff Present:**

- 18 Mike Kinney, District Administrator
19 Beth Carreño, Senior Program Manager
20 Emily Heinz, Planning Coordinator
21 Mike Sandager, Permitting Coordinator
22 Aidan Read, Land Management Specialist
23 Victoria D’Amico, Water Resources Technician
24

25 **Others Present:**

- 26 Greg Graska, Emmons & Olivier Resources
27 Anne Wilkinson, Emmons & Olivier Resources
28 Cecilio Olivier, Emmons & Olivier Resources
29 Chuck Holtman, Smith Partners
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31 **2. Setting of Meeting Agenda**

32 Manager Anderson moved to approve the agenda as presented. Seconded by President
33 Schmaltz. 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			

36 **3. Consent Agenda**

- 37 a) Regular Board Meeting Minutes – October 12, 2023
- 38 b) Regular Board Meeting Minutes – October 26, 2023

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Manager Anderson moved to approve the consent agenda as presented. Seconded by Manager Loth. 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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[Manager Toavs joined the meeting.]

46 **4. Public Open Forum**

47 There were no comments.

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49 **5. Citizen Advisory Committee Update**

50 Aidan Read reported that Citizen Advisory Committee (CAC) met on November 14th. The
51 December CAC meeting is canceled.

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53 **6. New Business**

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55 **a) Permit 23-015 Beltz Park Improvements Phase 1**

56 Mike Sandager introduced the proposed project located at the intersection of 11th
57 Ave. SE & South Shore Dr., Forest Lake. The project will involve a number of updates to
58 an existing city park, Beltz Park, including installation of an improved playground
59 area, onsite restrooms, picnic shelter, and associated ADA features. The project
60 requires stormwater management and erosion control. Greg Graska explained that
61 stormwater management requirements will be met by means of a bio-infiltration
62 basin. Silt fences, erosion control blankets, a rock construction entrance, inlet
63 protections, revegetation specifications and an implementation schedule will satisfy
64 sediment and erosion control requirements.

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66 Manager Anderson moved to approve permit application #23-015 with conditions
67 stated in EOR’s November 8, 2023 memorandum. Seconded by Manager Toavs.

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69 President Schmaltz asked how stormwater runoff from the surrounding streets is
70 being treated. Mr. Graska explained that he met with the City on the site and
71 discussed the feasibility of treating stormwater runoff from the streets. He indicated
72 that, due to the topography and space limitations, it isn’t feasible to treat runoff from

73 the streets and implement a regional stormwater treatment system. However, it may
 74 be possible to implement stormwater treatment further downstream. Mr. Graske
 75 indicated he would look into this and discuss it with City of Forest Lake engineers.
 76 Manager Anderson urged that District engage with City staff when there is work near
 77 old lake access points to seek opportunities to retrofit treatment. President Schmaltz
 78 suggested tabling the motion until Mr. Graske can discuss regional treatment
 79 options with the City. Mr. Holtman noted the District must act within 60 days of
 80 receiving a completed permit application. Mr. Sandager indicated the District
 81 received a complete application on November 2nd.

82
 83 President Schmaltz moved to table the motion until the December 20th regular board
 84 meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried
 85 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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 88 **b) Lower St. Croix Partnership 2024 Annual Work Plan**

89 Emily Heinz explained the 2024 work plan encompasses all of the implementation
 90 items in the Lower St. Croix (LSC) Partnership’s Comprehensive Watershed
 91 Management Plan; not just the grant-funded items. She explained that the process
 92 for preparing and approving the annual work plan is dictated by the Partnership’s
 93 joint powers agreement.

94
 95 Manager Anderson moved to approve the Lower St. Croix 2024 Annual Plan of Work.
 96 Seconded by Manager Toavs.
 97

98 Manager Bakke asked what the CLFLWD’s financial contribution to this work plan
 99 amounts to. Manager Anderson indicated that the CLFLWD doesn’t contribute funds
 100 other than staff and manager time to attend meetings etc. She explained that the
 101 partners receive grant funding through the partnership’s Watershed Based
 102 Implementation Funding grants. Manager Bakke asked who the grant fiscal agent is,
 103 and Manager Anderson responded that it is Chisago Soil and Water Conservation
 104 District. Manager Anderson suggested staff give a presentation on the LSC
 105 Partnership framework at a future board meeting. Manager Bakke mentioned how
 106 important the work is because the St. Croix River is a national scenic waterway and
 107 one of the cleanest rivers in the world. Mr. Kinney noted that the LSC Partnership
 108 board liaisons are selected at the CLFLWD’s January business meeting.

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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) MN Watersheds Delegate Appointments

Administrator Kinney indicated that the MN Watersheds Annual Meeting and Conference will be held at the end of the month. Managers must select two delegates and an alternate to attend the annual meeting. President Schmaltz and Manager Anderson indicated they plan to attend. Manager Bakke indicated he was interested in attending.

President Schmaltz moved to appoint Managers Anderson and Bakke as District delegates and President Schmaltz as alternate delegate at the MN Watersheds annual meeting. Seconded by Manager Toavs. 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) MN Watersheds Resolutions – Delegate Instructions

Administrator Kinney explained that this would be an opportunity for the managers to review each resolution and make a recommendation as to how the delegates should vote on each matter at the MAWD business meeting. Managers reviewed the six resolutions.

Mr. Holtman indicated that Smith Partners proposes an alternative to the first resolution. He explained that the underlying position is that this legislation should apply to all state agencies, not just the Department of Natural Resources. Administrator Kinney explained that Minnesota is in need of better farming practices and soil health practices in order to address water quality issues and the flooding concerns that are being discussed in resolutions 3 and 4.

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The Board consensus view on each resolution was as follows:

#	Resolution Title	CLFLWD Board Position
1	Require Watershed District Permits for the Department of Natural Resources	The Board supports adopting the resolution once amended to encompass all state agencies.
2	Clarify Budget Adoption Deadlines and Certification Types for Watershed Districts	The Board supports the committee's recommendation not to adopt.
3	Support New Legislation Modeled after HF2687 and SF2419 (2018) Regarding DNR Regulatory Authority over Public Drainage Maintenance and Repairs	The Board supports the committee's recommendation to adopt as amended.
4	Support Streamlining the DNR Flood Hazard Mitigation Grant Program	The Board supports the committee's recommendation to adopt.
5	Support Increased Flexibility in Open Meeting Law to Utilize Interactive Technology	The Board supports the committee's recommendation to adopt.
6	(CLFLWD's) Support Minnesota Watersheds Education and Outreach to Encourage Formation of Watershed Districts in Unserved Areas	The Board supports the committee's recommendation to adopt.

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e) Washington Conservation District 2024 Service Agreement

Administrator Kinney indicated that this service agreement is renewed on an annual basis.

President Schmaltz moved to authorize the Board President, on advice of counsel, to enter into the 2024 Service Agreement with Washington Conservation District and in an amount not to exceed \$20,000. Seconded by Manager Toavs. 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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f) Community Cost-Share Pilot Program

154 President Schmaltz moved to approve the proposed administrative revisions to the
155 Comfort Lake–Forest Lake Watershed District Residential Cost–Share Program Policy.
156 Seconded by Manager Loth.

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158 Manager Anderson noted the proposed change to authorize staff review and action
159 on applications. She requested that staff provide regular updates to the Board.
160 President Schmaltz asked about how grant extensions would be handled under the
161 mini-grant program. Aidan Read explained that grantees have one calendar year to
162 begin work on their project after grant approval. The purpose of the extension would
163 be to allow more time for grantees to implement their plantings, for example, if
164 drought conditions impact planting schedule. President Schmaltz asked if grantees
165 are allowed to leave existing riprap on their property and replace a portion of the
166 riprap with native plantings. Mr. Read indicated this is possible. He clarified that grant
167 funds cannot be used to install new riprap.

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169 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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172 **g) Legacy Payment Program – MN Watersheds Presentation**
173 Beth Carreño presented a summary of the legacy payment program. This program
174 is a finalist for the MN Watersheds Program of the Year Award, and staff are slated to
175 give a presentation on the program during the conference session. Ms. Carreño
176 provided an overview of the program, which provides financial incentives to
177 landowners for property maintenance practices that protect natural resources.

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179 **h) Draft 2024 Staff Work Plan**
180 Mr. Kinney explained that the annual work plan helps to convey the District’s activities
181 to the Board and the public.

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183 President Schmaltz moved to approve the 2024 staff work plan. Seconded by
184 Manager Anderson.

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186 President Schmaltz recommended managers bring any questions forward, and staff
187 can address them at future meetings, as needed. Manager Anderson requested a
188 succinct list of projects that the District is developing, but may not be called out by
189 name in the work plan, as well as a list of projects submitted for grants.

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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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7. Old Business

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a) Little Comfort Lake Project Update & Grant Amendment

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Mr. Kinney explained that the District has encountered multiple barriers with respect to the projects that were originally proposed under this grant. Staff proposes to request a grant amendment in order to utilize grant funds on a revised set of activities including agricultural practices and street sweeping.

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Manager Anderson moved to authorize the District Administrator to submit a grant amendment request for Clean Water Fund grant C21-6176, adjusting grant deadline and work plan, and to execute the amendment, if granted. Seconded by Manager Toavs.

Manager Anderson indicated there is land for sale at the corner of Highway 8 and Heath Avenue. Mr. Kinney explained that staff have looked into this, and the MN Department of Transportation (MnDOT) is currently interested in acquiring this site. This site would provide opportunities for MnDOT to implement stormwater management features associated with the Highway 8 reconstruction project.

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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8. Report of Staff

a) Administrator

219 Administrator Kinney noted the District prepared an informational video on the Forest
220 Lake Alum Treatment and has submitted it to be shown at the MN Watersheds Annual
221 Conference. Mr. Kinney presented aerial photos that were recently captured for Bone
222 Lake, Comfort Lake, Lake Keewahtin, Forest Lake, Little Comfort Lake, Moody Lake, and
223 Shields Lake. Manager Bakke asked if there are any updates on the Bone Lake South
224 property acquisition. Mr. Kinney indicated he and Mr. Eineichner met with the
225 landowner to discuss the appraised price. He is giving the landowner some time to
226 consider, and Mr. Kinney plans to meet again with the landowner to obtain his final
227 asking price. Mr. Kinney indicated he is optimistic about being able to find a path
228 forward.

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230 **b) Emmons & Olivier Resources**

231 Greg Graska reported the District is in the process of winterizing the County Road 50
232 Iron Enhanced Sand Filter project. Staff and engineers are also working on
233 construction contracting for the Moody Lake Capstone Project and the Washington
234 Judicial Ditch 6 Western Tributary Wetland Enhancement Project, in preparation for
235 winter construction. The water monitoring season is wrapped up for the year, and
236 data analysis will begin shortly.

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238 **c) Smith Partners**

239 Nothing to report.

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241 **9. Report of Treasurer**

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243 **a) Approval of Bills and Treasurer's Report**

244 Treasurer Anderson reported income for the period of \$15,553.66 and expenses in the
245 amount of \$220,853.10.

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247 Manager Anderson moved to accept the Treasurer's Report and pay the bills in the
248 amount of \$220,853.10. Seconded by President Schmaltz.

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250 Manager Bakke asked for an update on last month's Xcel Energy bill. Manager
251 Anderson explained that several factors affect the energy bill including leaving lights
252 on to indicate the office is open and utilizing the air conditioning. She noted the
253 District is also billed for energy usage for the Moody Lake aerator. Ms. Carreño
254 indicated she has been in touch with the building manager and Xcel Energy about
255 energy improvements. She reported that the building manager noted they are
256 seeing a 30% increase in energy costs across the board, regardless of usage.

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258 Upon 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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10. Report of Officers and Managers

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Manager Bakke noted there was an error on the November 8th open house meeting notice; it indicated a 6:30 start time when the open house was intended to run from 4:00-6:00 pm. Ms. Carreño explained that two attendees arrived at the incorrect start time. She reported that staff reached out to these two individuals and were able to speak with them directly to offer an apology and to engage them further on their interest in the District and its work.

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Manager Toavs reported that he attended the open house and learned some new information about the Moody Lake Capstone Project. He commended staff on the informational slideshow.

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11. Summary and Approval of Board Direction

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Board directives were summarized.

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- Staff will provide the MN Watersheds conference schedule to Manager Bakke
- Staff will provide regular updates to the Board on cost-share programs
- Staff will provide a separate list of project development activities as they relate to the 2024 staff work plan

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12. Adjourn

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a) Next regular board meeting – December 20, 2023, 6:30 pm

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Manager Toavs moved to adjourn the meeting. Seconded by Manager Anderson. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 9:03 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			

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Dave Bakke, Secretary -----