

1 **DRAFT MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, March 28, 2024**

4
5 **1. Call to Order**

6
7 President Schmaltz called the March 28, 2024, regular board meeting to order at 6:30
8 p.m. at the CLFLWD office, 44 Lake Street South, and via online video conference.

9
10 **Managers Present:**

11 Steve Schmaltz, President

12 Christopher Loth, Vice President (virtual attendance)

13 Jackie Anderson, Treasurer

14 Douglas Toavs, Assistant Treasurer (virtual attendance)

15 Dave Bakke, Secretary (virtual attendance)

16
17 **Staff Present:**

18 Mike Kinney, District Administrator

19 Tori Philippi, Office Manager

20 Aidan Read, Land Management Specialist

21 Blayne Eineichner, Project Coordinator

22 Emily Heinz, Planning Coordinator

23 Garrett Miller, Aquatic Invasive Species Coordinator

24 Victoria D’Amico, Watershed Technician

25
26 **Others Present:**

27 Cecilio Olivier, Emmons & Olivier Resources

28 Anne Wilkinson, Emmons & Olivier Resources

29 Chuck Holtman, Smith Partners

30
31 **2. Setting of Meeting Agenda**

32
33 Administrator SMART Goals was added to the agenda under Old Business.

34
35 Manager Toavs moved to approve the agenda as presented. Seconded by President
36 Schmaltz. Upon a roll call vote, the motion carried 5-0.

37

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

Jackie Anderson	X			
Stephen Schmaltz	X			

38
39
40
41
42
43
44
45
46
47
48
49
50
51

3. Consent Agenda

- a) Special Board Meeting Minutes – January 23, 2024
- b) Regular Board Meeting Minutes – January 25, 2024
- c) Regular Board Meeting Minutes – February 8, 2024
- d) Regular Board Meeting Minutes – February 22, 2024
- e) State Grant Conflict of Interest Resolution

The board meeting minutes of January 23, January 25, February 8, and February 22 were removed from the consent agenda so as to give managers more time to review. Manager Anderson moved to approve the consent agenda as amended. Seconded by President 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			

52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70

4. Public Open Forum

There were no comments.

5. Citizen Advisory Committee Update

Aidan Read reported that the Citizen Advisory Committee (CAC) met on March 19th. Manager Anderson asked for more information regarding the overview of District-owned properties. Mr. Read explained that this topic was requested by CAC members, and he had presented an overview of the various properties the District owns such as tax forfeit properties, donated properties, and purchased properties. Manager Anderson asked that staff distribute the list of District-owned properties, and properties on which the District holds easements, to the Board.

6. New Business

- a) Curly-Leaf Pondweed Control Contract for Forest Lake

71 Garrett Miller explained that the Minnesota DNR’s curly-leaf pondweed (CLP)
72 treatment timeline has been moved up by about a month this year, requiring that all
73 CLP treatments occur before May 1st. This change is due to the warm winter weather
74 conditions increasing water temperatures earlier than usual. Mr. Miller noted that
75 Lake Management Inc. has a history of performing successful treatments for the
76 District.

77
78 Manager Anderson moved to authorize the Administrator, on the advice of counsel,
79 to enter into a contract with Lake Management Inc. for treatment of curly-leaf
80 pondweed on Forest Lake in an amount not to exceed \$30,000. Seconded by
81 Manager Toavs.

82
83 Manager Bakke asked to clarify if this contract is for Forest Lake alone. Mr. Miller noted
84 that Forest Lake is the only treatment expected to exceed the \$20,000 contracting
85 authority granted to the District Administrator, thus requiring board approval.
86 President Schmaltz expressed concern that the delineated treatment area might
87 exceed 120 acres. Mr. Miller noted that Steve McComas has advised that a treatment
88 of 120 acres in Forest Lake is sufficient to bring the herbicide concentration
89 throughout the lake to the levels needed for whole-lake control.

90
91 Upon a roll call vote, the motion carried 5-0.
92

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

93
94 **b) 2023 CAT & DIY Monitoring Report**
95

96 Blayne Eineichner explained that he and Victoria D’Amico prepared the report and
97 the pre-recorded presentation to which the managers were provided a link.
98 President Schmaltz posed a question regarding pollutant loading source
99 identification. Mr. Eineichner indicated the Citizen Assisted Tributary (CAT)
100 monitoring program is a low-cost way to identify tributaries with unusually high
101 pollutant loading, and staff can follow up with additional monitoring to further
102 investigate. Manager Anderson asked if staff recommends that the accuracy of the
103 samples collected by volunteers is sufficient for the District’s needs. Mr. Eineichner
104 explained that staff and Emmons & Olivier Resources collect duplicate samples in
105 some instances to validate sample results. He noted that this effort compares results
106 from samples analyzed by DIY equipment to those analyzed at a commercial

107 laboratory. Mr. Eineichner noted that the sampling sites are rotated on an annual
108 basis. Administrator Kinney recommended that the precision of the DIY equipment is
109 sufficient for the District’s needs, particularly as a pre-screening tool for further
110 investigation.

111
112 President Schmaltz moved to approve the 2023 DIY and CAT Monitoring Report as
113 presented in this memo and to direct staff to ensure the presentation video is
114 available to the public. Seconded by Manager Anderson. Upon a roll call vote, the
115 motion carried 5-0.
116

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

117
118 **c) 2023 Monitoring Report**

119
120 Mr. Eineichner noted the report is provided in this meeting’s packet so managers can
121 start reviewing and send questions to staff. EOR will give a presentation at the April
122 11th board meeting and recommend acceptance on April 25th. President Schmaltz
123 requested that the April 11th presentation point out significant differences/changes
124 compared to previous years.

125
126 **d) 2023 Year-In-Review, Annual Report, Progress Report**

127
128 Emily Heinz explained the proposed review schedule which has been used in previous
129 years and is the same as for the Monitoring Report noted above. She noted the
130 Annual Report is due to the State by April 29th. President Schmaltz requested that staff
131 prepare an additional page to accompany the Year-In-Review infographic. The
132 purpose of the additional page would be to explain the significance of the District’s
133 work as it relates to local residents and taxpayers. He indicated readers may look at
134 the accomplishments noted in the Year-In-Review and ask “so what?” or “how does
135 this affect me?” Manager Anderson noted the importance of recognizing the target
136 audience for outreach materials like this. Manager Toavs indicated that the people
137 he has spoken to seem to be very responsive to the idea that one pound of
138 phosphorus can support up to 500 pounds of algae growth. Manager Anderson
139 indicated she likes that there are more graphics in the Annual Report this year.

140
141 **7. Old Business**
142

143 **a) 2024 Cost-Share Policy**

144
145 Aidan Read summarized changes made to the program policy including:

- 146 • Change to Legacy Program name
- 147 • Clarity on property tax payment option
- 148 • Edited for grammar and clarity
- 149 • Applications and agreements incorporated into the appendix

150
151 Mr. Read explained that the proposed name for one of the cost-share programs is
152 “Watershed Property Tax Credit Payment Program.” This program was known as the
153 Legacy Payment Program in the 2023 pilot year. In this program, awardees can
154 choose to receive payments in the form of a property tax payment to the county or
155 a direct payment to the landowner. Payments will be made in December of each
156 year. Landowners can be enrolled in the program indefinitely, and will continue to
157 receive payments so long as they meet program criteria and funding is available.
158 The District would send a single check to each county each year, with specifications
159 as to which properties will be receiving payments. Mr. Read clarified that
160 homeowners having received a cost-share grant would be automatically enrolled in
161 this program for three years; this is conceived of as support for maintenance of the
162 cost-share project.

163
164 Legal Counsel Holtman indicated that the District isn’t violating the law by calling the
165 program a “tax credit”, but it isn’t actually a credit. Mr. Holtman clarified that when
166 residents fill out their tax forms, the payment under this program is not classified as
167 a “tax credit.” Rather, it is a payment toward their taxes. Manager Schmaltz
168 recommended the District avoid any risks associated with using the term “tax credit”
169 in the program name. Manager Anderson discussed “Water Steward Legacy Reward
170 Program” as a potential name, noting that it emphasized the stewardship element
171 of the program. Administrator Kinney noted that he is recommending the name
172 change as previously presented. He recommended that, based on his experience,
173 advertising the “tax” element of this program will be most appealing to applicants.

174
175 President Schmaltz moved to approve the program name “Watershed Property Tax
176 Payment Program”. Seconded by Manager Loth. Upon a roll call vote, the motion
177 carried 3-2.

178

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

179
180
181
182

President Schmaltz moved to approve the cost-share program policy as amended. Seconded by Manager Toavs. Upon a roll call vote, the motion carried 3-2.

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

183
184
185
186
187
188
189
190
191
192
193
194

b) Administrator SMART Goals

President Schmaltz presented a proposed schedule to review Administrator SMART goals and complete the annual assessment. He recommended meetings in April, July, and October, and a special meeting with the full board in December. The ultimate goal is to complete the review and finalize goals before the end of January 2025. Manager Anderson suggested that a special meeting in December is not necessary. There was general consensus to adhere to the proposed schedule, with the December meeting removed.

8. Report of Staff

195
196
197
198

a) Administrator

199
200
201
202
203
204
205
206
207

Administrator Kinney reported that staff and EOR are collaborating with the St. Anthony Falls Laboratory (SAFL) regarding iron enhanced sand filter project monitoring. Manager Anderson asked for an update on the office energy audit. Tori Philippi noted the top energy saving recommendations are to actively monitor/manage the heated floors in the conference room, clean out the HVAC system annually, and switch to a smart thermostat. Manager Anderson noted that under both the existing and proposed new leases, the property owner is responsible to maintain the HVAC system.

208
209
210
211
212
213

Administrator Kinney noted that he and Ms. Heinz attended the Lower St. Croix Steering Committee meeting yesterday, and the District's grant proposal was approved for the Heath Avenue Iron Enhanced Sand Filter Technical/Engineering. Additionally, Mr. Kinney and Mr. Eineichner recently had a productive meeting with a property owner at the Heath Avenue potential project site.

214 Manager Anderson asked for a map showing shoreline cost-share program
215 participation for Bone Lake, Comfort Lake, and Forest Lake. Manager Bakke noted
216 there was a shoreline workshop for contractors on March 4th. He asked if staff could
217 obtain a list of attendees and cross-reference that whenever the District needs to
218 hire a contractor for its own projects. Legal Counsel Holtman advised that the District
219 can give preferential treatment to trained contractors for jobs that don't require
220 sealed bidding process (i.e., jobs less than \$175,000).

221

222 **b) Emmons & Olivier Resources**

223

224 Dr. Wilkinson reported that EOR and permitting staff met with City of Wyoming staff
225 regarding stormwater best management practices for an upcoming city project. She
226 reported that next week EOR and District staff will begin site reconnaissance for 2024
227 water monitoring and collect snow melt samples. Additionally, Dr. Wilkinson and Mr.
228 Eineichner recently met with St. Anthony Falls Laboratory (SAFL) to discuss options for
229 sampling the Broadway Avenue Iron Enhanced Sand Filter project media, evaluate
230 the current phosphorus removal, and consider retrofit/replacement options.

231

232 **c) Smith Partners**

233 Nothing to report.

234

235 **9. Report of Treasurer**

236

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

238

239 Treasurer Anderson reported income for the period of \$140,183.13 and expenses in the
240 amount of \$374,643.31.

241

242 Manager Anderson moved to accept the Treasurer's Report, transfer funds in the
243 amount of \$423,900 and pay the bills in the amount of \$374,643.31. Seconded by
244 President Schmaltz. Upon vote, the motion carried 5-0.

245

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

246

247 **10. Report of Officers and Managers**

248

249 President Schmaltz reported the Forest Lake Lake Association (FLLA) annual meeting will
250 be held April 17th at the American Legion. He indicated this will be a great opportunity to
251 present the District's shoreline program.

252

253 Manager Bakke noted the Bone Lake Association met with staff last Tuesday and
254 discussed the upcoming Bone Lake delisting celebration.

255

256 Manager Anderson indicated she would like to meet with Mr. Kinney and EOR to discuss
257 project plans for Comfort Lake and Little Comfort Lake. Manager Anderson
258 recommended the District work with EOR to do grant research. Manager Anderson
259 indicated staff and EOR should stay on top of the Highway 8 roadway improvement
260 project, consider how stormwater runoff is to be treated, and report back to the
261 managers. Manager Anderson noted Hennepin County offers a pledge program to
262 recognize shoreline stewards, and she recommended the District do something similar.
263 Finally, Manager Anderson noted the next Washington County Water Consortium
264 meeting is April 3rd. She noted the presentations at these meetings are always very
265 informative, and she encouraged managers to attend.

266

267 **11. Summary and Approval of Board Direction**

268

269 Board directives were summarized.

- 270 • Staff will poll managers for a special meeting regarding Administrator goals
271 and succession.
- 272 • Staff will provide managers with a list of District property holdings and
273 easements.
- 274 • Staff will ensure the CAT and DIY monitoring presentation is available to the
275 public.
- 276 • Staff will consider the concept of creating another document for the Year-In-
277 Review that elaborates on why the District's work is beneficial to taxpayers
278 (answers the question "so what?").
- 279 • Staff will prepare a map that shows cost-share program participation on Bone
280 Lake, Comfort Lake, and Forest Lake.
- 281 • Manager Anderson will meet with Administrator Kinney and the District Engineer
282 to discuss planning efforts for Comfort Lake and Little Comfort Lake.
- 283 • Staff are encouraged to check with Emmons & Olivier Resources regarding
284 grant opportunities.
- 285 • Staff and engineers will communicate with the Highway 8 Roadway Project
286 regarding stormwater treatment and road salt, and staff will keep Manager
287 Anderson advised of meetings.
- 288 • Staff will consider a pledging concept for shoreline owners, similar to the
289 program at Hennepin County.
- 290 • Managers are encouraged to attend the monthly Washington County Water
291 Consortium presentations.

292
293
294
295
296
297
298
299
300

12. Adjourn

a) Next regular board meeting – April 11, 2024, 6:30 pm

Manager Anderson moved to adjourn the meeting. Seconded by Manager Bakke. Upon a roll call vote, the motion carried 5-0, and the meeting was adjourned at 8:40 p.m.

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

301
302

Dave Bakke, Secretary -----