

1                                   **MINUTES OF THE REGULAR MEETING OF THE**  
2                                   **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**  
3                                   **Thursday, March 28, 2024**  
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5 **1. Call to Order**  
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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.  
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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**  
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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.  
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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 – 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			

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**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 19<sup>th</sup>. 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 1<sup>st</sup>. 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			

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

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118 **c) 2023 Monitoring Report**  
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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 11<sup>th</sup> board meeting and recommend acceptance on April 25<sup>th</sup>. President Schmaltz  
123 requested that the April 11<sup>th</sup> presentation point out significant differences/changes  
124 compared to previous years.

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126 **d) 2023 Year-In-Review, Annual Report, Progress Report**  
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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 29<sup>th</sup>. 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.

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141 **7. Old Business**  
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143 **a) 2024 Cost-Share Policy**

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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.

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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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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			

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**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**

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**a) Administrator**

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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.

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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 4<sup>th</sup>. 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).

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222 **b) Emmons & Olivier Resources**

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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.

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232 **c) Smith Partners**

233 Nothing to report.

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235 **9. Report of Treasurer**

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

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

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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.

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

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

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

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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 3<sup>rd</sup>. She noted the presentations at these meetings are always very  
265 informative, and she encouraged managers to attend.

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

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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.



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## 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			

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Dave Bakke, Secretary -----