

1 **MINUTES OF THE REGULAR MEETING OF THE**
2 **COMFORT LAKE–FOREST LAKE WATERSHED DISTRICT**
3 **Thursday, February 8, 2024**

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5 **1. Call to Order**

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7 President Schmaltz called the February 8, 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 Dave Bakke, Secretary
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 Tori Philippi, Office Manager
22 Aidan Read, Land Management Specialist
23 Adam Hjelm, Education & Outreach Coordinator
24 Garrett Miller, AIS Coordinator
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26 **Others Present:**

27 Anne Wilkinson, Emmons & Olivier Resources
28 Cecilio Olivier, Emmons & Olivier Resources
29 Kyle Crawford, Emmons & Olivier Resources
30 Chuck Holtman, Smith Partners
31 Ellen Hinrichs, Career Enhancement Options
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33 **2. Setting of Meeting Agenda**

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35 Agenda item 7 – Administrator Review was added to the agenda.
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37 Manager Anderson moved to approve the agenda as amended. Seconded by Manager
38 Bakke. 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. New Business

a) Clean Water Fund Grant Agreement

Manager Anderson moved to amend the 2024 budget for account 5-224-A School Lake Agricultural BMPs to \$99,000 and to transfer \$99,000 from account 000-2900 Reserve Fund to account 5-224-A. Seconded by Manager Bakke. 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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President Schmaltz moved to adopt resolution 24-02-01 authorizing execution of the grant agreement. 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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b) Lower St. Croix Supplemental Grant Funds Awarded

Manager Anderson moved to approve an amendment to the FY23 Watershed Based Implementation Fund work plan to include \$167,615 in supplemental grant funds and authorize the LSC Steering Committee to direct these supplemental funds toward activity(ies) that most effectively meet goals of the Lower St. Croix Comprehensive Watershed Management Plan. Seconded by President Schmaltz.

Manager Anderson clarified that the allocation of the supplemental grant funds will follow the same awards process as the rest of the Watershed Based Implementation Funding grant dollars. All grant requests below \$50,000 will be reviewed by the

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Steering Committee, and all grant requests greater than or equal to \$50,000 will be reviewed by the Steering Committee *and* the Policy Committee.

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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President Schmaltz moved to authorize the District Administrator to submit an application for the Heath Ave IESF Feasibility Study to the LSC WBIF grant program and execute the grant sub-agreement, if awarded. Seconded by Manager Anderson.

Administrator Kinney noted the District has a letter of support from the landowner.

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) 2024 CLFLWD and Chisago County Watercraft Inspection (WCI) Joint Powers Agreement

President Schmaltz asked if the District expects to be able to hire enough watercraft inspectors to achieve this year's goals. Garrett Miller indicated that he expects so. He explained the District offers competitive compensation, plus bonuses for returning inspectors. Manager Anderson indicated she is looking into obtaining additional funding from Chisago County's lake association grant program to add more watercraft inspection hours.

Manager Bakke moved to approve the joint powers agreement between Chisago County and the Comfort Lake-Forest Lake Watershed District for cost sharing of the boat launch inspection program. 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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98 **4. Old Business**

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100 **5. Program/Project Update**

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102 **a) Education & Outreach Program Update**

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104 Beth Carreño presented an update on the Education & Outreach Program including
 105 goals, metrics, priorities, and planned activities. She summarized the 2024 Annual
 106 Education & Outreach Implementation Plan which aims to be proactive in public
 107 outreach, rather than reactive. Specific 2024 priorities include the District's 25th
 108 anniversary, staffing (the new Education & Outreach Coordinator, Adam Hjelm),
 109 office search, program/project/partner support, natural shorelines, the Bone Lake
 110 impairment de-listing, resiliency planning/community engagement, public relations
 111 and crisis communication planning, and consistent and expanded social media
 112 presence.

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114 Manager Bakke recommended that the District, for its own projects, prioritize working
 115 with contractors that have been through the Professional Training for Shoreline
 116 Contractors Workshop. Manager Anderson indicated the District should have a swift
 117 enforcement response in cases when there is non-compliant work occurring near a
 118 lake. She urged that the District have a clear point of contact for those who observe
 119 unpermitted shoreline work. Manager Loth shared that Danielson Bros Landscaping
 120 is a local company based in Chisago and is one of the Forest Lake Lake Association's
 121 sponsors. He indicated he would be willing to connect the District with this contractor.
 122 Manager Bakke indicated he attended a Carnelian-Marine-St. Croix Watershed
 123 District talk at the MN Watersheds Conference, and it is a common theme that
 124 contractors are the ones doing noncompliant work. He stated it would be important
 125 for the District to draw a clear line that it won't work with contractors who engage in
 126 work that isn't compliant with local rules and ordinances. Legal Counsel Holtman
 127 noted that there are some legal limitations involved if the District wishes to require
 128 certain training or licensure of contractors.

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130 **b) Shoreline Program Update**

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132 Aidan Read presented the results of the 2023 shoreline inventories on Bone Lake,
 133 Comfort Lake, and Forest Lake. He explained the inventory methodology, which is a

134 Department of Natural Resources method called Score the Shore. The lake wide
135 scores were “low” for Bone Lake and Comfort Lake, and “very low” for Forest Lake. Mr.
136 Read emphasized the importance of woody vegetation such as trees and shrubs
137 along the shoreline. He presented recommended areas of focus for each lake.

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139 Using estimates based on the 2023 data, to meet District goals, Bone Lake will require
140 3,300 feet of shoreline restoration, Comfort Lake will require 1,900 feet, and Forest Lake
141 will require 30,300 feet.

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143 President Schmaltz offered that the District needs to craft a convincing argument to
144 landowners, so they understand the severity of the impacts of an altered shoreline.
145 Manager Anderson said staff should present this to the city planning commissions.
146 Manager Bakke indicated neighbor-to-neighbor communications will be beneficial
147 to the shoreline restoration effort. Manager Toavs stressed the importance of this sort
148 of data in encouraging shoreline behavior change. He noted that he was surprised
149 how low his own shoreline scored using the inventory methodology. Mr. Read noted
150 that an in-person assessment using the DNR’s Score Your Shore method had shown
151 Manager Toavs’ property had 75-100% natural shoreline cover.

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153 **c) Project Update**

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155 Administrator Kinney reported that the WJD-6 Western Tributary Wetland
156 Enhancement Project construction is underway and nearing completion. He
157 provided an update on the Moody Lake Capstone Project, for which construction is
158 underway as well. He explained that the wetland excavation component of the
159 project required removal of spoils rich in phosphorus, and the construction
160 contractor was tasked with removing the spoils. He explained that the District had
161 arranged with the contractor to haul the spoils to a designated location. However,
162 the contractor failed to bring the spoils to the designated location and brought them
163 to a private residence instead. Mr. Kinney indicated that this location presents a
164 water quality risk to Bone Lake. He explained that he has been working with other
165 staff, the District Engineer, and District Legal Counsel to confirm the District’s legal
166 recourse and identify steps to remedy this issue. Mr. Kinney indicated he is working
167 toward taking corrective action as soon as possible.

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169 Manager Anderson moved to authorize the District Administrator to work with legal
170 counsel and the Board President to remedy the spoils disposal issue associated with
171 the Moody Lake Capstone Project. Seconded by President Schmaltz. Upon a roll call
172 vote, the motion carried 4-0-1 (Manager Bakke abstaining).

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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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6. Summary and Approval of Board Direction

Manager Anderson provided the following clarifications to the Summary of Board Direction tracker, according to the date of the directive.

- 1/27/22: The Highway 8 item should be resolved.
- 12/20/23: There are actually two un-stabilized dirt piles on a commercial property on Greenway Avenue that need to be stabilized.
- 10/26/23: The Smart Salting item has been completed and should be removed.
- 10/26/23: The Xcel Energy audit is in process, and the board can expect a report next month.
- 10/26/23: Regarding Watershed Based Implementation Funding, Manager Anderson noted the metro convene meeting is scheduled for February 21st, and all attendees have been asked to come prepared with a proposed project for grant funding. She indicated she will work with Administrator Kinney to identify the CLFLWD's project.
- 4/27/23: Manager Anderson requested an update on project signage at the next meeting.
- 1/11/24: Manager Anderson clarified that the record isn't accurate and should be revised to reflect that she had asked staff to communicate with Jack MacKenzie and confirm whether Mr. MacKenzie is familiar with non-turf plants that would be appropriate if someone would like a look that is close to turf, but is more appropriate for shorelines. She would like staff to confirm if Mr. MacKenzie could fulfill some of that training.

The following board directives were summarized:

- The Board is to be included in review of outreach and education documents before they are printed.
- Manager Anderson asked that staff establish and communicate a point of contact for those who observe improper shoreline work.
- With respect to the lakeshore review, President Schmaltz asked staff to pull together their observations about what is persuasive about getting folks to adopt native shoreline buffers.
- Manager Anderson asked that staff present the shoreline inventory data to planning folks at cities and provide photo captions in all materials.

7. Administrator Review

213 President Schmaltz moved to convene in closed session to evaluate the performance of
 214 the District administrator. Seconded by Manager Anderson. Mr. Kinney affirmed that he
 215 did not wish the discussion to be held in an open meeting. Upon a roll call vote, the
 216 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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 219 The Board convened in closed session.

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 221 President Schmaltz remarked that the Board had reviewed and approved last year’s
 222 performance assessment documents and associated feedback for each goal. Since
 223 Mr. Kinney had waited outside during most of the Board’s discussion, President
 224 Schmaltz indicated that he would meet with Administrator Kinney to go over the
 225 Board’s written comments and overall performance assessment documents.
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227 The Board did not finalize the Smart Goals for 2024 so Managers Bakke and Toavs will
 228 set up a meeting with Administrator Kinney to work on a final draft for the Board to
 229 consider. The Board will then have another meeting to finalize them.
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 232 **8. Adjourn**
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234 **a) Next regular board meeting – February 22, 2024, 6:30 pm**

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 236 Manager Schmaltz moved to adjourn the meeting. Seconded by Manager Loth. Upon
 237 a roll call vote, the motion carried 5-0, and the meeting was adjourned at 9:46 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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 240 Dave Bakke, Secretary -----