

**MINUTES OF THE WORKSHOP
OF THE
BOARD OF MANAGERS
OF THE
NINE MILE CREEK WATERSHED DISTRICT**

THURSDAY, FEBRUARY 4, 2021

I. Call to Order

Chair Cutshall called the Workshop of the Board of Managers of the Nine Mile Creek Watershed District to order at 5:30 p.m., Thursday, February 4, 2021. The meeting was conducted by web-based video conference, pursuant to Minnesota Statutes section 13D.021, after the Chair determined that because of the COVID-19 pandemic, it was not prudent for the Board of Managers, or any committee thereof, to meet in person.

Managers Present: Grace Butler, Bob Cutshall, Erin Hunker, Peggy Kvam, and Larry Olson

Manager Absent: None

Advisors Present: Janna Kieffer and Keith Pilgrim (Barr Engineering), and Michael Welch (Smith Partners)

Staff Present: Randy Anhorn, Lauren Foley, Erica Sniegowski, and Gael Zembal

Other Attendees: Mike Berndt (Bloomington resident), Ted Lockhart (Bloomington Resident), and Steve Elkins (MN House of Representatives – 49B)

II. Approval of the Agenda

Manager Olson moved, seconded by Manager Kvam to approve the meeting agenda as presented. On a roll call vote, the motion was approved 5-0 .

III. Normandale Lake 2020 Monitored Water Quality Presentation

Chair Cutshall reminded the attendees that this item is a presentation and information update, not an action item. He announced the District is holding a community stakeholder meeting on February 18th to provide an update on the Normandale Lake Water Quality Project to the public and to gather feedback on the public's thoughts about the current condition of Normandale Lake. Administrator Anhorn added that the District will have an online survey available through the District website as another way to receive public comments about Normandale Lake.

Engineer Kieffer reviewed the project objectives, including improving water quality and ecological health of Normandale Lake. She talked about the five management practices evaluated as part of the feasibility study completed in 2018 and reviewed the project timeline and activities since 2018. Engineer Kieffer addressed Normandale Lake activities that will occur in 2021, including ongoing assessment of carp management needs, continued monitoring, a partial lake curly-leaf pondweed herbicide treatment in the spring, and an assessment of any monitoring-need changes.

Engineer Kieffer talked about measuring project effectiveness and introduced Dr. Pilgrim to present the 2020 Normandale Lake water quality monitoring results. Dr. Pilgrim went through the 2020 data. He shared slides showing the data, and he provided his observations and analysis. Engineer Kieffer talked about curly-leaf pondweed monitoring, and she went through data from the 2020 plant point intercept survey, which indicates how often a plant is found and its density. She said the survey showed the frequency and density of curly-leaf pondweed is decreasing in the lake. Engineer Kieffer discussed the 2020 turion survey, noting the decrease of turions in the 2020 results compared to the 2019 results. She talked about the health of Normandale Lake's plant community.

Engineer Kieffer remarked that the District has been measuring project effectiveness by tracking water quality, curly-leaf pondweed populations, and the health of the lake's plant community and said members of the public may have different parameters of measuring the project's effectiveness. She said there are other indicators that residents might use, such as aesthetics and visual appearance of the lake. Dr. Pilgrim provided information about flows into Normandale Lake in 2019 and 2020 and compared the flow data with visual photographs of the lake, and he reminded the group about how quickly visual conditions can change throughout a year due to conditions. Engineer Kieffer and Dr. Pilgrim talked about filamentous algae.

Program and Project Manager Sniegowski talked about the 2018 and 2019 Normandale Lake fisheries survey results and the finding that the carp population in the lake exceeded the ecological damaging threshold. She summarized the Normandale Lake carp management activities, including box netting in 2020 to remove carp. Program and Project Manager Sniegowski explained the consultant has

recommended the District gather additional information about how many carp are in the lake to determine how many carp need to be removed. She said additional carp removal is recommended, using the beta box netting, and the District should consider assessing if the carp move upstream for spawning. Program and Project Manager Sniegowski said the next step is for the District to receive and review proposals from consultants for these tasks. She said there is the outstanding question of how much the carp in Normandale Lake is affecting water quality. She said the District needs to continue considering the cost-benefit of carp management. Program and Project Manager Sniegowski said the Board will get more information in upcoming months about these recommendations.

Engineer Kieffer reported the District will conduct a pre-treatment survey this spring to understand where the curly-leaf pondweed is located in Normandale Lake and in what quantity. Engineer Kieffer and Dr. Pilgrim talked about the timing of re-evaluating the need for additional activities identified in the 2018 Engineer's Report.

Manager Butler talked about the rotten egg odor issue with Normandale Lake. She asked if the District could move forward with a way to be more scientific about documenting the smell and if the District's actions have resulted in improvements to the odor issue. Dr. Pilgrim talked about the chemistry of the odor. He talked about hydrogen sulfide monitoring in the air in industrial applications, noting monitoring it in water is difficult.

Mr. Ted Lockhart asked for more details about the sampling location for total phosphorous for certain graphs presented tonight. He pointed out the numbers for total phosphorus seem to vary widely. Dr. Pilgrim responded that the total phosphorous measurement for the graph Mr. Lockhart referenced was taken as surface samples at the east site. Mr. Lockhart asked about the clarity data. Dr. Pilgrim said there is chlorophyll-a data. Mr. Lockhart requested that the chlorophyll-a and Secchi transparency data be available for the February 18th public meeting. Mr. Lockhart commented the total biomass data on chart 22 doesn't appear to indicate a trend. Dr. Pilgrim agreed one year's worth of data doesn't provide any conclusions. Mr. Lockhart commented that it seems the curly-leaf pondweed may have been managed ok, but green algae pond scum went off the charts as did coon tail and Canadian waterweed populations. He said it seems to him the management of curly-leaf pondweed just replaced one weed with others. Mr. Lockhart said his interest is in recreational water use and safety for recreational water use. He asked if the District is going to do any water monitoring for algal blooms. Administrator Anhorn said if curly-leaf pondweed is managed and removed early in the growing season, native plants like coon tail and elodea will likely replace the curly-leaf pondweed. He stated the District will continue monitoring phytoplankton and will follow the District's procedures for blue-green algal identification and notification if blue-green algal enumerations exceed World Health Organization thresholds for low, moderate or high probabilities of health risk to the public.

IV. Review of Administrator’s Delegated Permit Approval Authorization

Administrator Anhorn reminded the Board that in September of 2019 the Board passed a resolution that expanded the Administrator’s delegated permit-approval authority and directed the Board and staff to reevaluate the delegation in 18 months, which is now. Administrator Anhorn summarized the District’s 2020 permits. Manager Butler said she thinks this process has worked well. Chair Cutshall agreed. Administrator Anhorn asked if the Board is interested in a presentation about the path of a permit application. The Board indicated yes. Attorney Welch said it could be valuable to the managers to get a report quantifying the water resource protection and water quality improvements achieved by the District’s regulatory program. Administrator Anhorn said the District includes that information in its annual report, and he can also highlight it in the presentation.

Chair Cutshall clarified that the Board doesn’t need to act to keep the Administrator’s permit authority as it stands.

V. Governance Manual

The managers turned to a review of draft changes to NMCWD’s Governance Manual that were provided in the packet of information for the workshop. Manager Butler commented she was surprised by how much was redlined and asked Attorney Welch to weigh in on the number of changes. She said she’s wondering if the board hasn’t been updating the Governance Manual as often as it should. Attorney Welch said the document shows all the changes that have been made since November 2012, some of which the Board has already adopted, so it’s a little misleading to look at all the redlines as new revisions. Versions of the manual assembled since 2012 included some revisions but not others, so the administrator and counsel thought it would be best to present all of the changes, any of which the managers could revise as they see fit. Manager Butler said she’d like to see Governance Manual updates be part of the District’s workflow every two years.

Attorney Welch highlighted areas of attention for the managers to review. He said adoption of the revised policies, including any changes the managers direct, will be on the consent agenda for the District’s February regular meeting, and if adopted, staff will send the manual to the State Auditor as required by statute and will post it on the website.

There was discussion of manager per diems for participating in necessary duties that require less time than a board meeting but still add to managers' workload, and such should perhaps warrant a per diem of less amount than the \$125 for a regular meeting or workshop. The managers decided that a standing Personnel Committee is not needed, and personnel matters with the board's purview can be handled by a task force convened as needed. After further discussion of the new capital assets policy and appendix categorizing types of private and confidential data routinely created or received by NMCWD, Administrator Anhorn said that in order to discuss the points about the Governance Manual being raised tonight, he will place the Governance Manual action on the regular agenda instead of the consent agenda for the February meeting.

VI. 2020 Water Management Plan Workplan Tracking

Manager Butler noted she raised her concern with Administrator Anhorn about the red mark on the workplan tracking table and if the District is doing enough to get rid of the red mark. She said she doesn't need Administrator Anhorn go through the table again, but she would like a discussion about what to do about red marks. There was discussion about where managers can view the table, which is part of the District's 10-year workplan.

VII. Adjournment

It was moved by Manager Butler, seconded by Manager Olson, to adjourn the meeting at 7:55 p.m. On a roll call vote, the motion was approved unanimously.

Respectfully Submitted,

Erin Hunker, Secretary