

**MINUTES OF THE SPECIAL MEETING
OF THE
BOARD OF MANAGERS
OF THE
NINE MILE CREEK WATERSHED DISTRICT**

THURSDAY, AUGUST 6, 2020

I. Call to Order

Chair Cutshall called the Special Meeting of the Board of Managers of the Nine Mile Creek Watershed District to order at 5:30 p.m., Thursday, August 6, 2020. 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: Bob Cutshall, Erin Hunker, Larry Olson, Grace Sheely, and Jodi Peterson

Manager Absent: None.

Advisors Present: Randy Anhorn, Erica Sniegowski, and Gael Zembal

Other Attendees: Roger Bildsten (NMCWD CAC) and Peggy Kvam

II. Draft 2021 Budget

Administrator Anhorn reported the draft budget was in the meeting packet for the Board's July monthly meeting, and the draft budget will be on the agenda for the Board's August monthly meeting on August 19. He said the District will schedule a special meeting for September to hold a public hearing and adopt some resolutions on the budget and levy. Administrator Anhorn remarked he is tentatively planning to schedule that public hearing for September 3, and the managers indicated that date would work.

Administrator Anhorn explained that as he walks through the proposed 2021 budget, the managers should note he is comparing the proposed 2021 budget to the District's amendment budget as adopted in June 2020. He went through the budget by line item, describing which items are decreasing, staying the same, or increasing in

budget compared to the amended 2020 budget. Administrator Anhorn said the District's proposed 2021 program budget is \$1.4 million, which is an increase over the 2020 budget of approximately \$1.1-\$1.2 million.

Administrator Anhorn went through the District's capital projects, and he explained that the District has previously levied for these projects so will not levy for them with the 2021 levy. Administrator Anhorn stated the District's proposed project budget is \$1.7 million, compared to the \$1.4 million budget in 2020. He reported that the proposed total 2021 budget is \$3.95 million, which is an increase over the amended 2020 budget of \$3.4 million. Administrator Anhorn asked what the District would want to adopt for its 2021 levy, and he opened the floor for questions and comments.

Manager Sheely spoke in favor of increasing the well budget, saying she would like better coverage in terms of data points. She said the wells will give the District indicators of future drought conditions. She asked if the District has reached out to Hennepin County regarding well data, and she said the City of Minnetonka also offered to share well data. Manager Sheely said perhaps this work would require an increase in staff time rather than necessitating an increase in the District's 2021 well budget.

Manager Sheely commented that she thinks the District needs to determine if it will discontinue doing a watershed district calendar, since people might not be using those types of calendars anymore.

Administrator Anhorn responded that Hennepin County no longer collects ground water data, but he will reach out to the City of Minnetonka. He agreed that District staff could use 2021 to research where the District would want to potentially install wells in 2022.

Administrator Anhorn commented that the calendar is a great promotional item and there is a strong demand for the calendars. Manager Sheely said maybe the CAC could help guide the Board and evaluate the calendar initiative for the Board's consideration and discussion two years from now.

Administrator Anhorn noted the proposed 2021 budget does not have a line item for aquatic invasive species (AIS), and he commented that this may be a point of discussion for the Board when it talks about AIS later in this meeting and/or when the Board discusses the 2021 budget at the Board's August monthly meeting. He said in the meantime he would add \$15,000 to the Water Management Plan line item to cover potential AIS management strategy needs.

Administrator Anhorn talked about the District's levy, explaining that its 2019 levy was \$2.7 million, and described how generally each year there has been a small increase of around 2%. He said the total market value in the watershed continues to increase, which is data the District considers regarding the impact of its levy. He

recommended keeping the levy relatively flat, and he explained a 5% decrease in the levy would mean a levy of \$2.6 million, which would recognize the economic landscape created by COVID-19. He talked about the District's fund balance policy and asked if the District should reevaluate its fund balance policy and how the District determines what it should keep in its fund balance.

Manager Sheely asked if District should anticipate less revenue coming in due to the economic climate and how it might affect some taxpayers' ability to pay their property taxes. Administrator Anhorn said there could be a shortfall, but he doesn't anticipate it being that large of an impact. Manager Peterson spoke in favor of a flat levy. Managers commented on their support of a slight decrease in the 2021 levy over the 2020 levy to maintain a relatively flat levy yet recognize the economic landscape resulting of COVID-19. Administrator Anhorn said he will input a proposed 2021 levy of approximately \$2.6 million for the Board's discussion at its August 19th meeting.

III. Aquatic Invasive Species (AIS) Management Strategy

Administrator Anhorn summarized the information in the memo included the meeting packet. He reviewed the manager's previous decisions on identifying where the District should lead, be involved, or not be involved in primary AIS objectives. He further reviewed the resulting flowchart that categorized streams, deep lakes, and shallow lakes into different priority levels to help define District roles in different AIS management activities.

Manager Sheely commented she would appreciate if the flowchart detailing lake prioritization would identify which lakes have potential partners and would list those partners.

Administrator Anhorn stated that staff was now seeking direction from the managers defining what the District's roles should for its different prioritized lakes for various AIS activities related to AIS identification, rapid response, prevention, monitoring and overall management.

Administrator Anhorn highlighted draft flow charts that proposed how and where the District could be involved in AIS the various prevention and management processes. He went through each flowchart on early detection, prevention, monitoring, overall management, and rapid response and asked for feedback on each. He further stated the ultimately, the District will work with its state, regional and local partners to develop an actual response plan defining roles for each when a new AIS infestation is identified in a District priority 1 deep and shallow lakes and streams.

Manager Sheely asked if our cities do early-detection and if so, have they ever come to us for help.

Administrator Anhorn stated that last year when the City of Minnetonka was pumping Shady Oak Lake, they found Eurasian watermilfoil and contacted the District and MNDNR and were then required to put a filter on the temporary outlet to prevent the potential for downstream infestation.

Manager Sheely said she liked the flowcharts and that they did a nice job defining what the Board had previously discussed and decided as to District's roles for the various AIS management activities.

Manager Peterson agreed, she thought the District's proposed roles were clearly defined by the flowcharts.

The managers discussed the District's communication processes and signage for AIS and health advisories associated with potential blue-green algal blooms and where and when volunteers could help.

Program and Project Manager Sniegowski said that for the posting of health advisories, outside of posting the information on the District's website and social media, the District relies on the cities to partner on delivering the communications because the cities really have the capabilities in place to reach their residents and post signage on their public property. She said it is important for both entities, or whoever we are working with, to work together on signage and press releases to make sure there is a common message.

Manager Peterson highlighted to include education on the signage such as what is the cause of a blue-green algal bloom, what the public can do to reduce the frequency of them.

Administrator Anhorn said that next steps would be to bring these proposed roles and strategies back to the District's Technical Advisory Committee (which includes our various partners and stakeholders) as an initial draft of Board recommendations where we would be seeking their comment.

IV. Cyanobacteria and Cyanotoxin Monitoring and Analysis

Administrator Anhorn provided history on the District's cyanobacteria and cyanotoxin sampling and testing. He stated District's main protocol is if monitoring staff observes a potential blue-green algal bloom on one of the lakes the District is monitoring as part of its routine lake monitoring, a sample is taken and examined under a microscope for species identification and enumeration. He said that following examination, if blue-green algal levels are greater than World Health Organization (WHO) thresholds for moderate health risk, or 100,000 units/ML, staff notifies the local city of the potential health hazard. He said that both the watershed and the city then post this information on their websites, on social media and in

newsletters/press releases and if there is public property around the lake, the city posts health hazard signs around the lake. He further added, that if there is private property around the lake, the city, who has current contact information, then sends out the information to those property owners.

Administrator Anhorn said that while out monitoring Lake Cornelia during its routine monitoring in 2016 and 2017, monitoring staff observed a potential blue-green algal bloom on a few dates. He described the process the District undertook at that time to identify and test for cyanobacteria and cyanotoxins. He said that when blue-green algal levels were found to be above WHO thresholds for moderate health risk, in these cases, besides notifying the city and posting the alerts as previously mentioned, staff also prepared additional samples to be sent to an out-state lab to be analyzed for cyanotoxins. He stated that in one case in 2016 and one in 2017, the analyses came back showing toxin levels above public health advisory thresholds. He said, that in each case it took a week and a half to two weeks to get results back from the lab to determine if the blooms had toxins above public health thresholds or not. He stated that in each case, where toxins were determined to be above public health levels, follow-up monitoring and analysis found levels below public health thresholds. He said that because of the unpredictability of a bloom being toxic and the lag time of receiving results, by the time we truly know that toxins were present, they are likely gone. He said that for this reason, more recently, if monitoring staff observes a potential blue-green bloom, after initial identification and enumeration confirms a moderate potential health risk, the District notifies the city and both alert the public of the potential health hazard as mentioned earlier, but sample are not sent to a lab for cyanotoxin analysis.

Administrator Anhorn reported that this July a resident contacted the District with concerns about cyanobacteria, and the District took a sample at two sites and sent it to a lab in Texas, which received the sample on July 24th.

Administrator Anhorn said the District has not yet received results from the lab. He said he would like direction from the Board on what the District's process should be for screening for cyanobacteria and cyanotoxins.

Administrator Anhorn asked for board discussion and direction as to what the District's protocol be for monitoring and testing potential blue-green algal blooms and potentially preparing a sample to be sent to a lab for cyanotoxin analysis under its current routine lake monitoring program, lakes outside the routine monitoring schedule or if notified of a potential bloom from a concerned stakeholder.

The managers discussed the steps and potential cost for taking a sample if not part of the District's established sampling program.

Manager Hunker said that she thought that the District should continue its current protocol of if a potential bloom is observed on lakes it is currently monitoring, to take a sample and examine it under a microscope for identification and enumeration and

notify the public if necessary, but not sent a sample to a lab for cyanotoxin analysis due to the near two week delay.

Manager Sheely said that while she supports Manager Hunker's position, where she had concerns is what to do if the District receives a call from a concerned stakeholder. She said it is costly and mentioned a video she watched showing how often presumed blue-greens are actually miss identified using the jar test method.

Manager Peterson said she agreed with both Manager Hunker and Manager Sheely. She said a large component of this is education and pointed out that the District's focus regarding algal blooms is to address the cause of the blooms, which is excessive phosphorous, and to work to reduce external and internal phosphorous loading to the District's lakes.

Administrator Anhorn asked for clarification on what the Board feels we should do when the District gets a call from a concerned stakeholder, be it a city, citizen, or other group. He said that in his research into what other entities do such as Three Rivers Park District who manages a swimming beach on Bryant Lake, that they do not sent samples from a potential bloom in for toxicity testing due to the lag time in getting results. He said that they mainly follow our process and post their shoreline to stay out due to a potential risk.

Manager Hunker asked if the Minnesota Department of Health (MDH) or Minnesota Pollution Control Agency (MPCA) have hotlines where citizens could report potential blooms. She said if so, that may be the best place for those concerns to go so they can be tracked.

Administrator Anhorn said that staff would look into that, and if so, would post that information, of who to contact is a citizen suspects a potential blue-green algae bloom on the District's website.

Manager Peterson said she like Manager Hunkers idea. She again said that the District's main goal should be to continue to work on reducing the cause, which is reduce the phosphorus loads to the lakes to reduce the frequency and severity of blooms in the first place.

Chair Cutshall addressed the two-week or more lag time between the time a sample is sent to a lab and the District receiving results, noting no labs in Minnesota perform this type of analysis. He commented that given the extreme lag time, the District instead could direct its consulting engineer to take a sample and examine it under microscope, and if the examination results indicate it is cyanobacteria, the District would coordinate with the City to communicate and post signage for residents.

Manager Sheely mentioned that she he has concerns about doing testing at a request from citizens. She highlighted a recent request from a concerned citizen on Normandale Lake where the District did take an in-lake sample and a drainage pond.

She said that while the District did take samples that were analyzed for cyanotoxins, she did not think a sample should have been taken in the drainage pond. She felt that that was a bad use of District resources, but we had the policy to say no.

Administrator Anhorn said that staff would look into a few of the questions that came out this evening, specifically if there is a MDH or MPCA hotline that citizens can contact if they suspect a potential blue-green algae bloom and if so, post it on the District's website. He said he would also follow up with the District's various partners and even include the topic on an upcoming technical advisory committee meeting on our proposed AIS management strategy.

V. Adjournment

It was moved by Manager Olson, seconded by Manager Sheely, to adjourn the meeting at 7:00 p.m. On a roll call vote, the motion was approved unanimously.

Respectfully Submitted,

Erin Hunker, Secretary