Whitewater Joint Powers Board Minutes October 21, 2021 Whitewater State Park Visitor's Center

1. Call to Order: Josh Elsing called the meeting to order at 8:35 a.m.

Board Members Present: Josh Elsing, Matt Flynn, Steve Jacob, James Rentz, Bob Walkes and Lynn Zabel

Others Present: Sheila Harmes, Coordinator Whitewater Watershed

Board Members Absent: None

2. Public Comments

None

3. Approve Minutes of August 19, 2021 Meeting

A motion was made by S. Jacob and seconded by M. Flynn to approve the minutes.

Vote: Yes - All.

4. Approve Agenda

On motion by S. Jacob and seconded by L. Zabel, the WWJPB voted to approve the agenda.

Vote: Yes - All.

5. Approve Consent Items

A motion was made by L. Zabel and seconded by J. Rentz to approve the consent items.

Vote: Yes - All.

6. Board Reports

- **L. Zabel** SE Minnesota Water Analysis Lab (Olmsted Co) test kits sent out to random well owners. Those with nitrate levels over safe number can apply for cost-share. Terry Helbig resigned due to health concerns.
- B. Walkes No report.
- M. Flynn Census reported Olmsted County population has grown by 20,000 people.
- J. Elsing Interim District Manager, Wanda Anderson, is doing a great job; still on the hunt for a new District Manager. Lance Klessig resigned in good standing the previous week, so down 2 employees.
- **S. Jacob** The Winona County Board continues to work on building the new jail. The County Board is looking into the possibility of a county-wide mask mandate.
- J. Rentz No changes in personnel, a couple contracts have passed.

7. Board Discussion and Action Items

a. Financial Update - Sheila Harmes

Sheila Harmes gave an update on the Whitewater Joint Powers Board checking and money market accounts.

2020 Draft Audit - Petersen Company

On motion by M. Flynn and seconded by B. Walkes, the WWJPB voted to accept the 2020 draft audit. Vote: Yes – All.

b. Nitrogen Fertilizer Management Plan Agreement

1) Local Advisory Team Agreement (Altura, Elgin & Utica)

Sheila Harmes explained the draft plan agreement and the background on how the chosen locations were determined. Discussion ensued about what the nitrogen fertilizer management plan could mean for the farmers and the potential of putting the Whitewater Joint Powers Board into an enforcement position.

M. Flynn made a motion to accept the grant; seconded by L. Zabel.

Chair J. Elsing asked for any discussion.

S. Jacob wanted to know the parameters of the grant, what areas did it cover and why the Whitewater Joint Powers Board is governing areas outside the board's jurisdiction. He said the grant would be better placed with the One Watershed One Plan and he would not support the grant. He would want to see nitrate information for the properties before he could vote to support the grant.

Chair J. Elsing asked if there was a deadline for the agreement. Per S. Harmes, the Minnesota Department of Agriculture would like to start it November 8, 2021. Additional discussion ensued about the various committees and boards involved in water protection.

S. Jacob made a motion to amend the original motion, to remove the words "and Groundwater Protection Rule" (page 2 of Exhibit A Work Plan). The WWJPB discussed the objective as stated in the Work Plan and the Groundwater Protection Rule, as described in the Background section. The WWJPB discussed being put into an enforcement position should they accept the grant as is. It was further discussed whether or not implementation means enforcement. No WWJPB member seconded this motion.

After much discussion, S. Jacob made a motion to strike the verbiage "This objective is to support the implementation of the Nitrogen Fertilizer Management Plan (NFMP) and Groundwater Protection Rule (GPR) within the project are defined." The motion was seconded by L. Zabel.

J. Elsing made an amendment to the amendment to additionally remove the headline of the Exhibit A Work Plan: *Implementing the Nitrogen Fertilizer Management Plan (NFMP)*; seconded by L. Zabel. S. Jacob accepted the amendment to the amendment.

Vote on the amendment to the amendment: Yes – All.

- L. Zabel made a motion to keep verbiage about the Nitrogen Fertilizer Management Plan (NFMP). No WWJPB member seconded this motion.
- J. Elsing made a motion to strike sentence 3 and the words "To accomplish this" from sentence
- 4. Motion seconded by L. Zabel.

The proposed language would read: "There is one main objective of this Joint Powers Agreement (JPA) between the Minnesota Department of Agriculture (MDA) and the Whitewater Watershed Project. The MDA needs assistance identifying nitrogen fertilizer best management practices (BMPs) and alternative management practices (AMTs) that can protect groundwater in this area. As well as promoting the implementation of these BMPs and AMTs in targeted vulnerable cropland acres to protect groundwater."

Vote: Yes - All.

Vote on the amendment: Yes - All.

Vote on the motion, as amended: Yes – All.

c. Whitewater 319 Nonpoint Source Reduction grant update

1) Expenditure of Funds

S. Harmes expressed her appreciation of the cooperation and coordination between the three SWCD's for the expenditure of the 319 Nonpoint Source Reduction grant funds. All was spent except \$140.

d. Surface Water Assessment Grant Update

All the monitoring has been completed. S. Harmes is working on the final report. One of her recommendations she will include in her report is to go with a local lab for the E.Coli, such as the Olmsted County lab.

8. Agency Reports

None

S. Jacob asked for a future agenda item: asked for updates on how the selection process goes for the Local Advisory Team for the Nitrogen Fertilizer Plan Agreement, should it be accepted as they amended it. J. Elsing would want to know how and who it was introduced to. He would like to see more people involved.

9. Adjourn; Next meeting December 16, 2021

The WWJPB changed the meeting date to Wednesday December 15, 2021 at 8:30AM.

On motion by M. Flynn and seconded by B. Walkes, the WWJPB voted to adjourn at 10:30am. Vote: Yes - All.

Respectfully submitted by:

Anne Schwertel, PL&ES Administrative Specialist

Signed: Box Wall
WWJPB Secretary/Treasurer