

Policy Committee for Root River One Watershed, One Plan
Monday, August 31, 2015, 9:00 AM – 3:00 PM
Meeting Minutes

In attendance: Board Members: Glen Hahn, Matt Flynn, Steve Connelly, Marcia Ward, Jerry Mueller, Dana Kjome, Loren Lapham, Duane Bakke, Leonard Leutink, Tim Gabrielson

Guest: Daryl Buck, Sheila Harmes, Karin Sonnemen, Tom Gile, Melissa Lewis, Rachel Olm, Adam King, Justin Hanson, Skip Langer, Donna Rasmussen, Jennifer Ronnenberg

1. The meeting was opened by Chair Bakke at 9:07 a.m.
2. Approve Agenda: Moved by Leonard Leutink to approve the agenda; seconded by Glen Hahn; passed unanimously.
3. Approve minutes of the 7/6/2015 meeting: Moved by Tim Gabrielson to approve the meeting minutes for 7/6/2015; seconded by Matt Flynn; passed unanimously.
4. Old Business
 - a. Action Item: None
5. New Business
 - a. Action Item: Moved by Steve Connelly to approve payment of HEI Inc. invoice #0025558, dated July 1, 2015, for \$29,458.00; seconded by Glen Hahn; passed unanimously.
 - b. Action Item: Moved by Marcia Ward to approve payment of HEI Inc. invoice #0026115, dated August 4, 2015, for \$16,689.56; seconded by Leonard Leutink; passed unanimously.
 - c. Action item: Moved by Jerry Mueller to approve the August 27, 2015 Financial Reports; seconded by Tim Gabrielson; passed unanimously.
 - d. Report from Policy Committee members re: feedback from their respective Boards: This item will be on future agendas. Bakke reported that he is informing his Board of the meetings and the work of the consultant. Ward reported that Sheila Harmes had provided an update to the Winona County Board. Comments from the Board were that the existing MOA structure is preferred moving forward, and they prefer a structure without taxing authority. Hahn reported his communication with the Dodge County Commissioner regarding their representation on the Policy Committee with respect to the small area of their county that is in the Root River watershed. There was also discussion about how to handle evaluating the cost/benefit of a targeted project versus one that is broader across the watershed. Flynn reported that Olmsted County does not want another JPB formed.
 - e. Update on Advisory Committee Meeting and Engagement Process: Meeting notes were provided in the Policy Committee packets. The Advisory Committee members are being notified of the Policy Committee meetings in case they want to attend. Their preference is to continue reviewing the plan sections rather than having meetings about specific topics. One Advisory Committee comment was to add land acquisition as a type of assistance, although it may not be something done by the 1W1P LGUs, it could be done by a partner agency or organization.
 - f. Presentation of Plan Status and Decisions: Mark Deutschman reviewed progress on the plan, which is a working draft and input will continue to be used to revise it until the plan is approved by the Policy Committee. Section 3 is under review by the Planning Work Group. Section 4 will be built on the actions in section 3. Tasks are still on schedule. The MOA type structure is assumed for implementation at this point. He reviewed the plan features. There are still parts of the plan to be completed, including the flood prone areas mapping. The Policy Committee "Watch List" includes the policy and funding emerging issues as they relate to implementation, incentive-based initiatives in section 5, roles in general, capital improvements and how local funding can improve chances for other sources of funding, and the funding needed to get projects on the ground. There was extensive discussion regarding capital improvement projects and what should or should not be on the list. The committee members are asked to bring the capital improvements list to their respective boards to get input on what to include in the table. Members are reminded of their roles

as a representative of their boards: to share information with their boards, gather input, and get a consensus on feedback for the Policy Committee. Mark explained the Estimated Current Revenue sheet he had prepared, which does not include any competitive grants or NRCS funding. Only \$47,000 per year is currently available for implementation. Another \$645,000 is used for staffing to implement both state and federal projects, which can be as much as \$5 million per county. He had an example of funding one capital improvement project every 5 years by setting aside a designated amount of funds each year. The overall purpose of this exercise is to compare what can be done with existing funds to the goals that are in the plan.

- g. Governance Discussion with Winona County Attorney and MCIT: Jen Wolf and Joel Swanson provided the perspective of MCIT, which represents all the LGUs except Olmsted County and SWCD. The governance decision is ultimately a policy decision, and MCIT will not push in any one direction. Their advice is to consider 3 questions: 1) What are the entity's goals? 2) What authority do the individual boards want to maintain? 3) What authority are the boards willing to delegate? Sharing liability is a major concern, e.g. for a capital improvement project. Sharing staff resources may be taking on shared liability. Under an MOA, all boards will need to sign agreements, whereas a JPE can designate the Chair to sign. Such things as pollution and inverse condemnation are not covered by MCIT. An MOA could still be worded to be legally binding and mentions the JPA state statute; therefore a joint project with one shared pool of money. Under any agreement, MCIT covers the individual members; a new JPE has joint coverage/liability if working collectively as a separate entity from the county. There is a need to plan for contingencies if one entity decides to leave the joint entity, especially related to grant funds. Only an entity or a person can sign an agreement. Karin Sonneman, Winona County Attorney, provided similar information regarding liability issues and autonomy. Her suggestion is to have a working committee evaluate the options and bring a recommendation back to the Policy Committee. The Policy Committee broke into small groups for discussion of/reaction to the information presented and then reported back to the whole group:

Table #1: Ward, Flynn, Lapham, Gabrielson

- Olmsted does not want another joint powers board.
- Whoever does payroll for a JPA employee is responsible for their health care.
- Revenues—who pays, how much—is one structure less costly?
- What is the state's plan?
- Mutual Aid Agreement vs. other options?
- Grants → block grants → competitive?
- How to implement can be included in the emerging issues part of the plan.
- How to keep grant administration as simple as possible.

Table #2: Bakke, Leutink, Hahn

- Liability issue
 - JPB better than on our own.
- State funding – receive as an organization
- JPA vs. JPB depends on how agreement is written.
- With an MOA, it's too easy to walk away.
- How does this fit with the SE MN Water Resources Board?
 - Constant overhead with each board.

Table #3: Connelly, Kjome, Mueller

- Similar discussions related to liability and state funding
- One of five pilots and funds are being managed using the MOA structure.
- Streamline reporting process for water planning—how does that happen?

A straw poll taken at the end of the discussion showed support for going forward with either an MOA or some sort of JPA; little or no support for going alone, a watershed district, or JPB.

6. Lunch Break

7. New Business continued

- a. Review of Working Draft Plan and Comments: There were not comments on Section 1. Mark pointed out that the priorities identified in Section 2 overlap, so that even if something is a B or C priority, it may be addressed by another A priority. In section 2.6.2.2., it was suggested to change the word “matching”, which implies 1:1 match, to “in kind match”. The frac sand paragraph title was questioned; it was the consensus to leave it since the primary issue is extraction of sand for fracking, and not for other uses. Buffers for Waterways should be changed to Buffers for Rivers and Streams. Mark provided an overview of the organization of section 5. Section 5.1.2 lists incentive-based initiatives to get practices on the land. The education and outreach activities are to achieve a consistent campaign across the watershed focused on particular audiences. The Administration and Coordination (section 5.3) includes guidance for the annual planning process, how to evaluate progress toward the goals, and when an amendment is required (only for adding new capital improvements). Section 5.4 lists the local ordinances already being enforced. There are no special regulations proposed with this plan. It is not anticipated that this plan will add more reporting since reporting on these programs is already happening. Future streamlining of reporting is anticipated, according to BWSR staff. Self-evaluation regarding progress toward the goals in the plan will be done annually. The list in 5.3.4.4 should either be expanded to include all statutory programs, e.g. feedlots, or remove WCA so that only 1W1P programs are on the list. The ordinance table needs to be reviewed by each Policy Committee member for accuracy. The title for the table in 5.4.1.6 should change to “These programs may include....” The table in 5.1.2 lists practices, but is not all inclusive. It still needs to be determined how to fund staffing. The Planning Work Group will work on those details.

The Policy Committee is ready for the working draft to be available for the public to review.

8. Next meeting

- a. Review dates for upcoming meetings
- b. Agenda items: Section 3 will be reviewed at the October 5th meeting plus further discussion of governance and other items for follow up that are listed above.

9. Adjourn: Moved by Jerry Mueller to adjourn; seconded by Tim Gabrielson.

Marcia Ward, Secretary

Upcoming Meetings of the Policy Committee:

October 5, 2015: Policy Committee meeting

November 2, 2015: Policy Committee meeting

February 15-March 1, 2016: Public Hearing Meetings and Response to Summary of Public Comments

June 2016: Approval of Final Plan Document and Submission to BWSR