

LOWER ST. CROIX ONE WATERSHED, ONE PLAN  
POLICY COMMITTEE, MEETING 13

NOVEMBER 25, 2019 BOARD MINUTES

APPROVED 1-27-20

Call to Order

Meeting called to order at 4:05pm by Chair Fran Miron.

*Members Present:* Anoka SWCD – Sharon Lemay  
Brown’s Creek WD – Craig Leiser  
Carnelian Marine St Croix WD – Wade Johnson  
Chisago County – Chris DuBose  
Chisago SWCD – Jim Birkholz  
Comfort Lake Forest Lake WD- Jackie Anderson (alt.)  
Isanti County – Susan Morris  
Isanti SWCD- Greg Swanson  
Middle St. Croix WMO – John Fellegly  
Pine County- Stephen Hallen  
Pine SWCD – Doug Odegard  
South Washington WD – Don Pereira  
Sunrise River JP WMO - Janet Hegland (alt.)  
Washington County – Fran Miron  
Washington SWCD – Diane Blake

*Staff Present:* Mike Isensee – Carnelian-Marine-St. Croix WD (Note taker)  
Angie Hong – EMWREP  
Craig Mell – Chisago SWCD  
Jaime Schurbon – Anoka SWCD  
Jay Riggs – Washington Conservation District  
Maureen Hoffman – Washington County  
Matt Moore – South Washington WD  
Tiffany Determan – Isanti SWCD

*Others attending:* Barb Peichel – BWSR  
Dan Fabian – BWSR  
Laura Jester- Keystone Waters

## **AGENDA ITEMS**

### ***Approve November 25, 2019 agenda***

Jim Birkholz moved to approve the November 25, 2019 agenda and Susan Morris seconded this motion. Motion carried.

### ***Approve October 28, 2019 meeting minutes***

Minutes were amended to correct spelling errors. Barb Piechel checked with BWSR staff and confirmed that the Chisago LID can be a partner of the LSC 1W1P during implementation if they desire.

Craig Leiser moved to approve the October 28, 2019 minutes and Stephen Hallan seconded this motion. Motion carried.

### ***Update on planning process and development of implementation tables***

Laura Jester noted that BWSR submitted preliminary comments on the implementation tables, which are being addressed by the planning committee. Wade Johnson asked whether the plan is nearly complete. Currently the planning team is narrowing down the list of priority water bodies and pollutant load reductions the plan hopes to achieve. Wade inquired if BWSR has any concerns. Dan Fabian confirmed that BWSR is happy with the process. Matt Moore commended Laura Jester and Jen Kader for the work they have done.

### ***Consultant contract amendment***

Jamie Schurbon provided an update on the budget and noted that the planning team supports the proposed contract amendment. Jim Birkholtz noted that the Chisago SWCD is the grant manager and their board supports the contract amendment as well.

Wade Johnson motioned to amend the contract amount to increase by \$10,746.48. Second by Craig Leiser. Motion carried.

### ***Chisago LID request for formal participation***

Chris DuBose provided an overview of the Chisago Lakes LID request to formally participate in the LSC 1W1P process. They meet monthly, are represented by seven commissioners who are elected annually. The LID currently has one half-time staff and the budget is approximately \$270,000 per year. It was noted the LID functions similar to a watershed district, but with limited tax authority. Without the LID as a formal partner, Chisago County feels under-represented.

Jackie Anderson shared information from a Smith Partners memo on Minnesota State Statute 571 (Joint Powers Statute) which states that only government entities of similar powers can be part of, and

serve on, the board of a joint powers commission. Washington County Attorney conducted a cursory review and disagreed with those findings. Anderson requested that this issue be explored further prior to moving forward with an organizational structure for implementation. Jim Birkholtz suggested that the group should look to BWSR and the State Attorney General's Office to answer these types of legal questions. Fran Miron noted that the issue of who may participate in a JPC or JPE needs to be worked out moving forward; the LSC 1W1P Policy Committee has the goal of being inclusive and has the authority to add the Chisago LID if the policy committee decides to do so.

It was clarified that the 15 entities currently participating have only signed an MOA for the planning stage, not implementation. DuBose noted that Chisago LID has been participating in the steering committee and he would like for them to participate in the policy committee as well. Craig Mell noted that the LID would need to sign the planning MOA if the policy committee approves their participation.

Anderson stated that adding the LID to the planning process would be valuable and she does not have an objection to them participating.

Craig Leiser motioned to approve the Chisago Lake Improvement District as a formal participant to the 1W1P Advisory Committee and ask staff to research the inclusion of the Chisago LID to the Joint Powers Agreement. Barb Peichel noted that the MOA may prohibit their addition to the Policy Committee because it has been longer than 6-months since the planning began.

## Suggested Changes to the JPA

Jamie requested input on the draft JPA. Committee members shared the following:

- Jackie Anderson, CLFLWD: In favor of an **JPE** as presented at the previous meeting.
- Craig Leiser, BCWD: Supports a **JPC** as an initial organization
- Fran Miron, Washington County: Supports a **JPC**. He is hesitant to establish a board with taxing authority.
- Wade Johnson, CMSCWD: Their board would support either approach. The structure of the agreement is more important than the type of agreement.
- Sharon LeMay, Anoka CD: Supports a **JPC**.
- Diane Blake, WCD: The district supports an entity because of liability, but JPC also has advantages.
- Steven Hallan, Pine County: They are on the fence about which approach to support.
- Doug Odegard, Pine SCWD: Supports a **JPE**.
- Susan Morris, Isanti County: Supports a **JPE**. County Attorney recommends JPE because of liability but would also support a JPC moving toward a JPE in the future.
- Janet Hegland, Sunrise WMO: They are also on the fence. Too little information to decide.
- Don Pereira, SWWD: They do not have a strong opinion and will support the majority opinion. If the group pursues an entity, they would like to have minimal administration.
- Jim Birkholtz, Chisago SWCD: Prefers a **JPE**

- Chris DuBose, Chisago County: Their board strongly favors of a **JPE**. Feels decision making process with a JPC would be cumbersome and worry about liability. Do not support the entity having levy authority.
- John Fellego, MSCWMO: They are on the fence but favor a **JPC**. 1W1P should be a simple process. Concerned about the group working collaboratively and getting projects completed.
- Greg Swanson, Isanti WMO: Supports a **JPE**. Concerned about the voting structure.

Washington County Attorney had very little concern regarding the liability of a JPC or JPE. Also had very little discussion about the voting structure. The JPC would be carrying out the work identified in the work plan and did not have concerns regarding lengthy or delayed decision making processes.

Policy Committee members discussed the process and concerns regarding voting, funding, and prioritization of projects. Agreed these items need to be equitable, based on science, and informed input from the advisory committee. Chisago County has concerns about the lack of representation for their county since they do not have watershed districts, as in Anoka and Washington Counties.

Angie inquired if anyone felt strongly enough about the choice of structure that they could not sign the agreement if it is JPC or JPE. Fran Miron stated he was directed to work on a JPC. He suggested that if a collaboration doesn't work, the group could work toward an JPE. Chris DuBose stated while Chisago County desired a JPE, they could work as a JPC. He feels the nonmetro groups would benefit more from a JPE due to matching funding. Chisago SCWD could agree to a JPC as long as the performance and efficiency was similar to that of a JPE.

Jamie Schurbon offered to create a refined draft that address concerns, including a sunset clause and work plan calendar. Currently 7 members support an entity, 3 support either approach, and 4 prefer a collaboration. If the group pursues a JPC, suggestion to insert a milestone at which the group would consider becoming a JPE.

The group discussed the goal of 1W1P: to identify mutually agreed upon and scientifically based priorities, and share resources. Members agreed we are moving in the right direction toward the goals of 1W1P.

Jackie Anderson asked if policy committee members were interested in hearing an alternative proposal from CLFLWD at the next meeting. Greg Swanson, John Fellego, and Chris DuBose said they were not interested. Chris DuBose noted that the Chisago County board heard the presentation already. He thinks there are some interesting points, but the request for levy authority is a deal-killer. Jim Birkholtz urged everyone to remember we are all on the same team and all have unique strengths to bring to the process.

Fran Miron requested that Angie Hong follow up with CLFLWD to distribute their attorney opinion to the entire Policy Committee.

Chris DuBose asked how the northern counties would be able to generate matching funds for projects. Jamie Schurbon said his understanding is that watershed-based grant funds will be given to one entity, which will distributed the money to partner entities through subcontracts. As such, the group

would only need to ensure a 10% local match for the entire grant, not each project. Barb Peichel confirmed that this understanding is correct. Craig Mell noted that the entire group will not have an issue coming up with 10% match.

Jamie Schurbon suggested that the policy committee continue this conversation after seeing the implementation tables at the next meeting. There is still plenty of time for the group to decide on an organizational structure, and the conversation may become easier once the group has a more clear understanding of what they will do together.

### *Adjournment*

Angie Hong suggested continuing with a meeting schedule of fourth Mondays. This would include: Jan 27, Feb 24, March 23, April 27.

Craig Leiser motioned to approve the proposed meeting schedule. Doug Odegard seconded. Motion approved.

Craig Leiser distributed an article from the Star Tribune about the recent addition of the St. Croix River, from Stillwater to Taylors Falls, to the Minnesota impaired waters list.

The motion to adjourn was made by Craig Leiser and seconded by Susan Morris. Meeting was adjourned at 5:51 p.m.