**Lower St. Croix One Watershed, One Plan**

**Policy Committee, Meeting 18**

**July 27, 2020 Board Minutes**

**APPROVED 10-26-20**

## Call to Order

Meeting called to order at 4:00pm by Alt-Chair Jim Birkholz.

*Members Present:* Anoka SWCD – Sharon Lemay

Carnelian Marine St Croix WD – Kristin Tunge (alt.)

Chisago County – Chris DuBose

Chisago SWCD – Jim Birkholz

Comfort Lake Forest Lake WD – Steve Schmaltz

Isanti County – Susan Morris

Isanti SWCD – Jerry Schaubach

Middle St. Croix WMO – John Fellegy

Pine SWCD – Doug Odegard

Sunrise River JP WMO - Janet Hegland

Washington SWCD – Diane Blake

Pine County- Stephen Hallan

*Staff Present:* Angie Hong – EMWREP

Craig Mell – Chisago SWCD

Jamie Schurbon – Anoka SWCD

Maureen Hoffman – Washington County

Tiffany Determan – Isanti SWCD

Jerry Spetzman – Sunrise River WMO

Jackie Anderson (alt.) – Comfort Lake Forest Lake WD

*Others attending:* Barb Peichel – BWSR

Dan Fabian – BWSR

Laura Jester – Keystone Waters

## AGENDA ITEMS

#### Introductions; Approve July 27, 2020 agenda

John Fellegy motioned to approve the agenda. Steve Hallan seconded that motion. The motion passed on a roll call vote with all in favor.

#### Approve June 29, 2020 meeting minutes

Susan Morris motioned to approve the June 29th meeting minutes. Doug Odegard seconded this motion. Chris Dubose asked for a small typo to be addressed. Jackie Andersen asked for a sentence to be inserted at the top of page 4 to better reflect the conversation at the meetings regarding the project cost/lifespan formula. Susan Morris and Doug Odegard agreed with the proposed amendments to the minutes within their motion. The motion passed on a roll call vote with all in favor. Jim Birkholz thanked note-taker Cameron Blake for his help during the development of the 1W1P.

***Review Steering Committee recommendations on cost benefit calculations and addressing landlocked basins***

Laura Jester presented the Steering Committee’s recommendations on two of the issues raised at the last meeting; the project cost: benefit lifespan formula, and landlocked basins as a new implementation item. The group decided to take the recommendations one at a time.

The steering committee discussed the advantages and disadvantages of comparing projects on a standardized 30 year cost which can be annualized, or by comparing projects across their actual project lifespan, which also can be annualized. The committee recommended using the actual cost/life of each project as the basis for the calculation for both the cost of project and the cost/lb. of P removed.   The policy committee discussed what accepted standards can be used to compare projects with different lifespans and were assured that although not every kind of project is documented the same, most projects have a known lifespan.

The committee also recommended the calculation of the cost:benefit analysis in two ways; breaking cost out to only watershed implementation funds AND the cost/lb of phosphorus removed. Chris Dubose asked if doing both cost:benefit analyses would be an undue burden from a workload perspective. Laura said the steering committee staff thought it would not be an issue to do both analyses. Chris DuBose motioned to accept the steering committees recommendation regarding cost:benefit analysis. Kristin Tunge seconded the motion. Jackie Andersen said she believed BWSR made the recommendation to calculate the cost:benefit analysis in two ways, but Laura Jester informed her that this was a staff recommendation. The motion passed on a roll call vote with all in favor.

The second recommendation followed the discussion at the last meeting on whether to include landlocked basins as a new implementation item and cost in Table 5, part 1B. The steering committee discussed this issue with John Hanson of the Valley Branch Watershed District on the call. The premise raised was that any discharge of surface water from landlocked basins would be a phosphorus load to the receiving water body, in this case the St. Croix River. The committee discussed the need to calculate the phosphorus level in the surface water, with discharging the basin only to be used as a last resort. There would need to be many permits involved from various entities including the Army Corps of Engineers. There would need to be an alum treatment in order to meet state standards for water quality prior to the discharge. The group is recognizing the issue and it would include/effect three goals in the plan. As a level B priority it would be eligible for watershed based funds and would increase the implementations funds by $375,000 in Developed/Developing lands. The Army Corps could pay up to 50% of the feasibility studies. After a long discussion the steering committee was unanimous in its agreement to add landlocked basins to the plan. Jerry Schaubach motioned to accept the steering committees recommendation and Steve Schmaltz seconded this. The motion passed on a roll call vote with all in favor.

***Consider approval to submit Lower St. Croix Comprehensive Watershed Management Plan for final approval***

The plan will be slightly changed to reflect the steering committees recommendations. The next step in the process would be to submit the plan for the state agency review and a 90 day approval process. Dan Fabian said that BWSR doesn’t usually take the full 90 days, so the approval could come as soon as BWSR’s September/October board meeting. Chris Dubose motioned to submit the plan for final approval and John Fellegy seconded this. The motion passed on a roll call vote with all in favor. Laura Jester informed the committee that this would be her last meeting now that the plan is out for approval. She thanked everyone and said it was a good group to work with. The committee also thanked Laura Jester and Freshwater. Jim Birkholz thanked staff and the steering committee. He felt that these were tough issues to work through and commended the group for coming up with the plan. He said he appreciated the relationships built through this process.

***Review updated Joint Powers Collaboration Agreement. Consider recommending the agreement to the governing bodies of participating 1W1P entities.***

Jamie Schurbon told the policy committee that they could consider approving the recommended JPA agreement. The five attorneys the group selected to help Jamie write the agreement were waiting to hear if the policy committee had any edits to the agreement. Jackie Andersen submitted some typographical edits. John Fellegy asked for clarification in #4 of the memo. Jamie Schurbon said they could recommend a person to vote on their behalf, and have the freedom to do this during the implementation phase. The attorneys found issue with this because then the group would function as a joint powers entity, rather than a joint powers collaboration, which is the version of the JPA the policy committee agreed on.

Steve Hallan asked for clarification on the decision to form a JPC versus JPE. As a JPC the committee could not vote on issues on behalf of their local entities. They would have to bring each decision back to their local boards for a 2/3rds approval vote and then bring their votes back to the policy committee. He expressed concern about this decision making process.

Susan Morris recalled a Minnesota Counties conference with a MCIT presentation on JPA, JPC, and JPE. She is strongly in favor of a JPE as she believes a JPC will not be workable. She feels that the group is trying to create something that isn’t a JPE, but realistically is. Stephen Hallan agreed that he would be in favor of a JPE. He doesn’t believe the group will be able to operate the way the agreement is currently written by having to go back to their local boards for every decision instead of being trusted to make decisions on their behalf.

Jim Birkholz noted that Fran Miron of Washington County was not on the call, and recalled that his board was strongly against the creation of a JPE, as were some others which is why the group went in the direction of a JPC. Angie Hong said she also wished Fran Miron was on the call because she remembered that this was a deal-breaker decision for the Washington County’s board. Maureen Hoffman echoed that sentiment, recalling that the Washington County board wanted to start off as a JPC with the potential to move into a JPE later on. Chris Dubose agreed that he personally would be in favor of a JPE, but also remembered the group considering moving from a JPC to a JPE later on in the process. Janet Hegland and Susan Morris recalled conversations about liability being involved in the JPC vs. JPE decision process, with either more or less liability potential either way. Janet Hegland said she was also in favor of a JPE, but that the need for a JPE to take on its own policy and associated expenses were also part of the decision process of the group to choose a JPC.

Jim Birkholz asked Jamie if the group found the JPC to be unwieldy, when would they be able to switch to a JPE. Jamie said the Policy Committee considered an 18 month period, but the attorneys said it could be done annually at the beginning of the annual plan. Angie Hong said the policy committee could have their next meeting on August 24th with just this topic on the agenda if they wanted to wait for Fran Miron to be able to attend to make this decision. John Fellegy suggested the group start as a JPC and make the change to JPE later if necessary. Chris Dubose also suggested the group see how one year as a JPC goes considering the group has spent at least two meetings talking about this decision. Steve Schmaltz asked if the group was worried about the potential slower decision making ability by the JPC in the context of using the shared metro funding money in time before it goes back into the metro pot. Janet Hegland asked of the plan will have to be revised based on the JPA. Laura thought the language in the plan should be ok either for JPC/JPE, but Janet disagreed. Jamie Schurbon said BWSR is not consistent on this, but that the JPC should be less cumbersome by having the annual plan.

John Fellegy motioned to recommend the JPC for implementation of the Lower St. Croix Comprehensive Watershed Management Plan agreement to the governing bodies. Chris Dubose seconded this motion. The motion passed on a roll call vote with three opposed: Steve Hallan, Susan Morris, and Chris DuBose. Chris DuBose noted that he was in favor of a JPE, but was concerned with delaying the decision longer and running out of time.

***Adjournment***

Jamie Schurbon asked BWSR about the watershed based funds calendar, and if the first distribution would be the first half of 2021. Dan Fabian said the work plan would need to be in place before the implementation agreement before watershed based funding is given. Chris Dubose asked if there would be enough time to do this before the metro-based funds schedule. Jamie Schurbon said he thinks it will be with action in a matter of months. Jim Birkholz said he believed it would be a good test for the group to see if implementation can move forward.

Angie Hong said there would be no August meeting as there is no reason to meet until BWSR completed their 90 day review at their September or October board meeting. Dan Fabian explained the process BWSR would take and asked if there could be a representative of the Policy Committee present at the staff presentation to the board at the September meeting.

John Fellegy motioned to adjourn the meeting, Susan Morris seconded the motion and the meeting adjourned at 5:09PM.