

Lower Minnesota River East 1W1P

Policy Committee Meeting Minutes

Date & Time: 3:00-5:00pm, Thursday, March 16, 2023

Location:

Le Sueur County Soil and Water Conservation District Office
181 W Minnesota Street, Le Center, MN 56057

And

Virtual – Microsoft Teams

Attendees: Holly Bushman (Le Sueur County); Mike Schultz (Le Sueur SWCD); Greg Entinger (Le Sueur SWCD); Laura Amundson (LMRWD); Danny O'Keefe (Le Sueur County) (chair); Steve Pahs (Rice SWCD); Meghan Darley (Scott SWCD); Doug Schoenecker (Scott SWCD); Virgil Pint (Scott County/SWMO); Melissa Bokman Ermer (Scott WMO); Linda Loomis (Lower MN River Watershed District); Rachel Wehner (Freeborn County – guest speaker); Barb Peichel (BWSR); Ann Sawyer (BWSR); Steve Rohlfing, (Le Sueur County – guest speaker)

I. Welcome & Review Agenda - Policy Committee Chair

Chair O'Keefe called the meeting to order at 3:08pm. Holly stated there is one addition to the agenda, after discussion with the Advisory Committee (AC) and Steering Committee (SC) yesterday, we will have some updated maps for the Habitat Goal, but we won't have a priority area for you to vote on.

II. Review and Approval of Agenda

Motioned by Entinger; Seconded by Schoenecker to approve the agenda as amended.

The Motion carried unanimously for the agenda to be approved as amended.

III. Review and Approval of Feb. 15th Meeting Minutes

Motioned by Entinger; Seconded by Schoenecker to approve the agenda as amended.

The Motion carried unanimously for the approval of the February 15th meeting minutes.

***Check in – comfortability on process**

Holly stated, we wanted to see how everyone is feeling as Policy Committee members. How are you feeling about the process, are you comfortable with it? We will be having bigger decision items coming up in the planning process, we as staff want to find out if the Policy Committee

members like the format of meetings. She asked a series of questions for Commission members to respond to such as; do you want to continue as is?, do you want us to present the information then go back and have discussions with staff and boards, then decide?, or present the information, if comfortable make decisions, but still have opportunity to go back and discuss with staff and boards and make recommendations to amend if needed?, or other ideas? What is the Policy Committee comfortable with?

Chair O'Keefe stated he thinks it's going fine.

Greg Entinger stated he thinks format is great, we got public's the input from the beginning.

Rita Weaver stated she had assumed we would have more discussions at these meetings and have an open forum with Watershed Planning Commission (WPC) to talk about things, it would be nice to have more public input in this.

Holly stated there is opportunity to the public at share comments the 60- or 90-day comment period.

Melissa Bokman Ermer stated staff will bring more detail to WPC meetings on Advisory and Steering Committee meetings.

Barb Peichel (BWSR) stated some Policy Committee members bring information back to their boards after every Policy Committee meeting and discuss, and some groups that wait until they have the draft Plan. It depends on your local boards on how much information is shared throughout the process. Some share strategies which are more important to some. The plan is not final until the plan is final.

Virgil Pint stated he thinks you're doing a great job; I think it's our job to take back to our Commissions, my concern is what a future organizational structure looks like.

Doug Schoenecker stated we set priorities, lean on staff recommendations, I feel comfortable where we are but is open to rediscussing issues. He thinks we need to keep on schedule, change as we go.

Laura Amundson stated she feels comfortable where we are at, we are getting into things she would like to talk about more, but agree we want to stay on schedule. I see some things in the future would want to go back to the board.

IV. Organizational Arrangement

Holly gave a recap of what was brought to the commission to date on an organizational arrangement discussion. The March meeting, we will have guest speakers from two different

organization arrangements and have them discuss the pros and cons of their organization and we will review different agreement examples to see how partnerships differ. In upcoming meetings, topics such as staff capacity, shared services, equipment, etc. will also play into the type of partnership we decide.

Holly discussed the draft timeline on an organizational arrangement. Holly then briefly discussed the different options:

Memorandum of Agreement (MOA); Melissa indicated there is some language missing from the description of the MOA that she would like added before it gets sent out to Commissioners.

Joint Powers Collaboration (JPC)

Holly introduced Rachel from Le Sueur River 1W1P to speak on her experience as part of a Joint Powers Collaboration.

- Joint Powers Collaboration Le Sueur River 1W1P (Informational Item)

Rachel Wehner – Freeborn County. –The big details for us were no new government, we are implementing a water plan, so creating a new entity, seemed excessive. What you as Policy Committee members need to think about is, as a Collaboration, you will become an advisory role, you do not have decision making authority, you provide a recommendation to the fiscal agent and the other entities in some cases. The group cannot be sued, don't need insurance, or bank account, so separate staff is not needed. Those are extra things to have to deal with, so it's nice to be able to avoid them with this structure. In addition, there are no grants you are applying for as a group, and no signing contracts. For the Le Sueur River 1W1P Collaborative and how we are functioning, we have two agreements (JPA), and a sub agreement with a fiscal agent. The Le Sueur Collaborative functions on reimbursement of projects and programs. If we want to give recommendations for individual projects they meet every month, if they give recommendations to the workplan itself, they meet four times a year. The more approvals that are required, the more things get slowed down. Contract language is important and can be flexible per organization. MCIT was a good tool for liability questions. One important lesson learned, plan for changes to employment, who is the day-to-day contact. Who is the backup? Include that in your JPA. Their fiscal agent is listed in JPA, appointment is by grant period.

Doug Schoenecker asked what would be your recommendation? Rachel answered she has only been involved in collaborations, their board was firm that no new government or entity be created. Membership dues have been an issue because of how grant funds are being dispersed.

Anne Sawyer (BWSR) asked, how is this arrangement working for efficiency? – Rachel, the sub agreement, and budget gets approved, other than that, that's all that gets approved by individual entities. Going to the board once or twice a year is not a hardship for them. (Anne) What were some of the discussions around liability? Individual organizations having a liability vs. total organization liability? Rachel stated the discussion focused on money mismanagement. Write it into the Organization Agreement who is responsible for fiscal mismanagement so it's not the responsibility of the fiscal agent.

Joint Powers Entity (JPE)

Holly introduced Steve Rohlfig from the Cannon River 1W1P to speak on his experience as part of a Joint Powers Collaboration.

- Joint Powers Entity Cannon River 1W1P (Informational Item)

Cmsr. Steve Rohlfig – (Joint Powers Organization) – their group felt a Collaborative was a lot of extra steps to go back to the board. Trust and communication were big considerations for their group, trusting planning staff, other water groups. Their entity has membership dues to partners. Membership dues go towards administration. They also take 15% of all money coming in and move to a savings fund for emergencies/contingencies.

They met with MCIT to go over different pros/cons to each arrangement.

Melissa Bokman Ermer asked, how many organizations are in the Cannon? Holly replied, there are 14 organizations. Melissa followed up with, why would you be going to boards with every project? Steve replied, that's the way MCIT set it up.

Doug Schoenecker commented that when we do have willing landowners, when a landowner is willing to go, they want to go, we've had people drop out of projects, then you must go to plan B.

Virgil Pint commented, he can see pluses and minuses as laid out well in the documentation, I think in our situation with the number of entities that isn't that great and you have great working relationships between counties, I think for us the collaboration is going to be the right fit. I would encourage you to look in that direction.

Anne Sawyer asked, what were your discussions like around liability? Steven replied, discussion was more on efficiency of getting projects done and trusting our staff. We trusted each other to work together so liability wasn't an issue.

Holly provided a couple examples of Joint Powers Agreements for the committee to review. Each arrangement agreement will be different in the areas of funding and budgets, voting, contracts/agreements, grants and loans, committees, liability/accountability, shared services,

equipment, staff and administration and fiscal roles. These are conversations that will be discussed in future meetings.

Greg Entinger asked for an email of the pros and cons to each arrangement to be sent out. Melissa stated there is some language missing from the MOA option that should be added for consideration.

Barb Peichel stated regarding the MOA option for implementation, when MCIT looked at them, they are basically joint powers collaborations. That's how it was explained to BWSR by MCIT. One organization did an MOA. Most organizations don't want to operate under a MOA because there is more risk with money being involved. Whereas, operating under an MOA with planning, there is less risk. She recommended talking to your own lawyers.

Virgil Pint stated for a recap that we are really focusing on two arrangements, a Joint Powers Collaboration, and a Joint Powers Organization/Entity. Holly stated, both need a Joint Powers Agreement, they will just be stated differently depending on the type of arrangement chosen.

Barb Peichel stated that the Joint Powers Agreement is the document reviewed by our lawyers stating how we will work together no matter if we are an Entity or Collaboration. You are an Entity, you are a separate decision-making body, or you are a Collaboration where you are advisory to your local boards and the fiscal agent.

V. Priority Resources and Areas

Holly gave an overview again the priority issue statements and of goals for each issue.

February Advisory (AC) and Steering Committee (SC) work consisted of discussions of priority lakes, streams, and groundwater. March committee meetings consisted of discussions regarding storage and natural resources and habitat. Holly showed maps from ISG regarding the priority areas to focus on for implementation for the different goals.

Discussions around storage areas from the AC and SC were that they wanted the area to be large to have flexibility to implement a project if the opportunity exists. ISG utilized HSPF modeling for runoff rates and restorable wetlands. Minnesota Pollution Control Agency (MPCA) staff indicated using that data will work. The AC and SC recommendations were to keep using the streamshed areas with two tiers for storage opportunities in the plan.

The AC did recommend a volume reduction number with a recommendation from Scott County Water Resources Engineer of 0.1" of volume reduction across the watershed.

Rita Weaver asked if this area limits where we can do cover crops or soil health practices where we would have volume of storage in the soil? Or does that fall somewhere else in the plan? Holly replied that cover crops could be utilized in different issues, don't think it's limiting cover crops only in certain areas. Mike Schultz stated, we don't think cover crops were the number one tool for storage, so it wasn't part of the discussion which was focused on reducing peak flows and rates. Rita asked if soil storage volume is considered here or somewhere else in the plan? Melissa Bokman Ermer replied with, I think that comes with strategies, what we want to use for strategies for volume reduction and storage. The strategy won't be limited to just one priority area, it could be listed as a strategy in other priority issue areas.

Doug Schoenecker stated he thinks we need to look to soil health for implementation.

Weaver motioned that they approve the storage priority area map.

Motioned by Weaver; Seconded by Entinger to approve the storage priority area map.

The Motion carried unanimously for the approval of the storage priority areas as presented.

Holly discussed the Natural Resources and Habitat (restoration and protection) issue. There has been lots of discussion at the AC and SC, staff recommends utilizing existing priority resources and areas. AC and SC recommended not having it as a top priority in the plan but will focus on it when given the opportunity. Staff feels we will be getting more benefit by focusing on some of the other goals/strategies and to keep the priority areas for habitat simple and focus on riparian areas in streamsheds. This would also address other stressors and impairments for streams such as IBI, connectivity, habitat and altered hydrology. It was recommended at the AC to increase stream buffer from 1,500' to .5-mile buffer to give more opportunities for habitat restoration.

Mike Schultz explained the reasoning behind the coverage of the habitat priority areas map shown on Le Sueur County watershed area. For clarification, if a project comes up that would fall within the .5-mile buffer of the corridors shown on the map, it would be an eligible project.

Chair O'Keefe stated that his thought was if we decreased the buffer (corridor) width and then broaden the areas that would be eligible for habitat projects. He stated instead of a .5-mile width, possibly a .25-mile width to add more stream area eligible.

Holly indicated we will bring forward a couple different maps.

VI. Advisory Committee Updates

Holly gave an overview of what has been worked on in Jan – Feb. In March we finished developing priority resources/areas and target criteria. We will continue with measurable goals

for priorities (minimum of two per issue statement) – for a 10-year measurable goal. Will use the model to set some of those goals. (HSPF)

The Policy Committee is welcome to come to the AC meetings to hear the conversation if you would like.

Holly went over the plan development timeline, and what has been done to date and what is coming next: establish measurable goals, develop a targeted implementation schedule, implementation programs and determine plan administration and coordination.

Implementation plan section we just started to talk about, that will be a big topic. She explained what the implementation table will include.

VII. Planning Effort Timeline & Policy Committee Meeting Schedule

Holly discussed the meeting schedule for 2023. Staff recommends that we keep having meetings and continue conversations about administration and coordination. In addition, continue conversations about partnerships and how do we work together, equipment sharing, staff, funding, and staff capacity.

Doug Schoenecker stated he felt that talking about staff, funding, capacity, etc. should occur after we decide which way to go with an organization structure. O'Keefe agreed. Mike Schultz indicated that during the planning process as we talk about priorities, we get a better understand of what efforts will be needed for implementation. It's up to the Policy Committee when you want to decide on organizational structure.

Megan Darley stated that we will revisit the organization arrangement pros and cons at our next Policy Committee meeting. BWSR reminded the committee that staff can provide them whatever they need to discuss organizational arrangement options with their boards.

Virgil Pint stated he would like meetings earlier than 3pm, right now the day and time is a hardship. Virgil also requested more detail or an addendum to the agenda to understand what some of the detailed content will be at the meeting to be better prepared with questions.

Chair O'Keefe stated we should have a meeting in April, we have time to go to boards to have a discussion.

An email update would be an alternative to a meeting if not enough content.

VIII. Updates & Next Steps

- Next Steering Team Meeting: **Wednesday, April 19th 1:30pm-3:00pm**
- Next Policy Committee Meeting: **Thursday, April 20th 3:00pm-5:00pm**
- Advisory Committee Meeting: **May 17th 10:00am-1:00pm (Tentative)**

IX. Meeting Adjourn

Motioned by Entinger, Seconded by Schoenecker at 4:57pm

The Motion carried unanimously for the approval to adjourn at 4:57pm.

DRAFT