

# Sauk River Watershed – 1 Watershed 1 Plan Policy Committee

## Meeting #12 Notes

February 21<sup>st</sup>, 2020 from 9am-noon; Sauk Centre City Hall, Sauk Centre, MN

In attendance were:

### Policy Committee:

Randy Neumann (Todd County Commissioner) – Secretary – Served as Chair for meeting  
Tyler Carlson (Sauk River Watershed District Manager)  
Tom Williamson (Todd Soil and Water Conservation District Supervisor)  
Ken Rutten (Douglas Soil and Water Conservation District Supervisor)  
Cody Rogan (Pope County Commissioner)  
Steve Notch (Stearns County Commissioner)  
Gary Reents (Pope Soil and Water Conservation District Supervisor)

### *Absent:*

Jerry Rapp (Douglas County Commissioner)  
Chuck Uphoff (Stearns Soil and Water Conservation District Supervisor)

### Advisory Committee:

Brad Wozney (Board of Water and Soil Resources)  
Jason Weinerman (Board of Water and Soil Resources)  
Cole Loewen (Stearns County Water Planner)  
Deja Anton (Todd Soil and Water Conservation District)  
Scott Henderson (Sauk River Watershed District)  
Sarah Boser (Sauk River Watershed District)

### Consultant:

Julie Blackburn (RESPEC)

### Other:

Jen Wolf (Minnesota Counties Intergovernmental Trust - MCIT) – Presenting on Framework Options for moving forward with implementation of One Watershed One Plan at the request of the Policy Committee.

Secretary Neumann, filling in as Chairman in the absence of both the Chairman and Vice Chairman, called the meeting to order at 9:08am. Supervisor Williamson made a motion to approve the minutes from the January meeting. Commissioner Rogan seconded the motion. The motion passed with all in favor.

Julie presented the proposed change order for the grant funds and explained that due to the large workload of staff, they were not providing as much input as staff in other 1W1P processes. As a result, Julie and her staff have had to do more work than anticipated to keep the planning process moving forward. Additional meetings have also been needed. Manager Carlson made a motion to approve the change order as presented. Commissioner Rogan seconded the motion. During the discussion, Supervisor Williamson asked for clarification from Jason (BWSR) about what the funds could be used for. Jason verified that the funds in the planning grant are only to be used for planning purposes. Sarah (SRWD), who has been managing the grant on behalf of the partnership, noted that there is enough funding left in the planning grant to approve the requested change order and still have funds remaining for meeting supplies. Supervisor Rutten asked why the Sauk River 1W1P process has so much paperwork compared to other planning processes? When asked for clarification, he mentioned that Policy Committee members from other 1W1P processes have mentioned they receive far less paperwork than the Sauk River 1W1P. Julie and Cole explained that each planning process is different and the Policy Committee for the Sauk River 1W1P has asked a lot of detailed questions which has led to a deeper involvement in the planning process than some of the other 1W1P groups. The Policy Committee moved to a vote on the motion and the motion to approve the change order passed with all in favor.

Julie presented an overview of the implementation table design and the draft of the geographic priorities section of the plan for review. She provided handouts of these documents, and walked through the different components of each handout with the Policy Committee. Julie also gave an overview of the HSPF (Hydrologic Simulation Program – Fortran) Model and the SAM (Scenario Application Manager) interface for natural resource management planning and brief instruction on how to use it. It is publicly available to download at no cost for anyone to use. Jason asked for some information on Waste Water Treatment Plant updates and whether they had been added to the implementation table, specifically for Osakis. Julie explained that only activities with partners participating in the 1W1P process were added to the table, however, narrative could be added within the plan in support of those types of activities. Brad asked if both Capital Improvement Projects and landowner BMPs were in the table. A discussion about what this would look like followed. Manager Carlson stated the importance of identifying support for city projects, WWTP projects, etc. A discussion regarding Faille Lake and the WWTP followed, with Supervisor Williamson requesting clarification regarding monitoring for the WWTP. The WWTP is responsible for their own monitoring, and the SRWD is not monitoring Faille Lake at this time. Commissioner Neumann asked if the table would have a breakdown of where funding for each activity is coming from. Julie explained that the project costs would be listed but that how to fund the projects will be up to the partnership.

Jen (MCIT) provided a presentation on the options for the partnership to move forward with the 1W1P after the plan is approved. The following are notes from her presentation:

1. MCIT is not here to tell you what to do, the Policy Committee will need to review and discuss the information provided, review it with their respective boards, and make a decision.
2. MOA – Memorandum of Agreement (same as MOU – Memorandum of Understanding)
  - a. Handshake agreement, not legally enforceable.
3. Joint Powers Agreement
  - a. MN Statute 471.59
  - b. Collaboration (Joint Powers Collaboration – JPC)
    - i. The Policy Committee asked if the collaboration would allow decisions to be made by the committee based on a majority vote. Some concerns were expressed that the SRWD Board Member is appointed, not elected like County Commissioners and SWCD Board Supervisors. Jen explained that no, the collaboration does not give a representative from Todd County the authority to speak for Pope County or vice versa.
    - ii. Not a legal entity
    - iii. Only advisory in nature, all decision making authority remains with the Local Units of Government (LGU).
    - iv. JPC would need to have a fiscal agent.
      1. Jason provided clarification on the role of the fiscal agent and what their authorities and responsibilities would be.
        - a. Liability for fiscal related items lies with the fiscal agent.
        - b. Each entity remains responsible for what they do; however they can share resources/staff expertise between agencies.
  - c. JPE – Joint Powers Entity
    - i. Creates a new unit of government.
    - ii. Must have a board.
    - iii. Fiscal authorities limited to the authorities of the “weakest” entity (this is Jen’s interpretation and may be viewed different by other legal counsel).
    - iv. Can sue or be sued.
    - v. Deja asked about whether the JPC fiscal agent has more authority than others in the partnership?
      1. Jen explained that they also have more responsibility since their name is on the grant.
      2. Additional discussion occurred about what being the fiscal agent entails – it boils down to a lot of communication.
      3. Commissioner Rogan asked if a JPE was formed, would the JPE Board be the fiscal agent? Yes.
      4. Manager Carlson asked if the fiscal agent within the JPC could change over time? Yes. It is important to remember not to select

- a plan coordinator and/or fiscal agent based on the person currently in the role because that person may get a new job.
5. Discussion regarding the SRWD 10 year plan, how the ideal scenario for 1W1P would be to have all involved entities adopt the Sauk River 1W1P as their water management plan.
  6. What happens if one entity decides not to enter the agreement?
    - a. That is up to BWSR.
    - b. Discussion about Meeker SWCD/County – they have a very small area within the SRWD and small portions of watersheds are able to opt out of the plan adoption process.
  7. Communication and reporting will be the key to success for the 1W1P.
  8. Commissioner Neumann mentioned that it was weird to have the appointed WD board member serving on the Policy Committee when all others are elected.

After Jen finished her presentation, Julie asked each of the Policy Committee members where they were sitting in regards to which option they would like to see for the partnership moving forward. The option all members were in favor of was the Joint Powers Collaboration. Julie proceeded to walk through the existing framework document.

1. In regards to the fiscal component of the partnership, we still need to figure out the local contribution from each group.
2. Deja asked how the committee was planning to overcome the negativity surrounding the SRWD? Expressed concerns regarding landowner participation.
  - a. Commissioner Rogan expressed concerns/reservations with this from Todd, Douglas and Pope Counties.
  - b. Commissioner Notch asked for clarification on what the trigger for the uproar was – was it that the assessment came directly from the SRWD not the City as it had in the past? Yes.
    - i. Commissioner Neumann also added that the \$4 million spent in one year was also a concern.
  - c. Julie stated that it was important for the sake of the partnership that all participating entities are here agreeing to do the best thing for water quality.
  - d. Supervisor Rutten asked if the SRWD were to be the fiscal agent if BWSR would still fund the partnership.
    - i. Julie explained that yes, all nine entities should be standing together and supporting one another and that would be a strong positive from BWSR's perspective.
  - e. Commissioner Neumann expressed frustration with needing to submit public data requests to get information from the SRWD but does not need to do this with other agencies.

- i. Commissioner Neumann added that he would like to know how to get this business with the SRWD settled down.
  - 1. Julie asked him for his suggestions on the matter. He had none. Julie stated that she would be happy to hear any suggestions he was able to come up with.
- ii. Sarah added that if the mindset moving forward was that the Policy Committee would continue to allow the tension from the public dominate meetings and disrupt progress, to please not select the SRWD for the fiscal agent as it will disrupt the progress of the partnership.
- iii. Discussion about the lack of support that has occurred and how discouraging it is to be working as an active partner but not have agency and local government “partners” supporting the SRWD.
- f. Discussion about yearly audits being an important component in selecting a fiscal agent. Further discussion about needing metrics in order to select a fiscal agent for the partnership.
- g. Further clarification was added about the difference between appointed vs elected and how statute states that watershed board members are to be appointed and that should be the end of the discussion for the purposes of the partnership. We are here to support each other and work together.

Julie provided the following expectations for the next Policy Committee meeting:

- 1. Authentic discussions
- 2. Commitment to a framework for the 1W1P moving forward
- 3. Decision on Fiscal Agent
- 4. Decision on Plan Coordinator
- 5. The commitment to moving forward together as partners and clarity on what this looks like

Supervisor Rutten made a motion to adjourn the meeting. The motion was seconded by Commissioner Notch. The motion passed with all in favor.

Upcoming Meeting for Policy Committee:

Friday, March 20<sup>th</sup>, 2020 from 9am-noon at the Sauk Centre City Hall

Upcoming Meetings for the Advisory Committee:

Wednesday, March 25<sup>th</sup>, 2020 from 9am-noon at the Sauk Centre City Hall

Wednesday, April 22<sup>nd</sup>, 2020 from 9am-noon at the Sauk Centre City Hall