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Becca Nash, Director

**MINUTES**

**Thursday, September 13, 2018**

**8:30 a.m. – 4:00 p.m.**

**State Office Building, Room 5**

**St. Paul, MN 55155**

**Members Present:** Sen. Gary Dahms, Sen. Kari Dziedzic, Rep. Rob Ecklund, William Faber, Nancy Gibson, Rep. Josh Heintzeman, Rep. Joe Hoppe, Sen. Bill Ingebrigtsen, Nicole Kessler, Denny McNamara, Norman Moody, Rep. Jim Newberger, Michael Reese, Sen. David Tomassoni, Rep. Jean Wagenius, Sen. Torrey Westrom, Della Young

**Staff Present:** B. Nash, M. Varien, D. Griffith, J. Menchikov (LCC)

**Members Excused:**

**Members Absent:**

**Co-Chair: Rep. Josh Heintzeman**

Co-Chair Heintzeman started the meeting at 8:35 a.m.

Co-Chair Heintzeman provided an overview of the changes to today's meeting agenda.

MOTION: Commissioner Faber moved the agenda for today's meeting with the following changes: (1) Agenda Items 8 and 10 will be deferred; (2) Agenda Items 9 and 11 will be moved before Agenda Item 3; and public testimony will be heard at the relevant agenda item prior to commission action – motion prevailed.

**1. Approve the minutes for July 18, 2018**

MOTION: Commissioner Dahms moved the minutes for July 18, 2018 – motion prevailed.

**2. Members report potential conflicts of interest regarding today's business**

Members reported no additional conflict of interest regarding today's meeting.

Members moved to Agenda Item 11.

**3. Follow up information from July 18, 2018 meeting**

Director Nash provided an overview of the follow up information provided in the meeting packets.

**4. Action: M.L. 2019 recommendations correction**

Director Nash explained an error was made during allocation discussions at the LCCMR meeting on June 18, 2018 that led to the commission allocating approximately \$150,000 more than is available for appropriating during fiscal year 2020. Upon discovery of the error, Director Nash contacted each member of the executive committee individually to discuss options to resolve the overage. The solution that seemed workable to all was the following:

1. Use any unused funds returned to the Environment and Natural Resources Trust Fund to make up for the ~\$150,000 shortfall

Sen. Gary Dahms, Sen. Kari Dziedzic, Rep. Rob Ecklund, William Faber, Nancy Gibson,  
Rep. Josh Heintzeman, Rep. Joe Hoppe, Sen. Bill Ingebrigtsen, Nicole Kessler, Denny McNamara, Norman Moody,  
Rep. Jim Newberger, Michael Reese, Sen. David Tomassoni, Rep. Jean Wagenius, Sen. Torrey Westrom, Della Young

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2. Provide from the M.L. 2019 Emerging Issues Account any remaining funds needed after pursuing #1

MOTION: Commissioner Moody moved to request LCCMR staff to work with non-partisan legislative staff to pursue the solution provided above, including preparing draft language for consideration by the commission as part of its recommended M.L. 2019 funding package – motion prevailed.

### 5. Presentations for M.L. 2018 Projects – See Work Plan Presentation Schedule and Notes

See Attachment #1 for presentation schedule for September 13, 2018.

After hearing presentations, members moved to Agenda Item 12 for public testimony.

### 6. Action: Consider M.L. 2018 Work Plans for approval – See Work Plan Presentation Schedule and Notes

MOTION: Commissioner Westrom moved to approve on the spreadsheet titled “Work Plan Presentation Schedule and Notes” Lines 1-10:

1. Line 1, M.L. 2018, Chp. 214, Art. 4, Sec. 2, Subd. 04I titled “Lake Agnes Treatment”, Alexandria Lake Area Sanitary District, \$600,000;
2. Line 2, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-1 titled “Natural Resources Asset Preservation”, MN DNR, \$3,419,000;
3. Line 3, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-2 titled “Elk River – Lake Orono”, City of Elk River, \$1,500,000;
4. Line 4, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-3 titled “South St. Paul – Seidl’s Lake”, City of South St. Paul, \$781,000;
5. Line 5, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 7 titled “Reinvest in Minnesota (RIM) Reserve Program”, BWSR, \$10,000,000;
6. Line 6, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 6-2 titled “Lake Redwood Reclamation”, Redwood Cottonwood Rivers Control Area, \$7,300,000;
7. Line 7, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 9 titled “Metropolitan Regional Parks and Trails Capital Improvements”, Metropolitan Council, \$10,000,000; and
8. Lines 8-10, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-1 titled “State Match for Federal Grants”, Public Facilities Authority (PFA), \$6,000,000; M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-2 titled “Water Infrastructure Funding Program”, PFA; \$14,652,000 and M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-3 titled “Point Source Implementation Grants Program”, PFA, \$38,348,000

AMENDMENT: Commissioner Gibson moved to defer the motion to approve on the spreadsheet titled “Work Plan Presentation Schedule and Notes” Lines 1-10 until the constitutionality of this use of the Trust Fund can be resolved:

1. Line 1, M.L. 2018, Chp. 214, Art. 4, Sec. 2, Subd. 04I titled “Lake Agnes Treatment”, Alexandria Lake Area Sanitary District, \$600,000;
2. Line 2, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-1 titled “Natural Resources Asset Preservation”, MN DNR, \$3,419,000;
3. Line 3, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-2 titled “Elk River – Lake Orono”, City of Elk River, \$1,500,000;
4. Line 4, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-3 titled “South St. Paul – Seidl’s Lake”, City of South St. Paul, \$781,000;
5. Line 5, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 7 titled “Reinvest in Minnesota (RIM) Reserve Program”, BWSR, \$10,000,000;

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6. Line 6, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 6-2 titled “Lake Redwood Reclamation”, Redwood Cottonwood Rivers Control Area, \$7,300,000;
7. Line 7, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 9 titled “Metropolitan Regional Parks and Trails Capital Improvements”, Metropolitan Council, \$10,000,000; and
8. Lines 8-10, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-1 titled “State Match for Federal Grants”, Public Facilities Authority (PFA), \$6,000,000; M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-2 titled “Water Infrastructure Funding Program”, PFA; \$14,652,000 and M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-3 titled “Point Source Implementation Grants Program”, PFA, \$38,348,000

– amendment did not prevail. (5-Yes / 12-No)

Member	Y	N	Member	Y	N
Commissioner Dahms		x	Commissioner McNamara		x
Commissioner Dziedzic		x	Commissioner Moody	x	
Commissioner Ecklund		x	Commissioner Newberger		x
Commissioner Faber	x		Commissioner Reese		x
Commissioner Gibson	x		Commissioner Tomassoni		x
Commissioner Heintzeman		x	Commissioner Wagenius	x	
Commissioner Hoppe		x	Commissioner Westrom		x
Commissioner Ingebrigtsen		x	Commissioner Young		x
Commissioner Kessler	x				

Co-Chair Heintzeman asked if there was any other public testimony. See agenda Item 12.

RENEWED MOTION: Commissioner Westrom renewed his motion to approve on the spreadsheet titled “Work Plan Presentation Schedule and Notes” Lines 1-10 along with the specific approvals noted on the spreadsheet for each project:

1. Line 1, M.L. 2018, Chp. 214, Art. 4, Sec. 2, Subd. 04I titled “Lake Agnes Treatment”, Alexandria Lake Area Sanitary District, \$600,000;
2. Line 2, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-1 titled “Natural Resources Asset Preservation”, MN DNR, \$3,419,000;
3. Line 3, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-2 titled “Elk River – Lake Orono”, City of Elk River, \$1,500,000;
4. Line 4, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 5-3 titled “South St. Paul – Seidl’s Lake”, City of South St. Paul, \$781,000;
5. Line 5, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 7 titled “Reinvest in Minnesota (RIM) Reserve Program”, BWSR, \$10,000,000;
6. Line 6, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 6-2 titled “Lake Redwood Reclamation”, Redwood Cottonwood Rivers Control Area, \$7,300,000;
7. Line 7, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 9 titled “Metropolitan Regional Parks and Trails Capital Improvements”, Metropolitan Council, \$10,000,000; and

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8. Lines 8-10, M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-1 titled “State Match for Federal Grants”, Public Facilities Authority (PFA), \$6,000,000; M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-2 titled “Water Infrastructure Funding Program”, PFA, \$14,652,000; and M.L. 2018, Chp. 214, Art. 6, Sec. 4, Subd. 8-3 titled “Point Source Implementation Grants Program”, PFA, \$38,348,000

– motion prevailed. (12-Yes / 5-No)

<b>Member</b>	<b>Y</b>	<b>N</b>	<b>Member</b>	<b>Y</b>	<b>N</b>
Commissioner Dahms	x		Commissioner McNamara	x	
Commissioner Dziedzic	x		Commissioner Moody		x
Commissioner Ecklund	x		Commissioner Newberger	x	
Commissioner Faber		x	Commissioner Reese	x	
Commissioner Gibson		x	Commissioner Tomassoni	x	
Commissioner Heintzeman	x		Commissioner Wagenius		x
Commissioner Hoppe	x		Commissioner Westrom	x	
Commissioner Ingebrigtsen	x		Commissioner Young	x	
Commissioner Kessler		x			

**7. Lunch**

Members moved to Agenda Item 13.

**8. Action: Amendment request to purchase land in public ownership-- M.L. 2015, Chp. 76, Sec. 2, Subd. 09b “Metropolitan Regional Park System Land Acquisition - Phase IV” (Met Council)**

- o *Deb Jensen, Met Council*
- o *Marty Walsh, Carver County Parks*
- o *Emmet Mullin, Met Council*

Agenda Item has been deferred.

**9. Action: Due to a survey error, revise LCCMR’s 6/5/2018 approval to remove land from a conservation easement acquired with M.L. 2001, 1st Special Session, Chp. 2, Sec. 14, Subd. 04g "Metro Greenways" (MN DNR)**

Director Nash provided an overview of the amendment request.

MOTION: Commissioner Moody moved to revise the Commission’s June 6, 2018 approval to adjust for the updated acres, values, and reimbursement amount from a conservation easement acquired with M.L. 2001, 1st Special Session, Chp. 2, Sec. 14, Subd. 04g "Metro Greenways" (MN DNR) – motion prevailed.

Members returned to Agenda Item 3.

**10. View Minnesota State Lottery videos**

Agenda Item has been deferred.

**11. Other LCCMR business (as needed)**

Director Nash discussed the Sr. Project Analyst position and the promotion for Michael Varien.

Members moved to Agenda Item 9.

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### 12. Public Testimony

#### Agenda Item 6 public testimony

1. Director Nash handed out a letter regarding appropriation bonds that was sent to the LCCMR and signed by many organizations (See Attachment #2).
2. Steve Morris, Executive Director, Minnesota Environmental Partnership spoke to the appropriation bonds. Members discussed.
3. Steve Henry, private citizen, spoke to M.L. 2018, Chp. 214, Art. 4, Sec. 2, Subd. 04I titled "Lake Agnes Treatment", Alexandria Lake Area Sanitary District. Members discussed.

Members returned to Agenda Item 6.

### 13. Adjourn

The meeting adjourned at 12:05 p.m.

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*NOTICE: Pursuant to M.S. 13D.015, some members may be participating by phone.*