



LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

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Becca Nash, Director

MINUTES

Thursday, January 16, 2020

9:00 a.m. – 4:30 p.m.

State Office Building, Room 200

St. Paul, MN 55155

Members Present: Sen. Gary Dahms, Sen. Kari Dziedzic, Rep. Rob Ecklund, William Faber, Nancy Gibson, Rep. Rick Hansen, Rep. Josh Heintzeman, Denny McNamara, Norman Moody, Michael Reese, Rep. Tama Theis, Sen. David Tomassoni, Rep. Jean Wagenius, Sen. Torrey Westrom, Della Young

Staff Present: B. Nash, M. Varien, C. Layfield, R. Anderson, D. Griffith

Members Excused: Sen. Bill Ingebrigtsen, Nicole Kessler

Members Absent:

Co-Chair: Nancy Gibson

Co-Chair Gibson started the meeting at 9:05 a.m.

1. [0:00:35] Approve the minutes for July 17, 2019

MOTION: Commissioner Hansen moved to approve the minutes for July 17, 2019 – motion prevailed.

2. [0:01:15] Members report potential conflicts of interest regarding today's business

Members restated their conflicts of interest as shown on the spreadsheet (see Attachment #1) and Commissioner McNamara restated his conflict of interest on ENRTF ID: 156-D "Protect Community Forests by Managing Ash for EAB".

3. [0:02:51] Director's report

Director Nash introduced Corrie Layfield, Senior Project Analyst.

Director Nash discussed staffing for the Legislative-Citizen Commission on Minnesota Resources (LCCMR), discussed coordination with other councils and committees, presented an award LCCMR received, and provided an update on the online grants management system.

- **Review draft 2020 LCCMR Meeting Calendar**

Director Nash provided an overview of the draft 2020 LCCMR Meeting Calendar. Members discussed.

MOTION: Commissioner McNamara moved to have no site visits in calendar year 2020 – Roll Call (7 yes / 6 No) – motion prevailed.

Members asked staff to come up with options for meeting schedules and poll members on preferences.

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4. **[0:42:00] Action: Metropolitan Council request for approval to purchase land over appraised market value in M.L. 2015, Chp. 76, Sec. 2, Subd. 09b “Metropolitan Regional Park System Land Acquisition - Phase IV” and M.L. 2017, Chp. 96, Sec. 2, Subd. 09a “Metropolitan Regional Parks System Land Acquisition”**
- **Emmett Mullin, Metropolitan Council**
 - **Jessica Lee, Metropolitan Council**
 - **Sandy Breuer, Washington County Parks Director**
 - **Sharon Price, Washington County Property Acquisition Manager**

Michael Varien provided an overview of the Metropolitan request.

Emmett Mullin, Metropolitan Council, gave a presentation on their request to purchase land over appraised marked value. Members discussed.

MOTION: Commissioner McNamara moved to approve the purchase of land over appraised market value in M.L. 2015, Chp. 76, Sec. 2, Subd. 09b “Metropolitan Regional Park System Land Acquisition - Phase IV” and M.L. 2017, Chp. 96, Sec. 2, Subd. 09a “Metropolitan Regional Parks System Land Acquisition” – motion prevailed.

5. **[0:53:35] Action: City of Tower request to shift funds and accomplishments between M.L. 2016, Chp. 186, Sec. 2, Subd. 09f “Tower Historic Harbor Trail Connections” and M.L. 2017, Chp. 96, Sec. 2, Subd. 09h “Tower Trailhead Boat Landing and Habitat Improvement – Phase II”**
- **Mayor Orlyn Kringstad, City of Tower**

Director Nash provided an overview of the memo in members’ meeting packets.

Victoria Ranna, City of Tower Treasurer, gave a presentation on City of Tower’s request to shift funds and accomplishments between M.L. 2016, Chp. 186, Sec. 2, Subd. 09f and M.L. 2017, Chp. 96, Sec. 2, Subd. 09h.

Members discussed.

Brad Hagemeyer, House Fiscal Analyst, provided an overview of how canceling and re-appropriating out of the ENRTF corpus works.

Ben Stanley, Senate Counsel, explained how a change to previous appropriation language could work.

MOTION: Commissioner Moody moved to approve the following:

1. M.L. 2016: Retroactive request to approve spending an additional \$324,236 M.L. 2016 on Outcome 1 (Harbor trail) than was previously approved for that outcome.
2. M.L. 2016: Retroactive request to reduce Outcome 2 (kayak trail & signage) and remove Outcome 3 (trail connection to Mesabi Trail) from M.L. 2016 work plan deliverables.
3. M.L. 2017: Request to add Outcome 2 (kayak trail & signage)
 - This will be made possible within the current budget through cost savings on other M.L. 2017 outcomes as well as through partnership with the Tower Economic Development Authority and volunteers to design and install the signs
4. M.L. 2017: Request to add Outcome 3 (trail connection to Mesabi Trail). This will be made possible because:
 - Outcome 4 (trailhead) design and engineering is expected to be less than initially anticipated.
 - Outcome 5 (habitat) is expected to be less than initially anticipated.
 - Tower Economic Development Authority has agreed to complete Outcome 4 (kiosk) construction work
 - Outcome 3 (trail connection to Mesabi Trail) will be routed adjacent to the trailhead access road instead of along the riverfront and will connect to the Mesabi Trail at a more southerly point than previously planned

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5. M.L. 2017: Request to extend M.L. 2017 from end date of June 30, 2020 to September 30, 2021. This is needed to allow formal bidding and construction, the latter of which may be complicated by short construction seasons.
6. Include adjustments to the ML2017 language accordingly in the 2020 LCCMR Bill
 - motion prevailed.

6. [1:37:57] Hear from City of Melrose on their withdrawal from M.L. 2019, First Special Session, Chp. 4, Art. 2, Sec. 2, Subd. 08c "Sauk River Dam Removal and Rock Rapids Replacement", City of Melrose, \$2,768,000

o Colleen Winter, Melrose City Administrator

Director Nash reviewed the background of the issue related to the withdrawal of M.L. 2019, First Special Session, Chp. 4, Art. 2, Sec. 2, Subd. 08c.

Colleen Winter, Melrose City Administrator, provided an overview of why they are withdrawing their M.L. 2019, First Special Session, Chp. 4, Art. 2, Sec. 2, Subd. 08c. Members discussed.

Brad Hagemeyer, House Fiscal Analyst, explained appropriating dollars.

Jason Moeckel, MN DNR, answered questions.

7. [2:04:38] Wrap up Strategic Planning

Director Nash provided a recap of the strategic planning process and explained the Strategic Planning Process Report included in member packets. Members discussed.

MOTION: Commissioner Reese moved to add notes from the November 13 strategic planning retreat as an appendix to the Strategic Planning Process Report and request MAD come back to continue strategic planning at a future meeting.

Members recessed for lunch at 12:20 p.m. and reconvened at 1:20 p.m.

RENEWED MOTION: Commissioner Reese renewed his motion to move to add notes from the November 13 strategic planning retreat as an appendix to the Strategic Planning Process Report and request MAD come back to continue strategic planning at a future meeting. – motion prevailed.

MOTION: Commissioner Reese moved to direct staff to work with MMB to develop a new proposal where MMB would continue guiding the LCCMR through the strategic planning process with completion within six months and to give Tri-Chairs authority to accept the proposal and enter into contract with MMB accordingly – motion prevailed.

8. [3:18:42] Action: Adopt ENRTF 2021 Request for Proposal

Rory Anderson provided an overview of the current draft 2021 Request for Proposal. Members discussed.

MOTION: Commissioner Hansen moved to approve the ENRTF 2021 Request for Proposal and allow staff to make any technical corrections needed – motion prevails.

Commissioner McNamara suggested a small adjustment to the proposal evaluation criteria related to permits.

9. [3:31:29] Overview of 2020 Peer Review Results

Michael Varien provided an overview of the 2020 Peer Review Process. Members discussed.

10. Lunch

Members recessed at 12:20 p.m. and reconvened at 1:20 p.m. After lunch, members continued discussion on Agenda Item 7.

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11. [3:36:41] Action: Review draft language for 2020 ENRTF Tentative Recommendations

a. Walk through draft language

Director Nash provided an overview of bill language provided in member packets for the 2020 ENRTF Tentative Recommendations. Members discussed.

b. Specific contingency decisions; including background checks for youth groups

- 1) Director Nash presented language provided in member packets for Friends of the Lock and Dam that was developed with the proposer's input.

(l) Upper St. Anthony Falls Enhancements

\$2,800,000 the second year is from the trust fund to the commissioner of natural resources for an agreement with the Friends of the Lock and Dam in partnership with the City of Minneapolis to design and install green infrastructure, public access, and habitat restorations on riverfront land at Upper St. Anthony Falls for water protection, recreation, and environmental education purposes. Of this amount, up to \$600,000 is for planning, design, and engagement.

No funds from this appropriation may be spent until Congress directs the Corps of Engineers to dispose of the Upper St. Anthony Falls property to the City of Minneapolis for use as a visitor center.

After this congressional act is signed into law, up to \$100,000 of the planning, design and engagement funds may be spent.

The remaining planning, design, and engagement funds may be spent after a binding agreement has been secured to acquire the land, or access and use rights to the land for at least 25 years.

Any remaining balance of the appropriation may be spent on the installation of enhancements after the Upper St. Anthony Falls land has been acquired.

Joel Carlson spoke on behalf of the Friends of the Lock and Dam and supports the language.

- 2) Director Nash presented language provided as a handout for the Mesabi Trail that was developed with the proposer's input.

(q) Mesabi Trail: New Trail and Additional Funding

\$1,000,000 the second year is from the trust fund to the commissioner of natural resources for an agreement with the St. Louis and Lake Counties Regional Railroad Authority for construction of the Mesabi Trail beginning at the intersection of County Road 20 and Minnesota State Highway 135 terminating at 1st Avenue North and 1st Street North in the City of Biwabik in St. Louis County. This appropriation may not be spent until all Mesabi Trail projects funded with trust fund appropriations prior to M.L. 2019, with the exception of M.L. 2017, are completed and their final reports approved.

Gary Cerkvenik spoke on behalf of the St. Louis and Lake Counties Regional Railroad Authority and supports the language. He also provided an update on capacity issues with St. Louis and Lake Counties Regional Railroad Authority.

Monica Weber, MN DNR, answered questions about fiscal oversight.

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3) Director Nash presented a memo with options developed in response to a member request to require background checks for funded entities working with youth.

MOTION: Commissioner Reese moved to have all organizations that provide child services be certified to M.S. 299C.61.

Ben Stanley, Senate Counsel, provided comments on background checks and M.S. 299C.61. Members discussed.

RENEWED MOTION: Commissioner Reese renewed his motion to move to have all organizations that provide child services be certified to M.S. 299C.61 – motion withdrawn.

**c. How to handle City of Melrose, M.L. 2019, First Special Session, Chp. 4, Art. 2, Sec. 2, Subd. 08c
“Sauk River Dam Removal and Rock Rapids Replacement”, \$2,768,000**

MOTION: Commissioner Tomassoni moved to leave the \$2,768,000 on the bottom line for legislative discretion— motion prevailed.

12. Other business

Upcoming meeting January 30, 2020

Members agreed to cancel the January 30 meeting.

13. [5:41:04] Public Testimony

The public is asked to keep their comments brief. If you would like to testify, please contact Diana Griffith at 651-296-2406 or diana.griffith@lccmr.leg.mn by 4:00 pm the day before the meeting and specify to which agenda item your testimony relates. The chair will accommodate testimony at the requested agenda item as time allows.

Rick Heller (unofficially representing Twice Exceptional and Print Disabled Life Long Learners) provided testimony.

14. Adjourn

Meeting adjourned at 3:55 p.m.

Signed by Sen. Gary Dahms

Meeting materials will be made available at: <https://www.lccmr.leg.mn/calendar/calendar-index.html>

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