



Sunrise River WMO

2241 – 221st Ave
Cedar, MN 55011

APPROVED

Sunrise River Water Management Organization Meeting

Thursday April 1, 2021

Meeting was held remotely due to the Covid-19 pandemic.

1. Call to Order

Mr. Babineau called the meeting to order at 6:34 pm.

2. Roll Call

Present: Leon Mager, Sandy Flaherty, Tim Harrington, Janet Hegland, Dan Babineau, Tim Peterson, Tim Melchior, Candice Kantor.

Audience: Jamie Schurbon, Anoka Conservation District (ACD), Cameron Blake, Recording Secretary

3. Approval of Agenda

The upcoming meeting dates were corrected to say “September 2” instead of “September 4”. Mr. Schurbon suggested addition to the agenda under Item 7a. “County AIS Grants.

Mr. Babineau moved to approve the agenda with this correction and addition and Ms. Kantor seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

4. Approval of Minutes for February 4, 2021

Ms. Hegland had some edits for the minutes. On page 2 she clarified that she did not volunteer for the vice president position, rather accepted the position as a trade in exchange for Ms. Flaherty accepting the secretary position. On page 3 she clarified her response to the orphan parcel question- and said she would email the full wording to Mr. Blake to correct the minutes. And lastly, on page 5 she wanted to clarify that without approving the 1W1P workplan, they would forgo this year’s allocation of state funding. There was an additional formatting error on page 5 to be corrected with a paragraph indentation.

Mr. Mager had some questions for Mr. Schurbon regarding the conversation about internal loading treatment which is one Lower St. Croix Watershed Based Funding grant activity that could apply in the SRWMO area. This usually refers to alum treatments, but addressing carp populations is another method. There has not been an internal loading feasibility study completed for any SRWMO lake. The LSC1W1P funding may be able to

apply to this study and future treatment. Mr. Mager also asked about the approximately \$39,000 referenced for wetland restoration and whether this would apply to the Typo Lake subwatershed. Mr. Schurbon clarified that yes, there was a candidate project in that area but this funding has not been allocated to any specific project yet.

Ms. Hegland moved to approve the minutes with these corrections and Mr. Harrington seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

5. Financial Reports

A. Treasurer's report

In the absence of Treasurer Downing, Mr. Schurbon displayed SRWMO financial information from February and March 2021 including the E. Bethel ledger and SRWMO bank balance statement. Mr. Schurbon reported a beginning balance in March of \$52,548.45 and an ending balance of \$52,348.45. This does not include 2 expenses to be reconciled upon approval at the end of tonight's meeting (\$14,252.33 and \$200.00). After anticipated approval of expenditures on tonight's agenda the March "ending" balance will be \$37,896.12.

Mr. Mager moved to accept the treasurer's report and Mr. Melchior seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

B. Member community contributions for 2021 update

All 1st half community contributions have been received, as well as 2nd half contributions from East Bethel and Ham Lake. Mr. Schurbon will send out invoices in June to Columbus and Linwood.

C. Current grants financial report from Anoka Conservation District (ACD)

Mr. Schurbon presented the current grants financial report. There was no change in the cost share grant fund. There have been additional expenditures in the 2019 WBF in time spent searching for more raingarden and shoreline restoration projects to benefit Coon and Martin Lakes. There were some expenditures from the 2020-2022 BWSR grant from Linwood carp removal activities. Ms. Kantor clarified the 2021 end of year deadline for spending the 2019 WBF grant. Mr. Schurbon explained that any funding not spent would be returned to the state but he also didn't want to end up with projects that would overspend the funding. He explained that project install can occur as late as November and December, but September and October is preferable.

Ms. Hegland asked about the potential to use this funding to address a known Coon Lake stormwater issue that Ms. Logren had mentioned previously. Mr. Schurbon explained that he had talked to Ms. Logren and believed this particular project doesn't fit the criteria for this funding, and that it was more of a localized drainage issue related to new construction rather than a project to benefit lake water quality. Ms. Hegland explained that the council had spent a lot of time discussing this issue and it appeared that the landowner was diverting runoff directly into the lake. Mr. Schurbon said he will look into the issue with Ms.

Hegland's assistance. Ms. Hegland said she would rather see the funding spent on correcting this issue than go back to the State if other projects are not identified.

Ms. Hegland pointed out a typo in the 2019 WB funding table in which the \$14,000 was not carrying through to the last vertical column resulting in it being missing from the remaining balance. She asked for clarification on the SRWMO projects funds held by the ACD. Mr. Schurbon explained that these were matching funds paid to the ACD for these state grants.

6. Unfinished Business

A. Review of communities' ordinances for compliance with SRWMO minimums

Mr. Schurbon presented the informational memo; there is no action needed. Some progress has been made with Columbus city staff. Ham Lake has achieved 100% compliance by referring to the SRWMO standard in their ordinance language. He has made contact with East Bethel who will be reviewing ordinances in the next few months. Linwood's status remains the same.

Ms. Hegland referenced the memo and a note that East Bethel's staff had communicated a low level of staff implementation and awareness around the SSTS ordinance. Mr. Schurbon said he is trying to find the right staff person who may be the point person for this issue. Mr. Harrington said he believes the staff is trying and that he will talk to Stephanie, but the community does seem to be aware of SSTS ordinances.

B. Ham Lake local surface water management plan

Mr. Schurbon said Ham Lake is making edits to produce a new draft of the plan which should be approvable, and he will pass it along to the board when he receives it.

C. 2022 budget

Mr. Schurbon said all four communities had ratified the draft budget.

Mr. Mager moved to approve the ratified 2022 SRWMO budget and Ms. Kantor seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

D. Notice posting location

Ms. Hegland had volunteered to check with the League of Minnesota Cities on this topic after the conversation at the last board meeting. They said the WMO has to follow the same open meet law, including public posting, as cities do. As such, the SRWMO does have to designate an official newspaper and put notices in it. No one paper covers the whole SRWMO boundary. The Forest Lake Times covers many communities but not all, and the Anoka City Union covers East Bethel and Ham Lake. Ms. Hegland said the SRWMO can only name one but can post notices in more than one, and must post the paper selection on the website. Mr. Schurbon said the SRWMO does not need to post minutes and doesn't believe there was any recent activity that needed to be published. Hegland agreed and said the SRWMO needs to post the Audit report and request for bids but did not need to meet all city requirements such as minutes posting. Mr. Melchior suggested using the communities' budget

percentages to help determine which newspaper to declare as the official SRWMO paper. If Linwood and Columbus make up 66% of the budget and are covered by the Forest Lake Times, than that could be the official selection with the Anoka Union Herald as the backup paper which would cover East Bethel and Ham Lake. Ms. Hegland said she had considered using the number of households within the SRWMO boundary as the metric to use. She also acknowledged that newspaper posting can get expensive so she didn't feel like the SRWMO needed to post in two papers, as long as the paper selection was posted on the website. The group discussed the option of using the Pioneer Press or Star Tribune.

Mr. Peterson asked Mr. Mager what part of East Bethel he had seen the Forest Lake Times because he hasn't seen it where he lives. Mr. Mager that it reached Columbus/Linwood, ending at the Norquist Campground, covering all of the east basin.

Mr. Mager moved to select the Forest Lake Times as the official SRWMO newspaper and Mr. Harrington seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

E. JPA amendment recommendations

Ms. Hegland sent out the SRWMO JPA to the League of Minnesota Cities for their feedback and they sent a memo with links to example JPAs. Mr. Schurbon has a list of suggested amendments to the JPA that he has been adding to over time and Ms. Hegland added sections that she had seen in other JPAs that she felt the SRWMO JPA was missing. Ms. Hegland asked the board how they wanted to structure the conversation and action steps, as this was not something that was going to be fully accomplished tonight. She asked if the board wanted to designate a subcommittee to work on this and put it on the May agenda, or to select a few topics they felt were worth changing. The League lawyer is willing to help convert the JPA into a more modern template, but will not be taking on the re-writing or editing.

Mr. Mager asked why the SRWMO should do any work in changing the JPA as he views the JPA as a financial agreement between the four communities and BWSR. He said that he did not want the SRWMO to tell the communities what to do or how to alter their JPA. He doesn't think the SRWMO should be involved in the JPA process between the communities and BWSR. He also thought if the JPA needed to be changed that it was the communities' job to change it since it was their JPA. Ms. Hegland and Mr. Melchior both disagreed. Mr. Melchior said he didn't have an issue with advising his community on what changes should be made to the JPA, and that it's the SRWMO's job because the SRWMO operates under this JPA. Ms. Hegland said there were parts of the JPA that were outdated or just didn't make sense, and that it was the responsibility of the SRWMO recommend these changes. Ms. Hegland pointed out that many of the changes were operational things that dictated responsibilities of the SRWMO that we currently do not fulfill and it was important for this board to decide how those sections should be amended to reflect the responsibilities we believe we can deliver on. Other areas were noted that our JPA didn't address, but should, such as the lack of reference to data practices, conflict of interest, bylaw amendments, etc. Ms. Hegland explained that the document she was referencing explicitly states that it is the SRWMO's responsibility to recommend amendments to the JPA. Mr. Mager withdrew his

opposition after Ms. Hegland read the section she identified (Section 7) but stated that he still was not comfortable with this idea.

The group discussed how to proceed with amending the JPA. Ms. Hegland said she would check with the League attorney on if the sections she had identified as missing from the SRWMO were necessary. Mr. Schurbon started by reading the 8 items he had on his list of possible JPA changes he has identified or heard suggested:

1. Funding formulas.

Some communities have expressed concern with proportions of operating expenses and how public lands are considered.

2. Better define “operating expenses” in the funding formula.

Operating expenses were better defined 2 years ago after discussion and an agreement with Ham Lake, but they are still not well defined in the JPA.

3. Create a resolution procedure for when a member city disagrees with a budget or other WMO action, or fails to pay its share.

There is no dispute resolution process at all. Ms. Hegland said it was worse than simply being absent; the JPA currently addresses what to do by referencing a section that is unrelated. Mr. Schurbon explained that gridlock in the WMO could result in consequences from the State that would apply to the WMO and possibly all member communities.

4. Budgeting timeline. Current dates are too late for some communities’ municipal budgeting. In practice, the budget timeline is accelerated.

5. Reconsider the requirement to publish WMO board vacancies in the newspaper for two weeks.

This has not likely been practiced. The group agreed that it is the city’s statutory requirement to fill the board seats.

6. Resolve inconsistent requirements for the frequency of financial audits in state rules and the JPA.

This was amended by the state 8-10 years ago to clarify that under a certain threshold the WMOs only need an audit every 5 years, and not even a full audit procedure.

7. Better define “works of improvement” and special considerations for them.

8. Reconsider approvals required for the WMO to submit a grant application

Cities currently must approve the grant applications. Because of the SRWMO meeting schedule or one community’s failure to respond quickly, grant opportunities could be missed. The current process for city approvals may take longer than grant open application periods.

Ms. Hegland went over the additional sections she identified as possibly missing or needing to be addressed:

1- Ensure references to state statutes are accurate as the numbers may have changed.

2- Data practices.

3- Clause for conflicts of interest.

4- Section 3.6 appeals process doesn’t make sense.

5- If the SRWMO dissolves, currently the assets are to be sold and distributed among the communities, but there are other options WMOs use that may be better.

- 6- Adding language to the JPA to address who is responsible for maintenance if the SRWMO pays for the project. Currently every project has a contractual maintenance obligation with another party, but if this is not clearly defined it could become the SRWMO's responsibility. Projects the SRWMO have paid for are typically owned by the municipality or landowner. The SRWMO has not taken on property ownership and this would involve a larger community conversation.

The group discussed again how to approach amending the JPA. Mr. Mager said he would like to have some time to consider the materials and not vote on anything tonight. Mr. Schurbon and Ms. Hegland agreed that there was not a huge rush on this topic. The group discussed whether a subcommittee should be created to bring back recommendations to the full group. Ms. Hegland said she thinks it will be easier for the group to react to proposed language than to come up with new language as a big group. The board also acknowledged that there may be sensitive topics that would benefit from full group discussion so as to not pit community against community. The board acknowledged that they do not meet that often and wondered if there should be a special meeting scheduled. They discussed open meeting laws and required public notice for special meetings.

Ms. Hegland asked if the board wanted to go down the list and take away any topics they didn't feel were worth addressing and Mr. Melchior said he felt that everything on the list were valid things to address. Mr. Melchior asked if the board could review the materials and come up with suggestions for the May 6th board meeting. He asked for clarification on what the League attorney was willing to do. Ms. Hegland said the attorney would not be doing any of the drafting work but would review what the board comes up with. The board confirmed that this work could not be done over a chain of emails as that would violate open meeting laws. Mr. Schurbon said he could merge/compile the board's individual suggestions into a document to present at the next meeting along with the current JPA. Ms. Hegland agreed with this suggestion of Mr. Schurbon compiling the board's list of suggested changes into a document to discuss at the next board meeting. The board agreed. Mr. Schurbon said he felt that he had received adequate staff direction and that no further action was needed.

F. Lower St. Croix 1W1P annual work plan update

The SRWMO board approved this work plan at the last board meeting and it was approved by the state. The state and Chisago SWCD have signed and work has begun. Ms. Hegland asked Mr. Schurbon to explain more about the 1W1P partially funded outreach position and how that would work with Emily (Anoka Co Water Resources Outreach Collaborative) at the ACD's current work. Mr. Schurbon explained that the details were still being worked out but that the 1W1P funding would expand the EMWREP program currently in Washington County to the full Lower St. Croix watershed and would provide Emily with additional hours for outreach as well. All of the outreach would be supported by this funding and specific work will be defined by their skillsets. The position will be half supported by the WCD and half by the 1W1P funding. They are taking applications through April 6th. And Ms. Hegland thinks they will have at least done interviews by the May board meeting.

Mr. Mager asked about the Comfort Lake-Forest Lake Watershed District (CLFLWD) letter/memo that was discussed at the last board meeting and last 1W1P PC meeting. He also

asked why Typo Lake was not included on their list of priority lakes. Mr. Schurbon explained that there had been a Policy Committee (PC) 1W1P meeting since then and CLFLWD has not brought anything back up for discussions. The grant implementation plan includes 8-10 committees which will be served on by staff and CLFLWD wishes to be on nearly all of them. He wondered if this heavy representation has assuaged their concerns. Ms. Hegland said she wondered if just getting their opinion in writing and distributed to the PC made them feel better and less uncertain about moving forward with the workplan.

Mr. Mager asked for their opinion on the CLFLWD letter/memo content. Mr. Schurbon said that he felt there were valid points raised that were mixed with some controversial and distrustful statements. He also said at least one financial statement seemed inaccurate. Ms. Hegland explained that this plan marked a shift in the state funding paradigm and that she observed there may be some discomfort from watershed districts about it.

G. Public officials tour

This was paid but postponed last year. Mr. Schurbon suggested a September 2021 tour, outdoor based event, with separate driving and no food/drink associated with it. He suggested the board select a date and a rain date and wants to invite new city council and board members. Mr. Schurbon suggested the tour include the new Martin Lake ponds and Coon Lake raingarden with a couple other stops, but no more than 4 or 5 sites due to the driving logistics. The board confirmed that they were comfortable with moving forward and planning the event. Mr. Mager asked if there would be a short meeting before the tour, possibly the community center which had a pavilion and picnic tables. Mr. Schurbon said there could be something like that, or we could consider doing so at tour sites. He suggested the first stop be something with easy parking and for people to sign up in advance so rain cancellation can be communicated quickly. Ms. Hegland asked what kind of numbers the tour sees usually and Mr. Schurbon said 10-20 and estimated 16 this year based on 8 SRWMO members and 2 others from each community. This could push over 20 depending on if the board wished to invite lake associations. Ms. Hegland asked about the possibility of an open air bus which may have less risk. Mr. Melchior wondered if most people might be fully vaccinated by September. Mr. Schurbon said in the past the bus options have been either a cheap school bus or expensive coach bus. Mr. Mager noted that the board did not need to make all the decisions tonight. Mr. Schurbon was directed to present a tour plan at the next meeting.

7. New Business

A. County AIS Grants

Mr. Schurbon explained this agenda item. Anoka County offers AIS prevention grants which often go to lake associations, but applicant can also be cities. These are \$3,000 grants with a 25% match and can be used for outreach/education, inspections, or AIS control such as herbicide treatments. Mr. Schurbon said Martin Lake Association has used these grants to supplement carp removal efforts in the past and that Linwood Lake Improvement Association is considering carp or herbicide treatments. Mr. Schurbon felt this may be an opportunity to supplement the SRWMO BWSR grant efforts of carp removal in Typo Lake which has no

lake association to provide the 25% match. The ACD or SRWMO could apply, and would look to the SRWMO to provide the \$750 match. The \$750 is not in the current SRWMO budget and would need to come out of the undesignated reserve, which the SRWMO is intentionally spending down. With the 2021 and 2022 budget decisions there will be approximately \$9,000 left in the reserve at the end of 2022 with the goal of there being between \$5,800-\$11,600. Mr. Babineau asked what the \$3,000 grant would be spent on and Mr. Schurbon said it would go to box netting for carp at Typo Lake to supplement the current grant work.

Mr. Babineau and Mr. Schurbon discussed questions about the source of the funding and whether there was any conflict of interest around the county and state funding. Mr. Schurbon clarified that the county grant is from state funds, so it cannot be used as match for any other state grants.

The board asked if the county would more favorably view the grant application coming from the SRWMO vs the ACD? Mr. Schurbon said he believes the county would prefer to distribute the funding as locally as possible (the SRWMO). Ms. Kantor said she thought this was a worthwhile grant to apply for since the project it would be applied to is already in place so time doesn't need to be spent on putting a plan together.

Mr. Mager moved to authorize Mr. Babineau to sign the county AIS grant application on behalf of the SRWMO, and to use \$750 from the undesignated funds as match. Ms. Kantor seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

8. Mail

No mail.

9. Other

No other topics.

10. Invoice(s) approval

A. Recording Secretary services for Feb 2020 meeting (\$200)

Mr. Schurbon clarified that this invoice was for the February minutes included in the board packet tonight.

Mr. Harrington moved to and Ms. Hegland seconded to pay the invoice #20421, payment for \$200. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

B. Anoka Conservation District invoice 1 of 3 (\$14,252.33)

Mr. Peterson asked for this invoice to be explained. Mr. Schurbon explained that this was the first of three installments for the ACD contract approved at the last board meeting. The scope of services in this contract includes water monitoring, administrative support, grant match for the carp removal work, etc. The next installment will be in September. Ms. Kantor dropped off of the Zoom call.

Mr. Babineau moved to and Mr. Melchior seconded this motion. Hegland yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

11. Adjourn

The board discussed having the May 6th meeting in person. There were no objections. Mr. Harrington said the city hall may be opening soon and there's a lot of room for social distancing. Ms. Kantor came back onto the Zoom call.

Ms. Hegland moved to and Mr. Harrington seconded to schedule the next SRWMO in-person if allowed at East Bethel City Hall. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Motion carried.

Upcoming Meeting Dates: May 6, September 2, November 4

Submitted by:
Cameron Blake