



Sunrise River WMO

2241 – 221st Ave
Cedar, MN 55011

APPROVED MINUTES

Sunrise River Water Management Organization Meeting

Thursday July 1, 2021

Meeting was held in person at the East Bethel City Hall

1. Call to Order
Treasurer Mr. Downing called the meeting to order at 6:35 pm.
2. Roll Call
Present: Leon Mager, Tim Harrington, Ms. Hegland Hegland (6:37pm), Dan Babineau (6:49pm), Tim Peterson, Candice Kantor, Matt Downing
Audience: Jamie Schurbon, Anoka Conservation District (ACD);
Cameron Blake, Recording Secretary
3. Approval of Agenda
The group decided to amend the agenda by moving item 6a down to 7e.
Mr. Mager moved to approve the agenda with this amendment and Mr. Peterson seconded this motion. Mager yes, Peterson yes, Kantor yes, Harrington yes, Downing yes. Motion carried.
4. Approval of Minutes for May 6, 2021
Mr. Peterson moved to approve the minutes Mr. Harrington seconded this motion. Mager yes, Peterson yes, Kantor yes, Harrington yes, Downing yes. Motion carried.
5. Financial Reports
 - A. Treasurer's report
Ms. Hegland arrived and took over running the meeting. Treasurer Downing presented the treasurer's report. Mr. Downing reported a beginning balance in May of \$37,896.12 with no debits or credits. A June bank statement should be arriving soon.
Mr. Harrington moved to accept the treasurer's report and Ms. Kantor seconded this motion. Hegland yes, Mager yes, Peterson yes, Kantor yes, Harrington yes, Downing yes. Motion carried.
 - B. Current grants financial report from Anoka Conservation District (ACD)
Mr. Schurbon presented updates to the current grants financial report. Staff time expenses have been added for the 2019 WBF and carp management grants. Under the carp

management grant, telemetry gear expenses have also been added. Mr. Schurbon explained a new column in the carp management grant table which reflected \$10,500 in ACD District Capacity grant funds which are added to bolster the staff time budget. Ms. Hegland asked how the remaining balance was calculated under the carp management grant section. The group determined that there was a formula error and Mr. Schurbon will address this for the next grant report.

6. Unfinished Business

A. 2021 Public officials tour

Ms. Hegland, Ms. Kantor, and Mr. Harrington will attend the tour. Mr. Downing intends to attend and Mr. Mager will let Mr. Schurbon know. Mr. Schurbon has not heard back from the communities on their invitation and will resend. Mr. Harrington and Ms. Hegland will both mention the tour to their communities at upcoming meetings. The group recalled state agencies being invited to the last watershed tour but this was because of the status of the watershed plan development. They have not been invited to this tour unless there will be space. Mr. Schurbon explained he did not have bus reservations yet as many companies have a driver shortage. There is no deadline for the RSVP, but Mr. Schurbon is hoping to gather them in advance in case weather forces a cancellation of the original date so he can inform people quickly.

B. Linwood Family Fun Day Booth

Mr. Peterson explained that Linwood is celebrating their 150th anniversary so there is an extended celebratory weekend of events this year. Mr. Schurbon explained that the flyer he received only specified an 11-4pm window for the vendor booths on September 11th. Mr. Schurbon has a new display for SRWMO and other displays, brochures, and pamphlets. He suggested board members bring animals in to have at the booth such as toads or turtles and asked who would be available to staff the booth. Mr. Peterson will be available to staff the SRWMO booth. Mr. Schurbon will provide the booth materials to Mr. Peterson in advance. Mr. Babineau arrived at 6:49pm and took over running the meeting. Mr. Peterson and Mr. Babineau discussed the planned events for the weekend on whether they believed the SRWMO would have a booth any day other than Saturday. Mr. Babineau volunteered to assist Mr. Peterson in staffing the booth.

Mr. Downing moved to direct Mr. Schurbon to register the SRWMO for a Linwood Family Fun Day booth, to assemble displays, and to authorize up to \$10 in registration fees. Mr. Mager seconded this motion. Babineau yes, Hegland yes, Mager yes, Kantor yes, Harrington yes, Downing yes. Motion carried.

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

Mr. Schurbon said there is no update on this topic since the last time it was discussed.

D. Ham Lake local surface water management plan

The Ham Lake city engineer received comments from the Met council with some points to address. The SRWMO has submitted comments and Ham Lake has responded to them. Mr.

Schurbon said he deemed their response to SRWMO comments as acceptable/satisfactory. Mr. Schurbon said he discussed the plan with Coon Creek WD staff and they feel similarly. Ms. Hegland asked if there were concerns about the wording of the language about providing a development sketch plan which Ham Lake stated “maybe”. Mr. Schurbon explained the SRWMO does not have the authority to require this activity but that Ham Lake has started doing this so he felt the wording was acceptable.

Mr. Downing moved to approve the Ham Lake Surface Water Management Plan dated May 2021 and Ms. Kantor seconded this motion. Babineau yes, Hegland yes, Mager yes, Kantor yes, Harrington yes, Downing yes. Motion carried.

E. Boundary update with Rice Creek Watershed District

Over the last 12+ months the Rice Creek Watershed District (RCWD) has worked to update its boundary with neighboring watershed organizations. The SRWMO board has reviewed several drafts and voiced concurrence with the revisions. At this time the RCWD is proposing one final area of adjustment (Thurnbeck Preserve 2nd Addition) due to new construction grading and roads. If the SRWMO is in agreement with all these boundary changes, a resolution concurring the entire packet of boundary adjustments is requested. Ms. Hegland explained that she was familiar with another planned development in the area that might also alter hydrologic boundaries (Thurnbeck Preserve 3rd Addition) and asked if the board could table this topic. She would like to inform the watershed district administration of this upcoming development as it may impact the boundary assessment. Mr. Babineau asked if the reason for delaying the boundary approval was politically or hydrologically motivated and Mr. Downing and Mr. Schurbon explained that additional development and grading can change the hydrological boundary.

Ms. Hegland moved to table this topic until the next board meeting and Mr. Downing seconded this motion. Babineau yes, Hegland yes, Mager yes, Kantor yes, Harrington yes, Downing yes. Motion carried.

F. Coon and Martin Lakes stormwater retrofit projects

Mr. Schurbon reminded the board of the work done through this grant so far. They installed/modified two stormwater ponds at Martin Lake and installed one raingarden that was planted last week. Mr. Schurbon will close out the raingarden and stormwater ponds with the contractor after the contractor addresses the lack of compost during planting. He reminded the board that the ACD was the fiscal agent for this grant but that he needed the SRWMO chair to sign the closeout documents. The board can authorize the signature contingent on the compost activity being addressed at the raingarden and he is looking for this authorization as well as for final payment to the contractor.

Mr. Babineau moved to approve final payment to Blackstone Contractors for the 228th Place and 230th Ave stormwater pond enhancements and 4417 Channel Lane rain garden contingent upon addressing the compost addition and to authorize signing of the closeout document by the Chair. Mr. Harrison seconded this motion. Babineau yes, Hegland yes, Mager yes, Kantor yes, Harrington yes, Downing yes. Motion carried.

Mr. Schurbon then presented the board a list of five prioritized upcoming/potential projects for the remaining funding. #3 (Coon Lake filtration basin at 19255 East Front Blvd) and #4 (Martin Lake Feather Street Swale) were both discussed and approved at a previous meeting. Mr. Schurbon does not recommend moving forward with #4 unless there is extra funding left over. #5 (Coon Lake 19163 East Front Blvd rain garden) is no longer an option and will be removed from the list. That leaves #1 (Martin Lake Shores Park stormwater pond enhancement) and #2 (Martin Lakeshore stabilization at 22865 West Martin Lake Drive) to discuss.

Project #1 would improve treatment of stormwater draining to Martin Lake. This enhancement of the existing pond will reduce phosphorus to Martin Lake by up to 1.25 lbs over the original design at an estimated cost of \$960/lb P. Sediment delivered to Martin Lake will be reduced by 499 lbs/yr at a cost of \$2,405 per 1,000 lbs TSS. The pond treats drainage from 41 acres of residential area. The retrofit would expand and deepen the pond to increase water treatment. Original designs indicate the pond was slightly more than 3 ft deep, however no as-built survey is available. Generally, pollutant settling and retention is expected only in depths of 3 ft or more. Additionally, there appears to be space within the park to increase the pond area up to 50%. Project would be 100% funded by a 2019 Sunrise River WMO State grant and associated matching funds that are already in-hand. The Anoka Conservation District would coordinate construction. Total construction costs are estimated at \$40,288.

The pond is currently cleaned regularly but this retrofit would enlarge the pond to get more reduction out of it. The design is 80% completion. Ms. Kantor asked if the pond would function due to the large drainage area in proportion to its size. She asked if it would fill and flush even if made deeper. Mr. Schurbon explained that the pond will be smaller than desirable even with the enhancement, but is the only treatment for the subwatershed now and this enhancement will increase time between maintenance. The SRWMO will need a maintenance agreement from township, which owns the property. The township has owned and operated these sites for many years..

Ms. Hegland asked for perspective on what a good cost:benefit was for a pound of phosphorus. Mr. Schurbon suggested \$500/lb P as an example of attractive cost effectiveness and the group discussed the ranking projects. Ms. Kantor explained that this stormwater pond project would be considered a higher priority as it would treat a larger quantity of pounds of phosphorus coming into the lake (having a higher impact) in comparison to the smaller projects listed that may have a lower \$/lb P value but would treat far less overall.

Ms. Kantor asked if they had considered adding a baffle to the pond retrofit design which would create a longer flow path and retention time to let sediment come out. She noted that she wasn't sure it would work considering the size of the drainage area but a baffle is a relatively cheap design element to add. Mr. Schurbon will look into this.

Mr. Babineau and Mr. Peterson discussed the project location. The group clarified the project location and discussed the drainage system and outfall pipes leading to the pond. The group discussed the design of the pond and clarified that it was meant to hold water to allow for sediment to drop out and be cleaned out which was easier than cleaning the lake. Making the pond bigger would decrease maintenance frequency which would save the township

money. Mr. Babineau asked if the deeper pond size would lead to partial freezing rather than full and if this would increase mosquitos. Mr. Schurbon said the pond freezing fully would not affect mosquito presence.

The group discussed the other projects. Ms. Hegland clarified that there was not enough remaining funding to do all 3 of the proposed projects, and that #1 and #3 was Mr. Schurbon's recommendation for approval. Mr. Schurbon explained that the ACD has potential grant funds which could be used to install #2 which is why he was recommending the board approve #1 and 3 for this grant funding through the SRWMO (the board has already approved #3). Mr. Schurbon recommends the board authorize chair to sign O&M agreements for #1 (and 2 if they want).

Mr. Schurbon explained the deed restriction and access agreement for project #2 which he has not done before but would recommend having in place if they do end up using SRWMO grant fund for that project. The SRWMO motion to proceed can still be include the deed restriction and access agreement if the SRWMO doesn't end up funding this project. Mr. Schurbon explained that he recommends the deed for a project like this because if the property changes hands the next owner could remove the project. Mr. Babineau asked if the current landowner would agree to this and wondered if it would affect the value of the property. Ms. Hegland explained they could still sell the property but the new owner would be required to maintain the project.

The group discussed the location and small scale of project #4 (Martin Lake Feather Street Swale), which could still be done if there was extra grant funds, but is not as much of a priority as the other suggested projects. Ms. Kantor recommended adding project #4 as an addition to the bid for the other projects. Mr. Schurbon said he could include project #4 money allows.

Mr. Schurbon reminded the board that at the last meeting they asked him to pursue a grant extension and BWSR Board Conservationist Dan Fabian said he would approve this. Mr. Schurbon said he expects this approval in the next 30 days. This gives the SRWMO some more time but he still recommends moving forward with design. Ms. Hegland commented that it is hard to line people up for work right now, and Mr. Downing said the SRWMO should move now as the difficulty securing a contractor may only get worse. Mr. Schurbon wants to get the bids out for these projects and bring results back to board for approval.

Ms. Hegland moved to Authorize the Chair to sign a maintenance and ownership agreements for projects #1 (Martin Lake Shores Park stormwater pond enhancement) and 2 (Martin Lakeshore stabilization at 22865 West Martin Lake Drive) and to Authorize the Chair to sign a deed restriction and access agreement for Project 2. Mr. Downing seconded this motion. Babineau yes, Hegland yes, Mager yes, Kantor yes, Harrington yes, Downing yes. Motion carried.

7. New Business

A. Consider resignation of Sandy Flaherty

The board discussed sending a letter recognizing Ms. Flaherty's service and copy city admin staff. Mr. Babineau said he would write and send this letter to the city.

Ms. Hegland moved to accept the Ms. Flaherty's resignation from the SRWMO and Mr. Babineau seconded this motion. Babineau yes, Hegland yes, Mager yes, Kantor yes, Harrington yes, Downing yes. Motion carried.

B. LiDAR update funding request

Anoka County GIS Department is leading an effort to get updated LiDAR elevation data for the county, including the SRWMO area. This is a federal-state-local partnership. To make it happen, Anoka County would commit \$29,000 and local partners need to contribute another \$29,000 in 2022. Each city, SWCD, and watershed organization is being asked to consider contributing \$2,500 (final number could be lower if there is good participation). LiDAR data is very useful for water management. Mr. Schurbon evaluated the SRWMO's contingency fund and it is in the middle lower range of what they wanted. He noted that \$2500 may be too much to ask with less than \$2,500 anticipated in be in undesignated reserve during 2022. Mr. Schurbon explained his recommendation of not contributing to this fund as the SRWMO budget for 2022 is set and this is not included. The board agreed and noted that the county is asking the member communities for contribution anyway. Ms. Hegland mentioned that she believes RCWD has updated LiDAR data but this may not include the whole county. The board decided to not make any action on this agenda item and there was no further discussion.

C. Discuss future meeting formats - in-person, virtual, hybrid

The group discussed recent updates and changes to state law around remote/hybrid/in-person meetings and requirements now that the emergency order is lifted. Requirements for hybrid meetings are now more stringent than during pandemic. It's understood that to attend a meeting remotely, members cannot just call in, they have to be on video in order to participate in the meeting. Additionally, members attending remotely need to be in a publicly posted location (notified 3 days beforehand) with 3 exceptions per member annually. The board noted the upgrades in technology many of the cities have installed. The board noted that the board had 60 days after the emergency order is lifted to continue with remote meetings but this won't end up fitting in their schedule anyway. All board members present voiced support for having in-person only meetings in the foreseeable future.

D. ACD water monitoring contract amendment

ACD staff discovered that three of six lakes we were contracted to monitor for water quality for the SRWMO have not been getting done this spring. Staff inadvertently left them off of their monitoring routine. Mr. Schurbon recommends a contract amendment to remove these lakes from 2021 and instead they can be considered on a 2022 work contract. Water quality sampling events are May through September. In order to be most comparable to previous years, this timeline must be maintained. If ACD started monitoring the three missed lakes now they would be tested June-November. Mr. Schurbon believes that is unacceptable. Rather than collect substandard data, he recommends delaying to 2022.

Mr. Mager said he wants Coon Lake back on the two year monitoring schedule rather than the current 3 year cycle that was decided in the management plan. Mr. Mager does not believe 3 years in between monitoring is sufficient for trend analysis and delays the ability of

adaptive management. Mr. Mager said he understood this year was a mistake but wants Coon Lake back on a 2 year monitoring cycle. He recommended if the board is not seeing significant changes with the lakes on the 1 year monitoring cycle that these lakes should also be put on a 2 year monitoring cycle. Mr. Mager preferred the original monitoring cycle of 2 years for all the lakes (with odd and even year lakes).

Mr. Babineau asked if it really wasn't worth collecting July-Sept data for the lakes that were missed this year and Mr. Downing and Mr. Mager explained the data would not be comparable to any other year (being based on averages) and so it wasn't worth it. Mr. Downing and Mr. Mager both agreed that they would advocate for returning lakes back to a 2 year monitoring cycle at in the next plan. Mr. Schurbon will bring this concept to the board during the next budgeting cycle for 2023.

Mr. Downing moved to approve the amendment to the contract for services between the SRWMO and ACD for 2021 which removes water quality monitoring of Coon Lake East Bay, Coon Lake West Bay, and Linwood Lake in 2021. and Mr. Mager seconded this motion. Babineau yes, Hegland yes, Mager yes, Kantor yes, Harrington yes, Downing yes. Motion carried.

E. JPA amendment recommendations

Schurbon provided a marked up draft of the JPA based on previous board conversations. Ms. Hegland said she likes the idea of creating bylaws and moving content from the JPA to them in all places where Mr. Schurbon suggested. The board will need to recommend adding the authority to create bylaw. Ms. Hegland suggested pulling the language from section 1.1 (letters a-h) and instead referencing state statute 103B.

Ms. Hegland asked if SRWMO's participation in the LSCWD 1W1P was in conflict with sending funding outside of the SRWMO's boundaries due to the potential of using local match funds for state funding. Ms. Hegland said she could ask League of MN Cities attorney, Ms. Kantor asked if the MAWD attorney might know, and Mr. Schurbon said he agreed with asking an attorney.

Ms. Hegland discussed 2.4 regarding "removal of a board member is the sole discretion of the appointing authority." She explained that she had experienced another watershed district who had a member of the board actively undermining the purpose of the watershed district. In this case, the board was unable to remove this member and went back to the appointing body (the county) who did not take action. Mr. Downing said this question was up to the communities to talk about. He feels like the WMO will be less prone to this issue occurring as opposed to a watershed district whose decision process in appointing board managers is more ambiguous. He asked why cities should have a say in who other cities appoint.

Mr. Babineau asked what could be done if the SRWMO wanted to remove a board manager and the appointing city or township didn't agree. Ms. Hegland explained that there was nothing the SRWMO could do. The group discussed asking for a frequency of re-appointment or term limits and what the member communities have done in the past about reappointments. Ms. Hegland asked if they should recommend term limits to the

communities. Mr. Downing said that instead of term limits or the ability of the WMO to remove board members, he felt comfortable knowing that the SRWMO could inform member communities of any issue with a board member and the appointing community could be requested to consider a removal action. Ms. Hegland asked Mr. Schurbon his opinion as a staff member. Mr. Schurbon said he has not been concerned as he has not experienced what Ms. Hegland has. He feels that he can go to City Council with any concerns he may have.

The group discussed the section about vacancies in the JPA. There is currently no secretary position on the SRWMO's board after the resignation of Ms. Flaherty. The group discussed the wording of filling vacancies and concluded the current wording leaves the burden to the member communities to fill, not the SRWMO.

Ms. Hegland discussed sections 2.7, 2.8 about bylaws. She suggested changing the timing of the annual meeting to "on or around February." The group had already discussed noticing meetings and suggested referencing the state statute about open meeting laws and they are changing frequently.

For section 2.11, the group discussed follows a modified Robert's Rules of Order and whether this conduct of meeting should be moved to the by-laws. There are some rules stated such as following a quorum and majority rule. Mrs. Hegland suggested that the JPA allow use of modified Roberts Rules of Order.

Mr. Schurbon recommends defining capital improvement projects (CIPs). The term is only referred to in section 2.11 and never defined. Alternatively, it would be favorable to delete the term from that section and instead define "works of improvement" that is used elsewhere in the document.

Mr. Schurbon recommended defining "works of improvement" in section 3.12 and process for approval. After discussion it was generally agreed that larger projects deserve special consideration, but projects get that vetting during drafting and approval of the SRWMO Watershed Management Plan. For projects not in the WMO Plan, projects being funded with grants typically do not need to be approved by all member communities. Projects using local funds of >\$10,000 should be approved by the member communities or amended to the SRWMO Plan (the amendment process includes community review).

Also in section 3.12 the board discussed the JPA requirement for communities to approve SRWMO grant applications. It felt that if a grant application does not need this approval if the project is in the SRWMO Plan and matching funds are either not from the member communities or in the approved SRWMO plan. The current requirement would likely result in the SRWMO missing grant deadlines.

In 3.1 the group favored adding the authority to create by-laws.

In 3.2 Ms. Hegland advocated for removing a-h and instead referring to state statute.

In section 4.1 or elsewhere Ms. Hegland suggested the need for a dispute resolution clause amongst communities. It was noted that this is most likely to occur during the budgeting process when one party's failure to ratify the budget can result in no budget being approved. Ms. Kantor provided language from other WMO's about how to address issues with the budget process; essentially, the SRWMO proposes a budget to cities. Cities have to respond to proposed budget in 60 days time and more clearly sets a process of communicating and addressing concerns. It would require all but one party ratify a budget in order for it to be

approved. Moreover, a party that fails to pay their portion of the budget in a timely manner may lose their voting privileges on the WMO board. Board member voiced support for recommending this method to member communities.

Ms. Hegland discussed the question about the funding formula. She said they had analyzed this both ways including taking out public land area with no property tax dollars and there was not a significant saving to Columbus (less than \$1000). They could still extensively map it but probably wouldn't change much and so she recommends leaving it the way it is written in the JPA now that there is data the community can refer to on the topic.

Ms. Hegland likes the suggested rewording about the financial audit in section 3.9 which is changed to say the SRWMO will complete one whenever required to by state law.

Mr. Schurbon noted that there was still a need for a dispute resolution process and attorneys can advise on that. Mr. Schurbon asked if the group was ok with section 6 D: if organization dissolves assets distributed proportional to each party. They agreed.

Ms. Hegland asked if the legal boundary and SRWMO map that are an appendix to the JPA could instead reference living document. The boundary periodically changes. The suggestion will be made to the communities, but legal counsel will need to decide if it can be done.

Mr. Schurbon will compile the recommended changes and provide it at the next SRWMO meeting for final review. Then, the board will consider action to recommend JPA edits to the member communities.

8. Mail

No mail.

9. Other

Ms. Hegland is in the process of training a service dog and asked if she can bring him to the meetings. The board said yes.

The need for an August 5th meeting was discussed. The Chair will consider cancellation if appropriate when the time is closer. Ms. Hegland said she might not be able to make that meeting if it happens.

10. Invoice(s) approval

A. Recording Secretary services for May 2021 meeting (\$200)

Mr. Harrington moved to and Mr. Downing seconded to pay the invoice #50621, payment for \$200. Hegland yes, Kantor yes, Harrington yes, Mager yes, Babineau yes, Downing yes. Motion carried.

11. Adjourn

Mr. Downing moved to adjourn the meeting and Ms. Hegland seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Babineau yes, Downing yes. Motion carried. Meeting adjourned at 8:32pm.

Upcoming Meeting Dates: August 5 (Special), September 2, September 9 (public officials tour),
September 16 (public officials tour rain date), November 4

Submitted by:
Cameron Blake