



# Sunrise River WMO

2241 – 221<sup>st</sup> Ave  
Cedar, MN 55011

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Sunrise River Water Management Organization Meeting

Thursday May 6, 2021

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

1. Call to Order

Mr. Babineau called the meeting to order at 6:30 pm.

2. Roll Call

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

Audience: Jared Wagner, Anoka Conservation District (ACD), Cameron Blake, Recording Secretary, Mike Halliday, Kendall Mel, Rick Krueger

3. Approval of Agenda

Ms. Flaherty noticed the correction from the last meeting had not carried forward wherein the upcoming meeting dates should say “September 2” instead of “September 4”.

**Ms. Hegland moved to approve the agenda with this correction and Mr. Harrington seconded this motion. Hegland yes, Kantor yes, Harrington yes, Downing yes, Flaherty yes, Babineau yes, Melchior yes. Mager abstained due to technical issues. Motion carried.**

4. Approval of Minutes for April 1, 2021

Ms. Hegland described edits for the minutes which were mostly language revisions and clarifications to better reflect the legal implications of the board’s conversation. She will send her edits to the recording secretary for inclusion in the final minutes.

**Ms. Hegland moved to approve the minutes with edits as described and Ms. Kantor seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes. Downing abstained due to not attending the previous meeting. Motion carried.**

5. Financial Reports

A. Treasurer’s report

Treasurer Downing presented the treasurer's report. Mr. Downing reported a beginning balance in April of \$52,348.48 and an ending balance of \$37,896.12 after two checks leaving to ACD and the recording secretary (\$14,252.33 and \$200.00).

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

B. Member community contributions for 2021 update

The status on this item is the same as the April meeting. All 1<sup>st</sup> half community contributions have been received, as well as 2<sup>nd</sup> 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)

There are no updates since the April board meeting.

6. Unfinished Business

A. JPA amendment recommendations

Mr. Wagner summarized the item for discussion. The board needs to determine what updates they will recommend to the communities, after which Mr. Schurbon and a board liaison would likely host a meeting with the community administrators, attorneys, and city councils. Ms. Kantor had left detailed comments on the table of suggested updates to the JPA that was provided by Schurbon after the last SRWMO meeting. Ms. Hegland said she misunderstood Mr. Schurbon's memo and had changes that did not make it into the document being shared with the board. She believed the board would make comments on the summary table with the second part of the action being to discuss possible changes that were not included in the list. Mr. Wagner agreed that the board was not at the stage of compiling final recommendations and that the board had the option of providing their comments at this meeting.

Ms. Hegland agreed with Ms. Kantor's recommendation to have the cities discuss any potential changes to the funding formula and that the SRWMO board doesn't need to make recommendations on this topic. She believes there are responsibilities (a-b) listed in the general purpose section of the JPA that the SRWMO is not doing; specifically item (b) minimizing public capital expenditures needed to correct flooding and water quality problems. This is one of the main complaints her community of Columbus has because the SRWMO does not assist in any ditch maintenance which contributes to flooding. Ms. Hegland explained that her main goal is to make sure the SRWMO is not overpromising and under delivering, because it is these sorts of expectations that lead to disillusion and dissatisfaction with the member communities as to what work the SRWMO is doing. She asked what others thought about this section of the JPA.

Mr. Downing apologized for not being at the last meeting but wanted to reiterate the question of whether the SRWMO board should be having these discussion about the JPA at length as it is an agreement between the member communities, not the SRWMO. Ms. Hegland explained that this question was resolved at the last meeting, and that it is the SRWMO's responsibility to recommend changes to the JPA to the communities. Mr. Downing recalled recent meetings on this topic with

Ham Lake in which the SRWMO told them the board was unable to change the JPA, and so he is hesitant to return to this topic with them after all of those lengthy workshops and conversations.

Ms. Hegland said she wanted to look at the listed responsibilities in the general purpose section of the JPA and take out the ones we aren't doing, and possibly add ones we are such as education and outreach. She listed item (f) promoting groundwater recharge as another example of something she did not believe the SRWMO was doing and so shouldn't list as one of our responsibilities. Mr. Downing and Mr. Babineau said the SRWMO is doing this by promoting and installing infiltration practices. Mr. Melchior agreed that the SRWMO promotes infiltration but doesn't do the work and so he agreed that items b and f shouldn't be listed as the SRWMO's responsibilities because we don't have the budget or capacity to address these large issues. Ms. Kantor disagreed and reminded the board that the SRWMO does do this work with grant funds that are matched with the SRWMO budget. If the SRWMO takes these items out of the JPA it would limit the possibility to get grant funds and implement these types of projects in the future.

Ms. Hegland explained that the perception of Columbus is that they don't get what they pay for with the SRWMO especially related to flooding issues. When she has specifically asked Mr. Schurbon about if the SRWMO could assist on flooding issues related to ditch maintenance he said we don't have the capacity or funds. Mr. Melchior agreed and said he had the same experience. Ms. Hegland said her main goal is to reduce misunderstandings and not promise to help with things that we can't deliver on. Mr. Babineau said he recalled that it is the county responsibility to perform ditch maintenance and Ms. Hegland said she had spoken with the county and they said it is the responsibility of the Watershed Districts and Watershed Management Organizations. Mr. Babineau said that the WMO should try and get grant funding for the specific work she is talking about. She explained this she was not intending this as a criticism as she understands that WMO's are not WD's who have their own levy and so can't do their kind of work. Mr. Wagner explained that WMO's are not regulatory entities like WD's and do not have authority over ditch maintenance. WMO's can be granted authority over specific ditch lengths but it is a huge expenditure and would put the WMO in charge of ditch maintenance. Ms. Hegland said they were not going to be able to address this issue in its entirety tonight and that she wanted to get back to items a-h to discuss wording changes and the addition of education and outreach. She said the JPA is the governing document of the SRWMO and so she wanted to see the responsibilities that are stated in this document to be done or taken out.

Mr. Babineau asked if this was giving the WMO responsibility over fixing the issues or whether listing them in the JPA was giving the WMO authority to offer guidance and solutions to the issues. Ms. Hegland said the SRWMO management plan is for the purpose of developing programs to address issues a-h. She said the management plan was accurate but was not accomplishing the goals of a-h. Mr. Downing disagreed and said the SRWMO is doing these items. Raingardens and infiltration practices help prevent the need for infrastructure and are intended to restore natural hydrology of the watershed. He said this discussion may be an issue of scale, but that these activities are occurring across the watershed. Mr. Downing asked if these items are removed from the JPA then why would the SRWMO do them. The board discussed how stormwater BMP's offer multiple benefits, not just water quality improvements; they also assist in addressing flooding issues. Mr. Wagner explained that the benefits are project specific and cautioned the board on precluding themselves out of funding or the potential for future projects.

Ms. Hegland suggested rewording the a-h issues to more accurately describe the scale to which the SRWMO is addressing them, such as specifying raingarden installation, carp management, and shoreline projects, so as to not claim that they are being addressed to the scale that they are being described. Ms. Kantor explained that this level of detail occurred in the management plan, and that the JPA functions as a larger umbrella document. Ditch maintenance and other details are addressed and can be changed within the management plan rather than the JPA. Mr. Downing, Ms. Kantor, and Mr. Babineau all agreed and suggested the SRWMO amend the management plan to include procuring funding to address ditch maintenance so as to not remove that as a possible activity for the SRWMO. Ms. Hegland said she still believed the scale of what the SRWMO could reasonably accomplish was too small to claim this issue as one of the responsibilities in the JPA; and that making these big statements sets up high expectations. The board discussed how small projects across the watershed contribute to the solution of reducing flooding. Ms. Hegland asked specifically how the SRWMO addresses item b (reducing public spending on infrastructure). Mr. Downing said this was the purpose of installing stormwater BMPs so that communities don't have to install storm sewers. He agreed that if this activity is not occurring in Columbus and Ham Lake that this could be viewed as a failure, but suggested that the SRWMO find projects to do in these communities as they have value. Ms. Hegland said she appreciated this but asked the board how they can set a more realistic expectation for the communities. Mr. Downing suggested the board members representing Ham Lake and Columbus need to be more vocal about ditch maintenance and other desired activities, and recalled previous meetings in which East Bethel and Linwood were the only participants.

Ms. Hegland thanked the board for the discussion and asked what the next steps could be in order to further progress on this topic. She pointed out other issues she identified with the JPA such as references to Roberts Rules of Order, and other editorial issues with the organization of the document such as sections that refer to unrelated sections. She also noted that there was no appeals process to address the possibility of communities disagreeing with the funding requested. Mr. Melchior asked if they could tell their communities that there were editing errors that needed to change within the document. Ms. Hegland said there were areas of the document that she believes the SRWMO board wants to have input in as it is our guiding document, but that there are other areas and topics that should be the community's discussion and responsibility to address. Mr. Downing asked where in the JPA the SRWMO's responsibility to make recommendations for changes was spelled out and the group identified it as section 7. Ms. Hegland asked if the SRWMO has bylaws and stated that it was not the communities' responsibility to make these processes and procedures for the SRWMO. She asked the board members to read through the JPA and decide which changes are the communities' responsibility and which were the SRWMO.

Mr. Mager clarified that he did not believe it was the responsibility of the SRWMO to make changes to the funding formula, and liked hearing that the SRWMO's work will be more editorial. The group clarified that the SRWMO cannot make changes to the JPA but can recommend changes to the communities. Mr. Mager asked if changes to the language about the funding formula had occurred and asked if they could go back to the original wording. The group discussed whether the words "untaxable" were added and when/if this may have been changed and Mr. Mager said he would look into this. Mr. Downing and Mr. Babineau recalled numerical changes to the funding formula occurring around 2 years ago but not to the wording. Ms. Hegland said she had asked to explore and model changes regarding land area which doesn't generate taxes but that no changes had

resulted yet from this exploration. Ms. Hegland explained to Mr. Mager that when she has suggested changes to the funding formula she has been acting as a representative for the city of Columbus, but that she is not asking the SRWMO to push these changes through. Mr. Babineau asked who had created the funding formula and JPA and Mr. Wagner said the communities had and it would be easy to update the JPA with recommendations made by the SRWMO if the communities choose to do so. As a board the SRWMO can inform the communities that there are errors in the JPA that they are uncomfortable with.

The group discussed setting a special meeting to continue the JPA discussion which could include the recommendation of adding an appendix to include updates such as officer responsibilities. This special meeting will need to be posted in accordance with open meeting laws.

**Mr. Downing moved to direct Mr. Schurbon to create a Doodle poll to set a special meeting date to discuss the SRWMO JPA with board managers and staff and Ms. Hegland seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing, yes. Motion carried.**

B. Lower St. Croix 1W1P annual work plan updates

Mr. Wagner updated the board from the memo in the board packet and informed them that they will be able to request 1W1P funding soon. Ms. Hegland updated the board on the outreach and education position hiring. They received 65 applications and the top 8 were interviewed on April 22<sup>nd</sup> and 23<sup>rd</sup>. The committee made an offer on April 26<sup>th</sup> and it was accepted. Barbara Heitkamp has a background in geology and is the communications specialist for the St. Anthony Falls Laboratory. She will be starting on May 26<sup>th</sup> and will be working with Angie Hong (WCD, EMWREP) and Emily Johnson (ACD) on education and outreach in the LSCWD. Mr. Downing and the board thanked Ms. Hegland for her work on the hiring committee and said she had received praise from others on the committee for her involvement and contribution. Ms. Hegland remarked that it was a high quality candidate pool.

C. Review of communities' ordinances for compliance with SRWMO minimums  
There is no update on this topic since the April board meeting.

D. Ham Lake local surface water management plan  
There is no update on this topic since the April board meeting.

E. 2021 Public Officials Tour

The group discussed the planning process for the tour based on the latest information about COVID, state recommendations, and the vaccination process. Mr. Mager said he wants the board to strongly consider the option of a bus rather than carpooling due to the easier logistical benefits. The board recalled that the funding for this tour was already approved and comes out of the 2020 budget. The \$300 option would be sufficient for a school bus but not a coach bus. Mr. Schurbon requested the board consider the proposed schedule, decide whether or not to cut 30 minutes from the tour, and recommended which stop could be cut from the schedule (the Linwood school rain garden). This recommendation comes from the timing of the tour in the evening and the inability of the SRWMO to provide food at the tour this year due to COVID. The recommendation of cutting stop #3 if the board

is interested in shortening the event is due to the relatively smaller size of the project and that it is a cost share project rather than coming from SRWMO grants. The group determined that Mr. Schurbon was hoping the board could make these decisions today because the next scheduled regular board meeting isn't until September and this topic can't be discussed at a specially scheduled meeting unless specified. The group concurred that they did not want to cut any stops to reduce the time of the tour and that they wanted a bus rather than using personal vehicles. They also agreed with the proposed date and rain date of September 9<sup>th</sup> and 16<sup>th</sup>.

**Ms. Hegland moved to direct Mr. Schurbon to proceed with the tour planning as proposed and outlined in his memo and to plan on reserving a school bus. Ms. Flaherty seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing yes. Motion carried.**

7. New Business

A. Coon and Martin Lakes stormwater retrofit projects

Mr. Wagner presented Mr. Schurbon's board memo. The SRWMO's 2019 Watershed Based Implementation Funding Grant expires December 31, 2021. \$57,800 remains unspent. Mr. Schurbon estimates that \$20,000 of that will be used for outreach, design, and construction oversight. The SRWMO needs to approve contracts for each project and the next scheduled meeting is September 2. Mr. Schurbon needs approvals and selection of a contractor in early and mid-summer to get projects constructed by year-end. He proposed the board schedule special meetings and grant authority to the board chair and ACD to keep this project timeline moving. The special meetings can be cancelled if they are not necessary as the time approaches. Mr. Wagner explained that Mr. Schurbon is suggesting the two projects for approval with a third that is less likely to occur and presented the information in the memo on these projects. Mr. Babineau asked if the remaining grant funds could be used for ditch maintenance and Mr. Wagner said the grant had to be spent on projects to improve the water quality of Coon and Martin Lakes. The group asked if there was any other project options identified for this grant funding and Mr. Wagner said Mr. Schurbon has been working hard to identify projects. Mr. Downing suggested the board direct Mr. Schurbon to request a grant extension from BWSR to use the remaining funds, commenting that the challenge of COVID last year should be sufficient reason for needing an extension. The group agreed and thanked Mr. Downing for this suggestion. The board decided to add the JPA discussion as a topic for each of these special meetings, eliminating the need for Schurbon to do a Doodle poll as directed under agenda item 6a. The board discussed having the special meetings remotely due to the timing of summer and board member's availability. Ms. Hegland said Columbus has discussed the potential of remote meetings continuing in a hybrid fashion into the future. Mr. Harrington said East Bethel is planning on opening City Hall at the end of the month.

**Ms. Hegland moved to authorize the Chair to sign a maintenance and ownership agreements for a stormwater filtration practice at 19255 East Front Blvd and Feather Street swale check dams. Mr. Downing seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing yes. Motion carried.**

**Ms. Hegland moved to authorize the ACD to design and solicit construction bids for these projects, with the contractor to be selected by the SRWMO board. Mr. Harrington seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing yes. Motion carried.**

**Ms. Hegland moved to direct Mr. Schurbon to request an extension from BWSR on the unspent portion of the 2019 WBF for a one year extension. Ms. Kantor seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing yes. Motion carried.**

**Ms. Hegland moved to schedule special SRWMO meetings on June 3, July 1 and August 5, 2021 at 6:30pm to discuss Coon and Martin Lake stormwater retrofit projects as well as the SRWMO JPA. The meeting may be online or at East Bethel City Hall in accordance with Covid-19 guidance at the Chair's discretion. Ms. Flaherty seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing yes. Motion carried.**

8. Mail  
No mail.

9. Other  
No other topics.

10. Invoice(s) approval  
A. Recording Secretary services for April 2021 meeting (\$200)  
**Mr. Downing moved to and Mr. Melchior seconded to pay the invoice #40121, payment for \$200. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing yes. Motion carried.**

11. Adjourn  
**Mr. Mager moved to adjourn the meeting and Mr. Downing seconded this motion. Hegland yes, Kantor yes, Harrington yes, Mager yes, Flaherty yes, Babineau yes, Melchior yes, Downing yes. Motion carried. Meeting adjourned at 8:08pm.**

Upcoming Meeting Dates: June 3, July 1, August 5, September 2, November 4

Submitted by:  
Cameron Blake