



# Sunrise River WMO

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

## APPROVED MINUTES

Sunrise River Water Management Organization Meeting

Thursday September 1, 2022

Board Meeting was held in person at the East Bethel City Hall

1. Call to Order  
Ms. Kantor called the meeting to order at 6:35 pm.
  
2. Roll Call  
Present: Janet Hegland, Tim Harrington, Candice Kantor, Tim Peterson, Tim Melchior, Leon Mager  
  
Audience: Jamie Schurbon, Anoka Conservation District (ACD)  
Cameron Blake, Recording Secretary (attending remotely via Zoom)
  
3. Approval of Agenda  
Ms. Hegland proposed agenda items 7a and 7b be switched in the agenda and the group agreed.  
**Ms. Hegland moved to approve the agenda as amended and Mr. Peterson seconded this motion. The motion carried with all in favor.**
  
4. Approval of Minutes for June 28, 2022  
There were edits received from Ms. Kantor that will be incorporated into the minutes. Ms. Hegland requested a sentence added under item 6a to clarify that delegation of authority is currently undefined in the SRWMO JPA. The group discussed whether the SRWMO or the cities are entering into the JPA facilitator agreement. Mr. Schurbon clarified that the SRWMO is entering into the agreement. This language will be added to the minutes.  
**Ms. Hegland moved to approve the minutes with those edits and Mr. Harrington seconded this motion. The motion carried with all in favor.**
  
5. Financial Reports
  - A. Treasurer's report  
Mr. Harrington reported a beginning balance of \$49,742.75 with an ending balance of \$31,576.48 if all invoices are approved at the end of the meeting.

**Mr. Peterson moved to accept the treasurer's report and Mr. Harrington seconded this motion. The motion carried with all in favor.**

6. Unfinished Business

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

Mr. Schurbon explained that most of the communities are close to completing this with Linwood still in progress and having farther to go. As requested by the board, Mr. Schurbon drafted a letter to the communities with a deadline of October 24, 2022 to submit a plan of work to be done and timeline to completed. The memo also listed a completion deadline of June 30<sup>th</sup>, 2023. Ms. Hegland proposed the deadline be the end of 2022. Mr. Schurbon explained this may not be feasible for Linwood. Ms. Hegland requested that the memo list a December 31, 2022 deadline for completion because the task is already overdue and the cities can explain why they need more time if that is the case.

The group discussed the SRWMO requirement that wetland buffers be within a drainage/utility easement. Two communities may need this in this ordinances. Mr. Schurbon clarified that these buffers and setbacks do not exist for all properties, only for new developments that contain at least three lots or new development >1 acre. Ms. Hegland will go back to Columbus and look at this section and explained the city is trying to have consistency for this ordinance across the three watersheds it contains.

The board directed Mr. Schurbon to send the memo to communities.

B. SRWMO JPA amendment process update

Mr. Schurbon presented a timeline. Ms. Helgand and Mr. Schurbon met with the facilitator to assess a strategy for how the meeting can be as efficient as possible, including sending materials in advance to the cities. The meetings are set for October 4 and December 6. The board thanked Ms. Hegland for doing this work.

C. Linwood Family Fun Day booth coordination

Most of the booth components have been prepared. Mr. Mager and Ms. Kantor are the two volunteers for the first and second shift. However, the setup and takedown will take more than one person. Mr. Melchior volunteered to help set up and Mr. Harrington will check his availability.

7. New Business

A. Lower St. Croix Partnership operations

Ms. Hegland referred to the meeting packet memo with background of this group and the implications of the organizational structure. The Lower St. Croix (LSC) Partnership initially chose to be a joint powers collaboration (JPC) instead of joint powers entity (JPE). This topic was revisited at the beginning of 2022 to see if the group wanted to shift to a JPE. Legal opinions about the organizational structure options were sought, which consistently favored the JPE structure for liability reasons. While the Policy Committee leaned toward changing to a JPE at their first meeting in 2022 discussing the topic, at the next meeting they decided to

remain a JPC. Ms. Hegland is concerned about the liability implications under this structure, as well as a number of operational processes.

Ms. Hegland described some recent project funding approvals that concerned her. Those approvals required that the Partnership dramatically shift funding amongst grant pots of money and commit future grant dollars to a specific project. Ms. Hegland expressed discomfort with how the process went and what is being proposed. She feels if the group were to switch to a JPE there would be more due process around project selection and funding allocation. The board agreed with her concern around reshuffling the Partnership's grant work plan, taking money from future grants, and the potential for this kind of activity to continue to occur under the current organizational structure.

Ms. Hegland identified options the SRWMO could take: pulling out of the LSC partnership, doing nothing, or expressing concerns to the LSC Partnership Policy Committee and waiting to see if their concerns are addressed. The board discussed the benefits to being in the LSC partnership and potential for funding in the future, as well how the SRWMO is included in the LSC plan. The board also agreed that they may not see funding if bigger projects elsewhere in the watershed continue to receive disproportionate funding. The board discussed current liability of the SRWMO as part of this organization. The board continued to discuss current and potential future benefits to being a part of the LSC Partnership and what activities would continue to take place regardless of the SRWMO's participation. Mr. Schurbon clarified that there will still be competitive grant funding available to apply for outside of the funds being allocated in the LSC Partnership.

Mr. Scuhrbon explained that the Chisago SWCD is acting as the fiscal agent for the group and is receiving recommendations from the JPC Policy Committee. The Chisago SWCD has this as an agenda item at an upcoming meeting and will be bringing a recommendation to the next Policy Committee meeting to create new processes and policies to address concerns, however this is unlikely to include changing to a JPE.

Ms. Hegland explained that she recommends the SRWMO pull out of the group if it does not transition to a JPE organizational structure, but that it is up to the SRWMO Board to decide this. She doesn't feel like this action will have much impact on its own but it may encourage other organizations to speak up about concerns with the LSC Partnership.

The board requested Ms. Hegland draft a letter to the Chisago SWCD and LSC Policy Committee expressing concerns and requesting the organization switch to a JPE with improved practices and policies. Then, at upcoming meetings the SRWMO Board can review any steps taken by the LSC Partnership in response, and decide whether to remain part of the LSC Partnership.

**Mr. Melchior moved to submit this letter to the LSC Policy Committee with the request they make substantive changes towards becoming a JPE or the SRWMO may leave the Partnership. Ms. Hegland seconded this motion. The motion carried with all in favor.**

The next Policy Committee meeting is September 22<sup>nd</sup> so the deadline for Ms. Hegland to prepare the letter will be a week prior for inclusion in the meeting packet. The SRWMO Board discussed an end of year deadline for the LSC Partnership to take some action or

direction towards becoming an JPE. Ms. Hegland noted that the JPE would be able to create the due process that is lacking and to ensure funding is used judiciously.

B. Lower St. Croix Partnership work plan amendment approval

Mr. Schurbon and Ms. Hegland reviewed the Lower St. Croix grant work plan amendment. The amendment is needed to fund two large projects. It includes shifting funding amongst grant pots of money and committing future grant dollars to a specific project. Ms. Hegland & Mr. Schurbon provided a joint recommendation to not approve this work plan amendment. The projects are good but they do not feel the SRWMO can agree to this process.

**Mr. Melchior moved to vote “no” the LSC Partnership work plan amendment and Ms. Hegland seconded this motion. The motion carried with all in favor.**

C. Anoka County aerial photo funding request

The group discussed the value of these images. Ms. Hegland said the city has to pay for image requests from the county so she doesn't understand why they would contribute to this cost in addition.

The group asked Mr. Schurbon to share a concern with the county that asking for funding from both the cities and WMOs is essentially a double-ask of the cities (which fund the WMOs).

The consensus of the SRWMO board was not to provide 2023 funding to Anoka County for aerial photos because it is not in the already-finalized 2023 SRWMO budget.

D. Request to assume Coon Lake channel maintenance responsibilities

The group discussed the City of Ham Lake's request that the SRWMO take over maintenance dredging of the channel between Coon and South Coon Lake. It was noted that the city council proposed that they would drop SRWMO funding formula concerns if the SRWMO takes on this activity. Mr. Schurbon provided a summary memo which had been reviewed by the Ham Lake City Administrator for accuracy.

The board noted that the SRWMO has a long standing approach and policy to not take on long term maintenance projects, including for SRWMO's own projects. It was noted this is formalized in both the SRWMO joint powers agreement and SRWMO Watershed Management Plan. In order for the SRWMO to consider this request those documents would need to be amended to include this kind of responsibility. Ham Lake could request this amendment to the other communities and see if there is agreement.

The SRWMO board discussed the history of this area, features on the landscape, and challenges that would require resolution before work could begin. The board noted:

- **Access** – The City's attorney indicated there is no legal access for the maintenance work from land, and adjacent landowners are unwilling to allow it. Either cooperation of the adjacent landowners would need to be obtained or an easement would need to be established.
- **Adjacent structures** – Adjacent private retaining walls, driveways, homes, and other structures are exceedingly close to the channel and an engineering study will likely be needed to ensure they are not destabilized.

- **Achieving a boat-able depth** – A boat-able depth appears to be a resident priority. The current DNR permit allows excavation only 6 inches below the Interlachen Drive culvert invert which is not adequate for boat passage.
- **Permitting** - The City's 2005 DNR permit cannot be transferred to another party. A new permit approval from the MN DNR is needed, which would require development of design plans for the project for DNR consideration. Discussion at the June 2022 city council meeting indicated the DNR may not be in favor of disturbing the sediment.
- **Cost** – A cost estimate and estimate of the recurrence frequency of the work is needed after access and stabilization of the adjacent structures is resolved.
- **Funding** –The SRWMO has found this work would not be eligible for any grants that we have researched because it is considered maintenance. That would leave the funding of the project falling on the four JPA communities.

**Mr. Melchior moved to respond to the City of Ham Lake that the SRWMO could not take maintenance dredging responsibility for the Coon Lake to South Coon Lake channel because it is not a purpose of the SRWMO in its joint powers agreement, would be contrary to the SRWMO Watershed Management Plan policies, and is not a priority task in the SRMWO Watershed Management Plan. This position is to be communicated to the City of Ham Lake by memo. Mr. Harrington seconded this motion. The motion carried with all in favor.**

8. Mail

Mail included:

- Advertisement letter from a website domain network.
- Pamphlet from MN Counties Intergovernmental Trust (MCIT) about insurance rate setting. There was a 2022 dividend update from MCIT. The SRWMO will not be receiving one this year.
- MCIT estimated 2023 contribution for insurance in the amount of \$1,774. The invoice for next year usually arrives in December with payment due in January. Due to meeting timing the board usually pre-authorizes an amount at the November meeting so that the invoice can be paid on time.

9. Other

11. Invoice(s) approval

A. Recording Secretary services for June 2022 meeting (\$200)

**Ms. Hegland moved to and Mr. Harrington seconded to pay the invoice #62822, payment for \$200. The motion carried with all in favor.**

B. Anoka Conservation District 2022 services invoice 2 of 3 (\$17,975.27)

**Mr. Melchior moved to and Mr. Harrington seconded to pay the invoice #2022038, payment for \$17,975.27. The motion carried with all in favor.**

12. Adjourn

**Mr. Mager moved to adjourn the meeting and Ms. Hegland seconded this. The motion carried and Ms. Kantor adjourned the meeting at 8:05PM.**

Upcoming Events: September 10 at 10am-4pm Linwood Family Fun Day booth  
Upcoming Meeting Dates: 2022 - November 3 2023 - January 5, February 2

Submitted by:  
Cameron Blake