



Sunrise River WMO

2241 – 221st Ave
Cedar, MN 55011

DRAFT MINUTES NOT YET APPROVED

Sunrise River Water Management Organization Meeting
Thursday November 5, 2020
Meeting was held remotely due to the Covid-19 pandemic.

1. Call to order

Chair Babineau called the meeting to order at 6:37 pm.

2. Roll Call

Present: Leon Mager, Matt Downing, Candice Kantor, Sandy Flaherty, Tim Harrington, Janet Hegland, Shelly Logren, Tim Peterson (joined after 6:42 pm)

Audience: Jamie Schurbon, Anoka Conservation District (ACD)
Cameron Blake, Note Taker
Rick Kruger, Coon Lake Improvement Association (joined at 6:42 pm)

3. Approval of Agenda

Ms. Flaherty asked to amend the agenda to include discussion about the Ham Lake Local Water Plan status. Mr. Schurbon suggested amending agenda item 6f to include Ham Lake along with the East Bethel Local Water Plan item, and Ms. Flaherty agreed.

Mr. Downing moved to approve the agenda as amended and Ms. Hegland seconded this motion. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

4. Approval of Minutes

Ms. Kantor asked for the minutes to be corrected to clarify that Linwood is a Township, not a city. Ms. Hegland asked for the minutes to be corrected to clarify that she was asked if she was willing to have the secretary officer position, rather than if she wanted to have it. Mr. Schurbon and Mr. Blake will make those changes to the minutes.

Ms. Kantor moved and Mr. Harrington seconded to approve the September 3, 2020 minutes with those two minor corrections. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

5. Financial Reports

A. Treasurer's report

Mr. Downing reported a beginning and ending balance of \$40,893.09 with no expenditures.

Mr. Harrington moved and Ms. Flaherty seconded to approve the Treasurer's report as presented. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

B. Current grants financial report from ACD

Mr. Schurbon discussed the 2019 Watershed Based Funds grant status. He explained that the projects included one raingarden and two stormwater ponds but because the bid came in lower, they had extra funding for additional projects. Because there were not many identified direct stormwater projects, he worked with BWSR to allocate about half of the remaining funding to stormwater retrofits and the other half to shoreline stabilizations. This allocation decision has leeway and the ability to shift around 10% of the funding in either direction. Mr. Schurbon continued with the report, pointing out that expenses had been paid out on the carp management projects to their contractor, Carp Solutions. Almost all the expenses were materials, mostly the corn bait.

Mr. Babineau asked Mr. Schurbon about the additional \$1500 for the Martin Lake stormwater pond due to a change order for rock for the project. This cost is coming out of the \$101,344 grant total, and with an original bid of around \$46,000 this still leaves around \$50,000 after all the construction costs. Mr. Downing asked when this grant was expiring, and Mr. Schurbon said it is expiring at the end of 2021. Mr. Babineau confirmed that the WMO was caught up on 2020 invoices for these projects.

Mr. Mager asked if the Linwood Carp Management Feasibility Study produced a result, or report that could be accessed somewhere. Mr. Schurbon confirmed that this report was accessible on the SRWMO website. Mr. Mager asked what proportion of the \$3,000 Coon Lakeshore project was for labor vs. materials. Mr. Schurbon explained that it was usually a 50-50 split for that kind of project, and that the labor was done by a landscaping contractor the landowner selected.

Ms. Hegland asked what kind of criteria would be used to select projects with the remaining funding from the Martin and Coon Lake Stormwater Retrofits. Mr. Schurbon explained that the projects would be located in drainage to the Martin and Coon lakes and were identified in previous studies. The order of the options is based on the cost effectiveness of the identified projects. Ms. Hegland explained that she knew of a resident having a drainage issue and wondered if the funding could be used for them. Ms. Logren said she was involved with this resident as well and would talk to Mr. Schurbon first and proceed from there. No board action is needed.

6. Unfinished Business

A. Financial Management Policies

Mr. Schurbon presented the resolution with two updates made at the board's request at the last meeting. The first update was to clarify the SRWMO board's duties, and the second was to clarify that the check signers would be board managers. The possible board action would be to approve this resolution and put it on the SRWMO website to meet the auditor's suggestion.

Ms. Hegland moved and Mr. Downing seconded approve the financial management policy resolution #2020-1. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

B. Carp Management Project Update

Mr. Schurbon said that the 2020 carp management work was wrapped up, and presented his thoughts on direction for 2021 management. Based on the outcome of the 2020 management, the three lakes could have three different approaches. He suggested that in Martin Lake there should be no more box netting. He asked consultant WSB to provide a work plan for winter or early spring commercial seine. For Linwood Lake he suggested they try another commercial seine at ice out. For Typo Lake he suggested trying box netting in 2021. No action was taken in 2020, and this lake is a challenge as they tend to get less volunteers.

Mr. Mager asked if they would wait for open water to seine or if this could be attempted under the ice. Mr. Schurbon said under the ice could be an option for Martin Lake, and maybe Linwood. Carp school in the water but it could be difficult logistically as the nets can get stuck on obstacles under the ice. Mr. Babineau noted that Martin Lake only has the one deep area feature whereas Linwood has several. He asked Mr. Schurbon if radio tagging was an option, and if any if the carp were still tagged. Mr. Schurbon said the radio tagging is helpful in verifying the observed carp locations in the spring, and that there are radio tagged carp in each lake. Mr. Mager asked if commercial fishers used sonar as well. Mr. Schurbon said the radio tagging is better but when both are employed it is very effective. No action is needed.

C. Martin and Coon Lake Stormwater Retrofits Project Update

Mr. Schurbon noted that he had sent the board emails with photo updates of the construction of these projects. Ms. Kantor asked if there was any concern about erosion in the spring if the rain garden is not mulched and planted this fall. Mr. Schurbon said he wasn't too worried as some settling would occur and touch up regrading is planned. He noted that any soil movement would stay within the basins and not go off site. Ms. Kantor asked if there would be different soil mixes for the bottom of the basin vs. the sides and Mr. Schurbon said this was correct. A compost mix would be added to the basin during the planting process.

D. Jurisdictional Boundary Update with the Rice Creek Watershed District

Board action is needed to concur with the boundary change, and Mr. Schurbon will send that via email to the RCWD. The RCWD had previously sent a memo informing the SRWMO that they were undertaking this work to correct any inaccuracies in with the watershed boundary. On page 15 is the table showing the parcel transfer: 7 parcels would be leaving the SRWMO and 15 would be entering. Page 20 included insets 5, 6, and 7 showing these changes on the map. Mr. Schurbon noted that he likes the updated boundary and that it helps address a hydrologic issue with the previous boundary which resulted in a discontinuous watershed. Mr. Schurbon walked through the map inserts and noted that the straight lines follow property boundaries.

Mr. Downing asked if any of these changes would affect the RCWD and City of Columbus agreement for a recent development in both watersheds. Mr. Schurbon said it he hasn't checked if these parcel changes fall under within that area. Ms. Hegland said this was not the area where the proposed boundary change was, and expressed surprise at the number of properties changing. She recalled the RCWD memo in July and thought that they would only be correcting one property. Ms. Hegland noted that she agreed with the intent of the boundary update but wanted to know what effect this would have for Columbus residents and the administrator. Mr. Schurbon agreed that the parcel transfers are predominantly in Columbus, and noted that some were developed and some undeveloped. He explained that the RCWD did this update for their entire watershed boundary, not just their boundary with the SRWMO. Ms. Hegland asked if the board needed to make a decision tonight, explaining that she wasn't asking with the intent of challenging the boundary, but was surprised at the extent of the change. Mr. Schurbon said there was not a deadline given by the RCWD and agreed that there may be financial implications. He noted that this boundary correction was better science-wise because it was based on better drainage and landscape information. Mr. Downing recalled a conflict with the City of Ham Lake based on hydrologic vs. political boundaries and wanted the SRWMO to be consistent. Ms. Hegland agreed but said she wanted more time to review due to the potential impact on the SRWMO levy and the City of Columbus's budget.

Mr. Downing moved to table the RCWD Jurisdictional Boundary decision until the SRWMO's January meeting and Mr. Mager seconded this motion. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

E. Resolution to adopt Lower St. Croix Comprehensive Watershed Mgmt Plan and joint joint powers collaboration

Mr. Schurbon explained that the 1W1P planning process was now complete after BWSR's approval this fall. Now the SRWMO had several actions to consider; withdrawing from the MOA for the 1W1P planning process (because it is now complete), adopting the Lower St. Croix Comprehensive Watershed Management Plan, entering the JPA for the plan implementation process, choosing a representative and alternate for the Policy Committee, and designating staff to the Advisory Committee. These 5 actions are outlined on page 25 of the board packet.

Mr. Babineau recalled the organizational arrangement selection by the 1W1P as the Joint Powers Collaborative option rather than a Joint Powers Entity. He asked if the JPA would involve townships and cities. Mr. Schurbon said that it would not involve them directly as they would not be a party to the JPA. He explained that the SRWMO gets a seat on the Policy Committee that will decide how the watershed based funding is spent. If the SRWMO does not join the JPA, others will make those decisions. Adopting the LSC Comprehensive Management plan will put the SRWMO in a better position to use those funds.

Ms. Hegland also recalled the amount of time the Policy Committee spent on the decision to start with a JPC vs. a JPE. She remembered the group discussing how a JPC would result in increased liability to individual organizations, but would also allow the organizations to retain more control. The downside of this was decreased efficiency of decisions, as all decisions would need to be approved by all the individual boards. Mr. Babineau asked about meeting frequency and Mr. Schurbon said the Policy Committee would meet twice annually. The Advisory Committee, made up of staff, would meet more often. Ms. Hegland asked how the funding for the staff would work, given that the staff will do the majority of the work. Mr. Schurbon explained that there would be a coordinator position but that it would not be a new hire. The Washington Conservation District and Chisago County are taking on the administrative role of financial tracking, scheduling, minutes, etc. and are not going to be compensated until the grant is active. The plan will specify these details. Ms. Hegland said Columbus is worried about the additional layer of bureaucracy and added expenses of joining the JPA. Mr. Schurbon explained that there will not be added expenses as a result of joining the JPA. There is an indirect expense of staff time, but it's minor and should lead to grant funds. Because the organizational arrangement is a JPC the SRWMO will not be forced to pay anything. Mr. Downing believes the implementation process from this group will involve memos from the Policy Committee requesting approval on a project. Ms. Hegland recalled that the Policy Committee decided to start out as a JPC, and will re-evaluate the decision of a JPC vs. a JPE; but it will continue as a JPC unless they decide to actively change it. The board noted that the last line in the resolution designated ACD staff to the Advisory Committee. Mr. Downing asked if Ms. Hegland wanted to continue her role as the SRWMO Policy Committee representative. Ms. Hegland said yes, but didn't want to prevent anyone else from having this role if they were interested. The board will need to choose a new alternate and Ms. Kantor volunteered for this role.

Mr. Downing moved to approve the resolution to adopt the Lower St. Croix Comprehensive Watershed Management Plan and enter into the Joint Powers Agreement for the Implementation of the Lower St. Croix Comprehensive Watershed Management Plan. Authorize Janet Hegland to serve as the SRWMO's Policy Committee representative and Candice Kantor to serve as alternate

through the January 2022 SRWMO board meeting. Mr. Harrison seconded this motion. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

F. East Bethel and Ham Lake Local Water Plan approvals

Mr. Schurbon reported that he had heard nothing new from Ham Lake and that he had emailed their consultant. The current status is that their Local Water Plan is not complete and he had not received a new draft of the plan. Mr. Downing and Ms. Flaherty have also not heard anything new. Mr. Mager asked to clarify what this item on the agenda was asking the city to do. Mr. Schurbon explained that their Local Water Plan was due for an update within the city's comprehensive plan, and that it needs to be consistent with the SRWMO's rules. The SRWMO is waiting to approve their plan.

Mr. Schurbon said East Bethel had provided a revised plan and response to the SRWMO's comments. He said they revised their plan by basically adding a direct copy of the SRWMO's comments which made things very clear. He recommends the board approve the East Bethel Local Water Plan.

Ms. Hegland asked if there was a mechanism the SRWMO could use to move the Ham Lake process along. Mr. Schurbon explained that the city has a deadline from the Metropolitan Council and that they may have gotten an extension from them. Ms. Hegland asked if the board could send a memo asking Ham Lake to increase the priority of their Local Water Plan so progress could be made. Mr. Downing asked Mr. Schurbon if he had contacted the administrator or just the engineering team. Mr. Schurbon said he has mostly contacted the engineering team but has also contacted the administrator. Ms. Hegland asked Mr. Schurbon to call the administrator to ask for an update on the process.

Mr. Harrison moved to approve the City of East Bethel Local Water Management Plan dated September 2020, and Ms. Hegland seconded this motion. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

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

Mr. Schurbon directed the board to page 40 in the meeting packet to the table that summarized the progress of this item. He explained that there are ordinances required of the communities by the SRWMO, and that most communities needed to update their ordinances to be consistent with SRWMO rules. Columbus is in the process of this. Linwood has staff working on it but there are some challenges; they are looking for an example of stormwater ordinances that make sense for a small community. Mr. Schurbon said he would bring this item up to Ham Lake along during the communications about the Local Water Plan. Mr. Schurbon reported he has not heard anything from East Bethel. Mr. Harrington will check on East Bethel and Mr. Schurbon will send him the table. Mr. Mager asked if the SRWMO was asking the communities to condense ordinances related to stormwater into one place, as communities sometimes have requirements of where to put ordinances. He noted that this would be a big effort to ask of communities. Mr. Schurbon explained that that part was only a request, and that the requirement was for the communities was just to update their ordinances to match SRWMO minimums related to wetland and stormwater rules.

7. New Business

A. Linwood Elementary School rain garden project

Mr. Schurbon said the school contacted the ACD to ask for assistance in an area in their landscaping; a raingarden that had been constructed in the past year and a half to collect the rooftop runoff. The feature does infiltrate water, but fills quickly during small storm events, and lacks vegetation. The school is

asking for \$1,030 in SRWMO cost share funds for planting materials and signage. This meets the SRWMO goal for demonstration projects on private property, with \$13,500 allocated to this purpose in the SRWMO plan. The ACD would work with the school to design the project. Mr. Schurbon noted that this project would likely not have much of a direct water quality benefit, but would be a great demonstration project for educational and outreach purposes. Soil cores meet requirements for the project and the SRWMO has a current balance of \$2,421 for cost share projects. Ms. Kantor asked why the original planting failed, and Mr. Schurbon noted that the original design involved a poor plant selection. Mr. Babineau asked if the new watershed boundary would cause Columbus elementary school to fall into the SRWMO because he did not want to show Linwood Elementary preference, but was otherwise in support of the proposition. Ms. Flaherty asked if the SRWMO could review the signage created for the project, and asked if the design could reflect current signage the SRWMO has created. Mr. Schurbon said the signage will be created by the fourth grade class. He said the sign will include the SRWMO logo, but that he wasn't sure if there would be much time in the classroom's process for feedback, and that the school might want a particular style. Ms. Flaherty said she just wanted to make sure the content was accurate and proofread since the SRWMO logo would be on it. Mr. Schurbon said he would put that in the request. Mr. Babineau offered to make the sign using leftover materials from his store.

Mr. Downing moved to communicate to the Anoka Conservation District the SRWMO's support for providing a cost share grant for 100% of materials to plant and promote the Linwood Elementary School rain garden. And furthermore, communicate the SRWMO's wishes that the grant directly pay for materials, not reimburse the school. Ms. Kantor seconded this motion. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

8. Mail

Mr. Harrington reported no mail. Mr. Babineau reported receiving the SRWMO financial balances email from the city.

9. Other

10. Invoice(s) approval

A. Cameron Blake for Sept 2020 recording secretary services (\$175)

Mr. Mager moved and Mr. Harrison seconded to pay the invoice #90320, payment for \$175.

Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried unanimously.

B. Anoka Conservation District for water monitoring and mgmt pymt 3 of 3 (\$13,800.33)

Mr. Mager moved and Mr. Harrison seconded to pay the Anoka Conservation District invoice #2020042, payment 3 of 3 for \$13,800.33. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried unanimously.

C. Dolphy's Automotive for carp barrier retrofit (\$500)

Mr. Downing asked Mr. Schurbon to explain the background of this invoice. Mr. Schurbon explained that a carp barrier at the south end of Martin Lake in Linwood let carp through in 2019 due to high water pushing the bars out of place. Linwood is technically the owner and operator of the structure.

The repair was necessary for the barrier to function properly. Both ACD and Linwood Township invested time into developing solutions. They also asked for help from semi-retired auto shop owner Joe Dolphy who has been an incredible handyman and partner over the years. Mr. Dolphy was asked for ideas. When they met to discuss, he had already built and largely installed the fix. Mr. Schurbon estimated the value of the repair to be between \$3,000 and \$6,000; and so \$500 is a good bargain in this context. Linwood Supervisor Ed Kramer asked if the SRWMO would consider covering the cost this one time. Mr. Schurbon recommends the SRWMO do so as a gesture of good faith and collaboration between the SRWMO and Linwood. The SRWMO has \$23,213.76 in undesignated reserve that could be used.

Mr. Babineau said he viewed this repair as a design flaw from the original concept, rather than a maintenance cost, and so he is in support of the SRWMO paying for this. Mr. Mager agreed with this perspective, stating that he also views this as a design flaw in the product they designed for the township. Ms. Kantor asked what the normal process for this repair would have been. Mr. Schurbon explained the normal process would have been: a request, a quote, and an approval of the repair. Ms. Hegland asked why the township is asking the SRWMO to pay when they are the owner and operator of the structure and asked what the install date and lifespan is for this structure. Mr. Schurbon said it was installed around 2015 with a predicted lifespan of 20 plus years. Ms. Hegland and Ms. Kantor both said they feel this request rubs them the wrong way on precedent and principle, and that they would want this type of request made ahead of time rather than after the fact. Mr. Downing noted that Linwood didn't authorize the work ahead of time either and are in the same position. Ms. Hegland said she did not want this sort of process on the record and that if the correct process had been followed she would have been supportive of the payment. Mr. Downing agreed with the concerns about the process, but noted that the SRWMO benefits from cities and townships taking on the maintenance of projects. If SRWMO had the maintenance obligation they would likely need to raise the levy to take that on. He questioned if it was setting a bad precedent, but felt that it wasn't and reflected more of a case-by-case basis. Mr. Mager agreed with the concern over the lack of proper procedure followed, and felt concern at making an exception, but reiterated that he feels the SRWMO delivered an inferior design to the township and so feels the SRWMO is at fault. Ms. Hegland said that even if the cause of the structural damage was something the SRWMO should have identified in the design, the process was still not correct. She asked what the timeframe was on this process and if responsibility was implied in the discussions. Mr. Schurbon said there was not blame or responsibility placed, rather it was approached as an issue that needs to be fixed together.

Mr. Downing suggested the SRWMO pay half of the cost of the repair, hoping it would be a compromise between addressing the design issue while acknowledging the repair should have followed a different process. Ms. Hegland said she didn't feel like this addressed the issue of improper process.

Mr. Downing moved the SRWMO pay \$250 of the invoice from Mr. Dolphy and Mr. Mager seconded this. Logren no, Hegland no, Harrington yes, Mager yes, Downing no, Flaherty yes, Babineau yes, Kantor no. This resulted in a 4-4 vote. Motion did not carry.

Ms. Logren suggested the SRWMO pay the full invoice of \$500 but include a correspondence to a town board member. She proposed the letter explain what the correct process to follow is, that the board was doing this for the long run benefit of the structure, and that the board felt obligated due to the repair being a design flaw. The board expressed consensus with this motion and thanked Ms. Flaherty for her input.

Ms. Flaherty moved the board approve \$500 payment to Dolphy's Automotive for invoice 27208 for fabricating and installing a lockdown fixture for the carp barrier on the south end of Martin Lake, but include a letter with the content identified by the board's discussion. Mr. Downing seconded this motion. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried unanimously.

11. Adjourn

Mr. Harrington moved and Ms. Hegland seconded to adjourn at approximately 8:00 pm. Logren yes, Hegland yes, Harrington yes, Mager yes, Downing yes, Flaherty yes, Babineau yes, Kantor yes. Motion carried.

Submitted by:
Cameron Blake