



Sunrise River WMO

2241 – 221st Ave
Cedar, MN 55011

APPROVED MINUTES

Sunrise River Water Management Organization Meeting
Thursday April 6, 2023
Meeting was held in person at the East Bethel City Hall

1. Call to Order
Ms. Kantor called the meeting to order at 6:30 pm.
2. Roll Call
Present: Janet Hegland, Tim Harrington, Candice Kantor, Jonn Olson, Troy Wolens,
Leon Mager, Jeff Entsminger, Tim Melchior

Audience: Jamie Schurbon, Anoka Conservation District (ACD)
Cameron Blake, Recording Secretary (attending remotely via Zoom)
Jack Davis, East Bethel Administrator
3. Approval of Agenda
Mr. Mager moved to approve the agenda and Mr. Wolens seconded this motion. The motion carried with all in favor.
4. Approval of Minutes for February 2, 2023
Mr. Mager moved to approve the minutes and Mr. Wolens seconded this motion. The motion carried with all in favor.
5. Financial Reports
A. Treasurer's report
Mr. Harrington reported a balance of \$47,408.49 with no invoices or deposits on the March 2023 bank statement. Mr. Schurbon noted that since the last SRWMO meeting there have been recording secretary and attorney payments totaling \$976.50 appearing on the February bank statement.
Mr. Melchoir moved to accept the treasurer's report and Mr. Harrington seconded this motion. The motion carried with all in favor.
7. Unfinished Business
A. Review of communities' ordinances for compliance with SRWMO minimums

Mr. Schurbon reported that East Bethel's process should be complete on April 10th and Ms. Hegland said the Columbus meeting on ordinances is soon.

B. SRWMO JPA amendment process update

Mr. Schurbon updated the board that a stakeholder meeting was held March 1. It was well-attended by 20+ community administrators, council persons, attorneys, county, adjacent watersheds, and others. Good progress seemed to be made, with clarification that requiring unanimous budget ratification is not allowed in state statute that is specific to WMOs, willingness of Ham Lake to consider appointing a councilperson to the SRWMO/URRWMO boards, and willingness of Ham Lake to reconsider funding formula topic. At the March 6 Ham Lake city council meeting the city council made clear they would only accept funding formula 4a and insist on unanimous budget ratification by the JPA member cities. They created a committee of councilpersons to work on the WMO issues, but do not intend to appoint a councilmember to the WMO boards. On March 17, 2023 a request was made by Columbus for the four SRWMO JPA communities to contribute \$1,000 additional funding for attorney time to complete the JPA edits. Columbus, Linwood, and East Bethel have done so; Ham Lake has not yet responded. On April 3, 2023 a legal opinion was received from Ham Lake that state statute prohibiting unanimous decisions did not apply to the city budget ratification process.

Ms. Hegland asked the SRWMO attorney Troy Gilchrist for help in determining options for pathways forward, but he is presently out of the office so we are awaiting a response. The board recognized that it is the four member JPA communities, not the SRWMO board, which must come to a resolution on the JPA amendments. Some SRWMO board members are also elected officials from the communities. The board discussed the following options that the communities might consider:

1. Status quo
2. Mediation
3. Compromise by non-mediation discussions between cities, possibly including:
 - a. Operating expenses not split equally
 - b. Use Ham Lake's favored funding formula 4a
 - c. Council member not required on WMO board
 - d. Budget ratification not unanimous, but there is a process to hear all budget objections
 - e. All 4 cities pay \$1000 additional for JPA update
 - f. All 4 cities sign-off is required for JPA amendments
4. Give Ham Lake everything they want
5. Dissolve and re-form the SRWMO

Mr. Schurbon informed the board that Columbus, Linwood, and East Bethel have had some discussion of the compromise option prior to the 4/3/2023 Ham Lake attorney legal opinion on unanimous budget ratification. General discussion ensued that it might be possible for these three communities to accept the compromise option that gives Ham Lake everything they are asking for except unanimous budget ratification. Ms. Hegland explained that she did not feel like Ham Lake will be willing to compromise on the unanimous budget ratification,

and without removing this requirement in the JPA document, the SRWMO will encounter the same issue repeatedly in the future in which the budget can be blocked by one city and the SRWMO will risk being non-functional due to a non-ratified budget. That concern was echoed by others.

The board discussed mediation. Mr. Melchoir noted mediation is described in the JPA. The board discussed that the outcome of mediation may not be binding, and therefore not result in a solution. The high cost of mediation was also noted. Mr. Davis stated he was aware of a recent mediation session wherein the one-day cost for the mediator was \$4,000. The board noted that the Board of Water and Soil Resources (BWSR) would not likely agree to be the mediator.

Ms. Hegland said she still feels dissolving and re-forming the SRWMO is the most efficient option, as any option that maintains the current requirement for unanimous ratification of budgets is likely to lead to the same recurring problems of budgets being stonewalled. She requested a cost estimate from the JPA attorney for what would be involved in that process, but has not heard back yet.

Mr. Wolens said if it is up to the communities to make a decision on any JPA changes and there is not agreement by all the communities, the default would be the status quo. Mr. Wolens said it is a Ham Lake city council decision to prefer the 4a funding formula and unanimous budget ratification. Ms. Hegland wondered how much more money was going to be spent trying to come to a decision if this continued being drawn out.

Ms. Kantor noted that BWSR was being kept in the loop on the JPA amendment process.

Mr. Melchoir explained the JPA states at least 2/3rds of the cities have to agree to terminate the JPA, in this case three out of the four communities in the SRWMO. The board questioned if there was a possibility of the SRWMO delegating responsibilities and authority to another entity for a time while the SRWMO JPA reforms but concluded this was likely not the case. The board wondered how long the dissolving and reforming process would take and who would take responsibility while that is occurring.

Ms. Kantor said the cost of the watershed management for residents would be higher if duties fell to Anoka County, who would be forced to take them on if Ham Lake doesn't rejoin the SRWMO upon dissolution and reforming. Mr. Wolens asked why the SRWMO should care what the county wants and stated if the county cared they would get rid of the Coon Creek Watershed District.

Mr. Schurbon proposed having another meeting with all parties as this is much less expensive than any of the other options. The board expressed that everyone is tiring of the process and suggested this should only occur if the three other communities agreed to a compromise offer and Ham Lake expressed a willingness to discuss it. Ms. Hegland said the JPA is an agreement amongst the communities, and there is technically nothing the SRWMO board can do. The cities have to make their own decisions.

Ms. Kantor asked if the communities might agree that budgets could be ratified by three of four communities with a process to hear and openly address any concerns, but make it clear that any JPA amendments always require all four communities' approval. Mr. Schurbon wondered if there was a budget process that could be proposed which alleviates Ham Lake's fears of valid objections being ignored.

Ms. Hegland suggested everyone update their boards on the situation.

The board clarified the distinction between JPA amendments which always will require unanimous approval and the budget ratification threshold which can be determined by the JPA. Mr. Melchoir suggested offering Ham Lake the 4a funding formula in exchange for agreeing to a $\frac{3}{4}$ approval process for the budget. The board agreed finding a compromise would be the least costly option. Elected boards of Linwood, Columbus, and East Bethel will consider it. Mr. Schurbon reiterated it is up to the communities to connect and communicate with each other and believes they are.

The board requested that Mr. Schurbon email the list of options discussed at this meeting to the SRWMO.

C. 2024 budget ratifications timeline

Mr. Schurbon noted that the 2024 budget was previously developed by the SRWMO board. It was sent to the member cities, but a request for ratification was not yet made due to ongoing JPA discussions. That budget displayed costs for each community using a revised funding formula. Mr. Schurbon asked when ratification should be requested; typically it is done by June. Because Linwood has already started 2024 budgeting and other cities do not begin until late summer, the board wished to take no action at this time. It will be revisited at the June SRWMO meeting.

D. Website platform update- status

Mr. Schurbon stated the website platform update has been completed.

E. Linwood Township enhanced street sweeping- status

Mr. Schurbon summarized the findings presented at the last meeting of enhanced street sweeping study and explained the funding is in-hand and Linwood Township will be starting this sweeping program soon.

7. New Business

A. Upcoming community events

The board discussed having booths at East Bethel Booster Day, Linwood Family Fun Day, and Columbus Fall Fest. Ham Lake was asked and said they had no events wishing to have a booth.

The board decided to ask Barbara Heitkamp of the Lower St. Croix Partnership to attend the Linwood Family Fun Day and provide a booth. Ms. Kantor and Mr. Mager volunteered to help staff that booth for limited times. Mr. Schurbon will provide SRWMO display information.

For Columbus Fall Fest, the University of MN Extension will be asked to provide a display about turf irrigation. Mr. Melchior will staff the booth and Mr. Schurbon will provide SRWMO display information.

The desire for a booth at East Bethel Booster Day is unknown. If event organizers respond that they would like a booth, first choice is to ask for the University of MN Extension booth.

B. Coon Lake park possible projects

Mr. Schurbon explained there were no potential projects at this time. There is potential for the future such as demonstration projects.

Mr. Wolens discussed Coon Lake and his desire for it to be fully encompassed in the SRWMO. That would be consistent with the hydrologic boundary. Mr. Schurbon clarified that the hydrologic model for Coon Lake was very accurate but the legal boundaries have not been updated because in the past the City of Ham Lake did not provide a statement of concurrence and therefore the State did not approve the petition for boundary change. Ms. Kantor noted the SRWMO doesn't have the boundary change process in any approved budgets. The Coon Creek Watershed District could lead the effort, as they did during the previous attempt in 2017. Ms. Hegland clarified the SRWMO is supportive of this process but noted it is a lengthy process that would need to start with support from the City of Ham Lake.

C. Soil health funding

Mr. Schurbon explained there is \$10,000 available in the SRWMO area for agricultural practices that benefit water quality and soil health. The funding is available through a grant to the Chisago Soil and Water Conservation District and coordinated by the Lower St. Croix Partnership. The board discussed strategies for identifying willing agricultural producers, and what properties they felt would be good opportunities for this funding. Mr. Schurbon asked if the board was willing to use the SRWMO cost share funding for the required match for this grant.

Ms. Hegland moved to approve up to \$1,100 of SRWMO cost share fund for match for the soil health grant funds and Mr. Melchoir seconded this motion. The motion carried with all in favor.

8. Mail

There was no mail.

10. Other

Ms. Hegland clarified that the Columbus ordinance meeting is April 26th with a May 17th public hearing.

11. Invoice(s) approval

A. Recording Secretary services for Feb 2023 meeting (\$200)

Ms. Hegland moved to and Mr. Melchoir seconded to pay the invoice #20223, payment for \$200. The motion carried with all in favor.

B. ACD water monitoring and management payment 1 of 3 (\$13,210.33)

Mr. Melchoir moved to and Mr. Wolens seconded to pay the invoice #2023026, payment for \$13,210.33. The motion carried with all in favor.

12. Adjourn

Mr. Melchoir moved to adjourn the meeting and Mr. Wolens seconded this. The motion carried and Ms. Kantor adjourned the meeting at 8:06PM.

Upcoming Meeting Dates: June 1, September 14, November 9, Jan 4 (2024), Feb 1 (2024)

Submitted by:
Cameron Blake