

# LOWER RUM RIVER WATERSHED MANAGEMENT ORGANIZATION

MARCH 17, 2022

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## CALL TO ORDER

Chairman Debra Musgrove called the meeting to order at 8:00 a.m. in the Committee Room of Anoka City Hall.

## ROLL CALL

Voting members present were: Debra Musgrove, Ramsey; and Jeff Weaver, Anoka.

Voting members absent were: Valerie Holthus, Andover.

Also present were: Deputy Treasurer Brenda Springer, Ramsey Civil Engineer IV Leonard Linton, Bob Obermeyer of Barr Engineering, Andover Natural Resources Technician Kameron Kytonen, City of Anoka Public Works Director Mark Anderson, Becky Wozney of Anoka Conservation District, Colleen Werdien of Anoka Conservation District, Tiffany Determan of Isanti Soil and Water Conservation District, Michelle Jordan of BWSR, and Reid Northwick of DNR.

## APPROVE AGENDA

**Motion was made by Weaver, seconded by Musgrove, to approve the March 17, 2022 agenda as presented. Vote: 2 ayes, 0 nays. Motion carried.**

## RESIDENT'S FORUM

None.

## APPROVE MINUTES

### February 17, 2022 Regular Meeting

**Motion was made by Weaver, seconded by Musgrove, to approve the February 17, 2022 Regular Meeting minutes as presented. Vote: 2 ayes, 0 nays. Motion carried.**

### February 22, 2022 Special Meeting

**Motion was made by Weaver, seconded by Musgrove, to approve the February 22, 2022 Special Meeting minutes as presented. Vote: 2 ayes, 0 nays. Motion carried.**

## FINANCE MATTERS

### Treasurer's Report

Springer presented the Treasurer's Report for the period ending February 28, 2022. Account balances for the period were: Checking, \$189,402.02; less permit account balance of (\$56,452.07); less 2018 4<sup>th</sup> Generation Plan Reserve account balance of (\$35,635.33), for a total balance of \$97,314.62.

**Motion was made by Weaver, seconded by Musgrove, to accept the Treasurer's Report for the period ending February 28, 2022. Vote: 2 ayes, 0 nays. Motion carried.**

Payment of Bills

Springer presented the payment of bills for TimeSaver in the amount of \$1,141.14 (February professional services), Barr Engineering in the amount of \$4,262.84 (engineering), and Anoka Conservation District in the amount of \$29,373.75 (2022 monitoring/management work plan).

**Motion was made by Weaver, seconded by Musgrove, to authorize payment as presented and indicated above.**

Further discussion: Musgrove asked for clarification on the redline comments on the Barr Engineering invoices. Obermeyer provided additional details on the comments noted in red which were a result of discussion with Andover staff related to a project.

**Vote: 2 ayes, 0 nays. Motion carried.**

Update on Fiscal Agent Consultant

Springer stated that the response from legal counsel was included in the packet after his review of the proposed contract, including the redline changes and updated contract. She noted that Yager has reviewed this and agreed to the changes from legal counsel. She believed that the transition from Anoka to Yager could occur in April.

**Motion was made by Musgrove, seconded by Weaver, to approve the contract with Yager as proposed by legal counsel with a start date of May 1, 2022. Vote: 2 ayes, 0 nays. Motion carried.**

NEW BUSINESS

LRRWMO Permit #2021-19 ~ Trott Brook Crossing ~ Ramsey

Linton reviewed the March 11, 2022 memo from Barr Engineering in which Barr Engineering states that a decision cannot be made until there is more clarification on the project's potential for indirect wetland impacts.

**Motion was made by Weaver, seconded by Musgrove, to table Permit #2021-19, Trott Brook Crossing, Ramsey, as detailed in the Barr Engineering memorandum dated March 11, 2022.**

Further discussion: Musgrove noted that the permit should be updated to reflect what is being requested. Linton confirmed that he would provide a revised cover sheet.

**Vote: 2 ayes, 0 nays. Motion carried.**

LRRWMO Permit #2022-02 ~ Pine Hills N Wetland Restoration - WAC ~ Andover

Kytonen reviewed the March 11, 2022 memo from Barr Engineering in which Barr Engineering recommends that the LRRWMO approve the WCA no-loss request under MN Rule 8420.00415 D as documented in the draft WCA Notice of Decision.

Werdien referenced the DNR comment related to blanding turtles and whether herbicide treatment would have an impact. Kytonen commented that they are going to attempt to avoid using herbicide

during the project and will take the potential for turtles into consideration. Wozney provided additional details and noted that ACD staff is working with Andover as well.

Musgrove asked if the restoration would potentially provide habitat. Kytonen confirmed that there would be more opportunities for standing water which would provide benefit to the turtle.

**Motion was made by Weaver, seconded by Musgrove, to approve the WCA no-loss request for Permit #2022-02, Pine Hills N Wetland Restoration – WAC, Andover, as detailed in the Barr Engineering memorandum dated March 11, 2022 and the WCA Notice of Decision. Vote: 2 ayes, 0 nays. Motion carried.**

LRRWMO Permit #2022-03 ~ Pine Hills N Restoration - Erosion ~ Andover

Kytonen reviewed the March 14, 2022 memo from Barr Engineering in which Barr Engineering recommends that the LRRWMO approve the permit subject to the four conditions detailed in the memorandum.

**Motion was made by Weaver, seconded by Musgrove, to approve Permit #2022-03, Pine Hills N Restoration – Erosion, Andover, subject to the four (4) conditions as detailed in the Barr Engineering memorandum dated March 14, 2022. Vote: 2 ayes, 0 nays. Motion carried.**

CONSIDER COMMUNICATIONS ~ None

REPORT OF OFFICERS & WAC ADMINISTRATION REIMBURSEMENT ~ None

ACD REPORT

Annual Report to BWSR

Wozney commented that this is a draft of the annual report sent to BWSR and advised that she would have the full report available for the April meeting.

OLD BUSINESS ~ None

OUTSTANDING ITEMS/TASK CHECKLIST

Wozney reviewed the updated outstanding items and task checklist. It was the consensus of the Board to show the format in a four-year time period.

OTHER BUSINESS

Update on Rum River 1W1P JPA

Wozney commented that the plan is under review by BWSR. She stated that there is a draft JPE for the Board to consider. She asked whether the Board would like its legal counsel to review the JPE or to have the member city attorneys provide that review.

Weaver stated that Anoka and Andover use the same attorney and therefore he would feel comfortable having that attorney provide a review. He noted that the Ramsey city attorney could also review the JPE to provide another perspective.

Musgrove agreed that it would be good to have that input from the member cities and the LRRWMO attorney could also provide a review.

Wozney asked how many meetings the attorneys would be required to attend. Determan believed there would be one more meeting for attorneys and then the document should be finalized. She stated that once the plan is adopted by BWSR, the partners would adopt the JPE.

Musgrove confirmed the consensus of the Board to have the member city attorneys review the draft JPE and provide input, along with the LRRWMO attorney. Wozney confirmed that she would provide the necessary contact information to Determan to provide to the Sherburne County Attorney.

**Motion was made by Musgrove, seconded by Weaver, to have the city attorneys for Anoka, Andover, and Ramsey and the LRRWMO attorney participate in the review of the Rum River 1W1P JPE. Vote: 2 ayes, 0 nays. Motion carried.**

Weaver stated that this is a large plan that combines the upper and lower Rum River water management areas. He asked if applicants within the LRRWMO would have to apply to the larger project area as well. Wozney clarified that permit authority would remain with its own entity and the larger entity is just for project identification and funding allocations.

Musgrove asked the type of transparency that would be provided from the governing body, whether there would be communication to the individual entities or minutes provided. Determan confirmed that there would be minutes from the JPE meetings. She noted that projects will be completed by local staff and therefore will have updates, noting that Schurbon will continue to be heavily involved and could provide updates.

Wozney noted that Schurbon will be at the next Board meeting and can answer any additional questions the Board may have at that time.

#### Update on Watershed Based Implementation Funding (WBIF) Grants

Wozney provided an update and noted that additional details will be provided in April.

Musgrove commented that there was a lot of information shared and good discussion at the last meeting and advised that the next meeting will be held on April 5<sup>th</sup>.

Kytonen agreed and believed that at the next meeting they will delve into which projects they would like to complete.

#### Update on Digital Plan Requirement/Permit Form Update

Wozney stated that she spoke with Barr Engineering staff, and they agreed that they would prefer electronic plan submission. She reviewed comments from Williams noting that a plan amendment would not be necessary in order to update appendix material.

The Board discussed options for storage of zip drives and related files.

Linton asked if the permit drop off location would change as the fiscal agent is changing. Springer noted that there will still be a drop off location at Anoka City Hall.

Schedule Meeting with DNR re: Anoka Dam ~ Reid Northwick, DNR

Northwick introduced himself noting that he is the lead representative for the 1W1P for the DNR. He stated that he is present to address the concerns from the recent letter from the WMO. He believed there was a misunderstanding and wanted to resolve that. He offered to hold another meeting with the necessary parties. He stated that part of the plan comments from the WMO were related to the Anoka Dam. He acknowledged the City's ownership of the dam along with the rights and responsibilities.

Northwick noted the original statement supported feasibility strategies to remove or improve the dam to connect the Mississippi and Rum for native fish passage. He stated that there would only be potential actions and the City and LRRWMO would still need to review and make the decisions. He noted that the goal would be to partner with the City and WMO to complete the study and reviewed potential suggestions that could come from a study. He clarified that the DNR does not have a goal to remove the dam, but to investigate options and build partnerships. He recognized the concern related to invasive species and agreed that is a priority for the DNR as well.

Musgrove stated part of the concern was that the language from the DNR could be misinterpreted if the clarification was not provided by the LRRWMO and City of Anoka. She stated there is also concern that there would be money spent on a study rather than a project when it is known that Anoka does not want the dam to be removed. She believed that those funds could be better spent elsewhere. She stated if a study is completed, the LRRWMO and City of Anoka could be outvoted by the larger group, but the City of Anoka owns the dam and a project to remove the dam would not move forward.

Weaver commented that the DNR put it in print, which tells the story and now they are trying to backtrack. He stated that he was very involved with the National Park Service and DNR wanted to remove the Mississippi River dam. He stated that exercise took a lot of political capital and energy to go against those entities and keep the dam and he does not want to do that again. He stated that Anoka already spent the money to look at a redundant barrier. He asked if the parties upstream understand the economic impact of waters north that could be impacted if the invasive fish get past the Coon Rapids and Anoka dams. He commented on the potential of hydroelectric power from the dam in addition to the recreational value that is provided by the dam.

Northwick appreciated that perspective and believed that type of perspective should be included in the plan. He stated that the DNR has an advisory role and perhaps there should have been a discussion with the Board and City of Anoka before providing that advisory comment from the DNR to avoid this conflict. He commented that it was unfortunate that the DNR was not aware of this perspective ahead of time, as the attempt was to build a partnership to investigate interest, impacts, and values. He commented that it is very understandable why the partners would remove the Anoka dam or add wording discouraging that study. He commented that he works with local entities on streambank projects and other projects and holds value in building partnerships. He commented that he is not interested in throwing money at things that are not feasible and therefore

supports the position of Anoka and the LRRWMO. He stated that he supports removal of that from the plan.

Weaver recognized that the composition of boards change and that is why they want this language documented. He commented on the privatization of resources within the watershed and noted that Anoka has strived to maintain public access to those resources. He stated the more the public is able to access those resources, the more they become invested in protecting those resources. Northwick agreed and indicated he shares that perspective.

Musgrove wondered how much of the mentioned study has already been done by the City of Anoka and perhaps that information could be shared. Weaver commented on the projects that have been completed in order to protect these resources.

Northwick stated it is unfortunate that the discussion occurred in this manner because the goal was to have a discussion and become partners.

Anderson commented on the raising of the Highway 10 bridge over the Rum River, improving navigability of the river, which was a huge goal and will be a huge accomplishment for Anoka.

Northwick stated he understands the perspective and position of Anoka and the LRRWMO and is not going to push the issue. He hoped the group would still feel comfortable reaching out for partnership opportunities in the future. Weaver recognized the importance of partnerships.

Musgrove commented that the funds are better spent on things that would result in projects. Northwick confirmed that if there is interest in fish passage from the other partners, those would have to occur in other locations.

#### ADJOURNMENT

A motion was made by Weaver, seconded by Musgrove, to adjourn the meeting. Vote: 2 ayes, 0 nays. Motion carried.

Time of adjournment: 9:20 a.m.

Respectfully submitted,

Amanda Staple  
Administrative Secretary