

## **BOARD MEETING AGENDA**

**Board Room**  
**Coon Creek Watershed District Offices**  
**Monday, May 22, 2023**  
**5:30 p.m.**

### **Board of Managers:**

Matthew Herbst, President; James Hafner, Vice President; Patrick Parker, Secretary; Mary Campbell, Treasurer; Dwight McCullough, Member at Large

**Note:** Individuals with items on the agenda or who wish to speak to the Board are encouraged to be in attendance when the meeting is called to order.

- 1. Call to Order**
- 2. Approval of the Agenda** (*Additions/Corrections/Deletions*)
- 3. Announcements**
- 4. Open Mic/Public Comment**

*Members of the public at this time may address the Board, for **up to three minutes**, on a matter not on the Agenda. Individuals wishing to be heard must sign in with their name and address at the door. Additional comments may be accepted in writing. Board action or discussion should **not** be expected during the presentation of public comment/open mic. Board members may direct staff to research the matter further or take the matter under advisement for consideration at a future Board meeting.*

### **CONSENT ITEMS**

*The consent agenda is considered as one item of business. It consists of routine administrative items or items not requiring discussion. Items can be removed from the consent agenda at the request of a Board member, staff member or a member of the audience.*

- 5. Approval of Minutes of May 8, 2023**
- 6. Approve Bills for Payment**

### **POLICY ITEMS**

- 7. Coon Creek Sunrise WMO Boundary in Ham Lake**

### **PERMIT ITEMS**

- 8. Hentges Addition**

### **DISCUSSION ITEMS**

- 9. County Services Transition Update**
- 10.2024 Budget: Preliminary Rough Draft Salaries & Benefits**
- 11.2024 Budget: Preliminary Rough Draft Professional Services**
- 12.Draft District Tour Itinerary**

### **INFORMATIONAL ITEMS – None**

- 13.Legislative Update (At Board Meeting)**
- 14.Atlas 15: Update to the National Precipitation Frequency Standard**
- 15.Farmers' Trench Digging Raises Concerns About Wetlands Protection In Minnesota**

### **ADJOURN**

**COON CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS' MEETING**

The Board of Managers of the Coon Creek Watershed District held their regular meeting on, Monday, May 8, 2023, at the Coon Creek Watershed District Office.

**1. Call to Order:** The meeting was called to order at 5:32 PM  
 Board Members Present: Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker.  
 Staff Present: Corinne Elfelt, Tim Kelly, Michelle Ulrich  
 Staff Present via Zoom: Dawn Doering, Erin Edison, Jon Janke, Abbey Lee, Abby Shea

**2. Approval of the Agenda:** Board Member Hafner made a motion to add Permit Review Item 9 – Take 5 Oil Permit Review to the Consent Agenda. Seconded by Board Member Parker. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker) and no nays.

Board Member Campbell moved to Approve the Amended Agenda. Seconded by Board Member McCullough. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker) and no nays.

**3. Announcements:** None

**4. Open Mic/Public Comment:** No one present to address the Board.

**CONSENT ITEMS**

**5. Approval of Minutes of April 24, 2023**

**6. Administrator’s Report**

**7. Advisory Committee Report**

**8. Approval of Bills :** Claims totaling \$39,384.82 on the following disbursement(s) list will be issued and released upon Board approval.

May 8, 2023	
To	Amount
Centerpoint Energy	287.31
Connexus Energy	226.93
Emmons & Olivier Resources Inc	3,041.75
Loffler	172.68
Metro I Net	4,498.00
Michelle Ulrich PA	4,079.25
Respec	8,875.00
SHI International	1,709.50
US Bank	16,456.22
Xcel Energy	38.18
	<b>39,384.82</b>

*The following Permit Item was moved to the Consent Agenda by motion:*

**9. Take 5 Oil Permit Review:** The purpose of this project is the construction of a Take 5 Oil Change facility adjacent to Shine Carwash including surface parking, exterior trash enclosure, sidewalks, and stormwater management located at 11851 Hanson Blvd NE in Coon Rapids, Minnesota.

Staff recommendation was to Approve with five Conditions and two Stipulations as follows:

Procedural Requirements (Rule 2.7)

1. Provide \$10 administrative fee missing from application fee deposit.
2. Submittal of a performance escrow in the amount of \$2,195.00

Stormwater Management (Rule 3)

3. Provide proof of recording of a fully executed Operations and Maintenance Agreement for the perpetual inspection and maintenance of all proposed stormwater management practices after review and approval by the District.
4. Provide an updated plan set addressing the following discrepancies:
  - a. Raise low floor elevation by 0.1 ft to meet District 2-foot separation requirement from 100-year high water level.
  - b. Update the HWL listed on the utility plan for the existing underground detention system to be consistent with the HydroCAD model.
  - c. The District floodplain elevation is mislabeled on the grading plan and floodplain figure. Update the District floodplain elevation shown on the grading plan and floodplain figure to be 857.6.
  - d. Update detail 7 on sheet C8.2 to be labelled "Underground Retention" for clarity.

Soils and Erosion Control (Rule 4)

5. Provide an Erosion and Sediment control plan that includes the following:
  - a. A note on the erosion and sediment control plan that disturbed soils and stockpiles will be temporarily or permanently stabilized within 24 hours after construction activity in that area has temporarily or permanently ceased.
  - b. A double row of silt fence is required in areas within 50 feet of the delineated wetland.
  - c. A note that erosion and sediment control devices will be maintained throughout the project.

**Stipulations:** The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, the applicant agrees to these stipulations:

1. Submittal of as-builts for the underground retention system and the stormwater management practices and associated structures listed in Table 2, including volume, critical elevations and proof of installation for hydrodynamic separators.
2. If dewatering is required, provide DNR dewatering permit prior to construction. If a DNR permit is not required, provide well-field location, rates, discharge location, schedule and quantities prior to construction.

Board Member Campbell moved to Approve the Consent Agenda Items seconded by Board Member Herbst. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker) and no nays.

### **POLICY ITEMS - None**

### **DISCUSSION ITEMS**

**10. Permit Items to Consent:** The staff report outlined that on April 24, 2023, Board Member Herbst requested an item be included on the May 8, 2023, Board Meeting Agenda to discuss options to move noncontroversial permit items to consent prior to the meeting rather than amending the agenda to move noncontroversial permit items to consent at the beginning of each meeting for efficiency.

A copy of the policy adopted on July 23, 2012, was provided for the Board's review.

Board Member McCullough asked what our legal counsel's opinion was on the matter. Michelle Ulrich, CCWD Attorney, stated the Board would want to set specific criteria to establish when a permit item would be moved to the consent agenda, and make it clear that board members would still be able to pull permit items out for discussion. Ulrich also noted that the Board would still need to receive the full staff report for their review.

Board Member Hafner also noted the public is the audience for permit reviews.

After further discussion by the Board, the consensus was to leave the policy as it is.

**11. Boundary With Sunrise River WMO:** On April 24, 2023, the City Administrator for the City of Ham Lake submitted a written request to review the hydrologic boundary of parcels in the City of Ham Lake to determine if the jurisdiction of any properties needed to be revised to/from the CCWD and SRWMO.

The Board discussed the need for the request for hydrologic boundary review to come from the Mayor and City Council of the City of Ham Lake.

Kelly explained that the hydrologic boundary in that area was established in 1959 when the majority of the property was owned by one family. Kelly explained that since the

property has been divided into multiple parcels, the hydrologic boundary should be reviewed. Kelly explained the boundary is determined by majority ownership of each parcel.

After further discussion the Board provided direction to staff with a motion.

Board Member Hafner moved to direct staff to obtain from the Mayor and City Council of the City of Ham Lake a letter requesting review of the hydrologic boundary seconded by Board Member McCullough. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker) and no nays.

**INFORMATIONAL ITEMS - none**

**ADJOURN**

Board Member Hafner moved to adjourn at 6:03 p.m. seconded by Board Member Campbell. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker) and no nays.

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President

## COON CREEK WATERSHED DISTRICT Request for Board Action

**MEETING DATE:** May 22, 2023  
**AGENDA NUMBER:** 6  
**ITEM:** Bills to Be Paid

**FISCAL IMPACT:** Budgeted  
**POLICY IMPACT:** Policy

**REQUEST**  
 Approve bills

**BACKGROUND**

Claims totaling \$237,726.09 on the following disbursement list will be issued and released upon Board approval.

May 22, 2023	
To	Amount
Anoka County	126,709.96
City of Fridley	63,835.20
Poop 911	731.40
RMB Environmental Lab	474.00
Stantec	45,975.53
	<b>237,726.09</b>

delete before upload	Paid	Div	CheckID	RefDt	Ref	Desc	DistAmt	GIkey	GIObj	JIGr	JIKey	JLObj	Units	UnitPrice	Recv Addr Cd	DutyCd	Payment	Fiscal Year
VENDOR	vendor #			invoice date	invoice #	description	DistAmt						unit rate	unit rate	Serv address			
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	93,877.82	8699560112	60110				1	93,877.82	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	2,330.00	8699560112	60260				1	2,330.00	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	7,039.97	8699560112	60716				1	7,039.97	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	7,040.90	8699560112	60717				1	7,040.90	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	14,396.00	8699560112	60714				1	14,396.00	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	782.50	8699560112	60713				1	782.50	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	37.08	8699560112	60715				1	37.08	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	663.52	8699560112	60720				1	663.52	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	125.50	8699560112	60721				1	125.50	RH	HOLD	CHK	2023
ANOKA COUNTY MN	129757	CCWD	CC	05/17/2023	CCWD-0423	SALARY/BENEFITS EXP-APR 2023	416.67	8699560112	63052				1	416.67	RH	HOLD	CHK	2023
CITY OF FRIDLEY	130869	CCWD	CC	05/09/2023	WQCS 80%	WQCS 80% 2023 Q2 FRIDLEY	63,835.20	8699560512	61549				1	63,835.20	RO	GEN	CHK	2023
POOP 911 OF MSP LLC	150897	CCWD	CC	05/01/2023	1032-166981	4 WEEKS CLEAN UP SERVICE MAY 23	190.80	8699560612	61549				1	190.80	RO	GEN	CHK	2023
POOP 911 OF MSP LLC	150897	CCWD	CC	05/01/2023	1032-166981	4 WEEKS CLEAN UP SERVICE MAY 23	540.60	8699560112	63595	86122201	63595		1	540.60	RO	GEN	CHK	2023
RMB ENVIRONMENTAL LAB INC	128886	CCWD	CC	04/21/2023	B008525	W08008525 WOODCREST BMP	237.00	8699560512	61549				1	237.00	RO	GEN	CHK	2023
RMB ENVIRONMENTAL LAB INC	128886	CCWD	CC	04/21/2023	B008550	W08008550 AURELIA PARK BMP	237.00	8699560512	61549				1	237.00	RO	GEN	CHK	2023
STANTEC CONSULTING SERVICES	144057	CCWD	CC	05/03/2023	2076143	PROJ 227705670 WCA 4/23	4,114.00	8699560212	63246				1	4,114.00	RO	GEN	CHK	2023
STANTEC CONSULTING SERVICES	144057	CCWD	CC	05/03/2023	2076103	PROJ 227705667 GENL ENGINEERING 4/23	3,674.50	8699560312	63246				1	3,674.50	RO	GEN	CHK	2023
STANTEC CONSULTING SERVICES	144057	CCWD	CC	05/03/2023	2076104	PROJ 227705673 O&M 4/23	852.00	8699560412	63246				1	852.00	RO	GEN	CHK	2023
STANTEC CONSULTING SERVICES	144057	CCWD	CC	05/03/2023	2076105	PROJ 227705668 W/LAKE MGMT 4/23	1,536.00	8699560512	61549				1	1,536.00	RO	GEN	CHK	2023
STANTEC CONSULTING SERVICES	144057	CCWD	CC	05/03/2023	2076105	PROJ 227705668 PLANNING 4/23	2,764.00	8699560312	63246				1	2,764.00	RO	GEN	CHK	2023
STANTEC CONSULTING SERVICES	144057	CCWD	CC	05/03/2023	2076105	PROJ 227705668 FEASIBILITY 4/23	5,371.00	8699560412	63246				1	5,371.00	RO	GEN	CHK	2023
STANTEC CONSULTING SERVICES	144057	CCWD	CC	05/03/2023	2076106	PROJ 227705669 PERMIT PROG 4/23	27,664.03	8699560212	63246				1	27,664.03	RO	GEN	CHK	2023
							237,726.09							237,726.09				

**COON CREEK WATERSHED DISTRICT  
Request for Board Action**

**MEETING DATE:** May 22, 2023  
**AGENDA NUMBER:** 7  
**ITEM:** Coon Creek Sunrise WMO Boundary in Ham Lake

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**AGENDA:** Policy

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**ACTION REQUESTED**

Direct staff to prepare a boundary amendment petition.

**PURPOSE & SCOPE OF ITEM**

To direct the start of work required to amend the Boundary between the two water management organizations. The action only pertains to the existing boundary between the Sunrise WMO and the Coon Creek WD in sections 1, 2, and 3 in Ham Lake.

**BACKGROUND**

The accuracy of this boundary has been an issue for homeowners and water managers since at least 2016. On May 15, 2023 the Ham Lake city council requested the Coon Creek Watershed District and the Sunrise Watershed Management Organization to “review the hydrologic boundary” to determine the accuracy and effect on the properties and parcels involved.

**COORDINATION**

The Coon Creek Watershed District, and Sunrise River Watershed Management Organization are within the “metropolitan area” as defined under Minnesota Statutes sections 103B.205 (8) and 473.121 (2) (2015).

**FACTS**

1. Under the boundary amendment process described in M.S. 103B.215, the governing board of a watershed management organization may petition the Board of Water and Soil Resources for an order changing the boundaries of a watershed district wholly within the metropolitan area, by adding new territory to the district or by transferring territory that is within the district to the jurisdiction of another watershed management organization.
2. Both organizations are watershed management organizations as defined under Minnesota Statutes section 103B.205 (13) (2015).
3. On May 15, 2023, the City of Ham Lake requested the two organizations review the boundary.
4. Minnesota Statutes section 103D.251 Subdivision 1 requires that the boundaries:

- a. Established or changed must define contiguous areas.
- b. May include all or part of one or more watersheds

## **ISSUES/CONCERNS**

There are three reasons to amend the boundary:

1. To achieve a more accurate alignment between the hydrologic and legal boundaries of the two WMOs.
2. To establish boundaries of the watershed district or the modification of existing watershed district boundaries to facilitate management and administration.
3. Objectives specific to these goals are:
  - a) Boundary Modification: The objectives of watershed district boundary modifications are to:
    - i) Designate and include all lands draining to or the majority of the property is draining Coon Creek, its tributaries and the flowages placed under the District stewardship.
    - ii) Modify existing Watershed District boundaries as needed to provide logical exterior boundaries.
    - iii) Establish or modify Watershed District or other boundaries, as needed, to facilitate management and administration.
  - b) Land and Water Management Responsibility Transfers to Other Organizations: The objectives of land or responsibility transfers are to:
    - i) Improve management efficiency of water and related land resources within the Watershed District.
    - ii) Improve service to the public.
    - iii) Result in net benefits to the public, to land management agencies, or both.

## **IMPLICATIONS**

1. Petition: The petition must:
  - a) describe the change in boundary requested, the territory affected, and the reasons for the change;
  - b) show that the change is consistent with the purposes and requirements of sections 103B.205 to 103B.255; and
  - c) identify property subject to section 103B.225.
  - d) be accompanied by a written statement of concurrence from the governing body of each statutory or home rule charter city and each watershed management organization having jurisdiction over the territory proposed to be added or transferred.
2. BWSR Notice (& Potential Hearing)
3. BWSR Decision



### **PRIOR DECISIONS**

4. A petition was developed in 2016 & 2018 but failed to achieve concurrence
5. On May 8, 2023 the Board of Managers requested that a formal letter requesting a review of the boundary come from the City Council

### **OPTIONS**

1. Direct staff to commence preparing a petition.
2. Table action pending clarification of some specified problem, issue of concern

### **CONCLUSIONS**

The current boundary in this are is inaccurate and inconsistent with both MS 103B & MS 103D

### **RECOMMENDATION**

Direct staff to prepare a petition under MS 103B.215 for the boundary between Sunrise WMO and Coon Creek WD in ares of Sections 1, 2, & 3 in Ham Lake

### **ACTION/IMPLEMENTATION STEPS**

June 26: Submit Draft Petition to Board of Managers for approval to seek letters of concurrence.

July 24: Receive comments/letters of concurrence from Sunrise WMO & City of Ham Lake. Either

1. Forward petition to BWSR for review
2. Review and consider comments and alternatives at August 14 Board Meeting

BWSR has 30 days to review and seek comments.

**COON CREEK WATERSHED DISTRICT**  
**Request for Board Action**

**MEETING DATE:** May 22, 2023  
**AGENDA NUMBER:** 8  
**ITEM:** Hentges Addition

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**AGENDA:** Permit

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**BACKGROUND/DISCUSSION**

The purpose of this agenda item is for the Board to review, discuss, and consider approving Permit Application Number P-23-044 Hentges Addition.

**RECOMMENDATION**

To approve Permit Application Number P-23-044 with 2 conditions and 0 stipulations, as stated in the Application Review Report dated 5/19/2023.

**ATTACHED**

Application Review Report for Permit Application Number P-23-044

**PERMIT APPLICATION REVIEW REPORT**  
**DATE: 5/19/2023**

Applicant/Landowner:

Hentges Turf Farm  
Attn: Kevin Hentges  
15421 Rendova Street NE  
Ham Lake, MN 55304  
hentgesturf@aol.com  
612-369-6371

Contact:

E.G. Rud & Sons, Inc.  
Attn: Jason Rud  
6776 Lake Dr. NE Ste 110  
Lino Lakes, MN 55014  
jrud@egrud.com  
651-361-8225

Project Name: Hentges Addition

Project PAN: P-23-044

Project Purpose: Construction of a new driveway and removal of an existing driveway

Project Location: NW corner of 155th Avenue NE and Naples Street NE, 15610 Naples Street NE, Ham Lake

Site Size: size of parcel - 71.65 acres; size of disturbed area - 0.43 acres; size of existing impervious - 0.25; size of proposed impervious 0.17

Applicable District Rule(s): Rule 2, Rule 4

Recommendation: Approve with 2 Conditions and 0 Stipulations

**Conditions to be Met Before Permit Issuance:**

Procedural Requirements (Rule 2.7)

1. Submittal of a performance escrow in the amount of \$2,215.00

Soils and Erosion Control (Rule 4)

2. Update the erosion and sediment control plan to include the following:
  - a. A note on erosion control plan for cleaning road surfaces where sediment is transported by the end of the day.
  - b. A note on the erosion and sediment control plan that disturbed soils and stockpiles will be temporarily or permanently stabilized within 24 hours after construction activity in that area has temporarily or permanently ceased.

**Stipulations:** The permit will be issued with the following stipulations as conditions of the permit. By accepting the permit, the applicant agrees to these stipulations:

**Exhibits:**

<b>Exhibit Type</b>	<b>Exhibit Author</b>	<b>Signature Date</b>	<b>Received Date</b>
Disturbance Sketch	E.G. Rud & Sons, Inc.	05/11/2023	05/11/2023
Soil Borings	Tradewell Soil Testing	10/14/2022	04/20/2023
Plat	E.G. Rud & Sons, Inc.	04/18/2023	04/20/2023
Construction Plan	Plowe Engineering	05/01/2023	05/01/2023

**Findings**

**Description:** The project includes the removal of an existing drive and construction of a new driveway in a new location. The purpose of the overall lot split from 1 lot to 2 lots is for estate planning and to demonstrate that a home could be built on lot 1 and be consistent with CCWD and City of Ham Lake requirements. The removal of the existing driveway and construction of the new driveway is the only construction proposed to be covered under this permit. The project is proposed to disturb 0.43 acres of land. The existing impervious is 0.25 acres and the new impervious is 0.17 acres. The site drains west through wetlands and private ditches and ultimately to County Ditch 11.

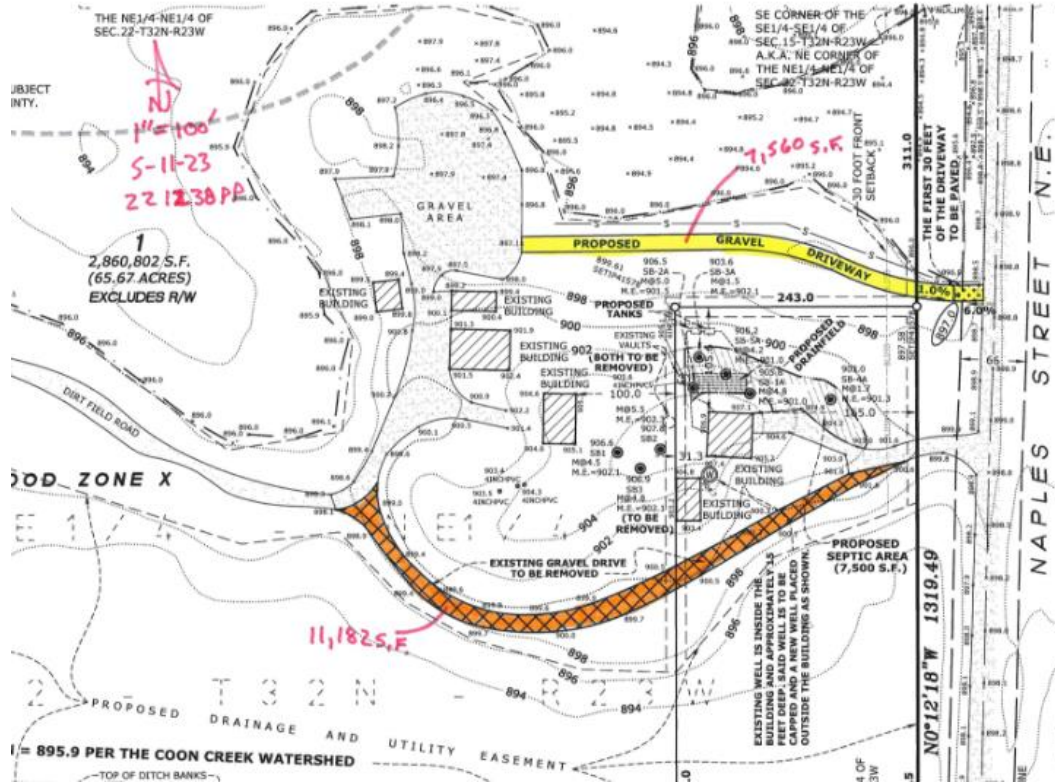


Figure 1. Proposed site plan

**Fees and Escrows (Rule 2.7):** The applicant has submitted a \$760.00 application fee and deposit which corresponds with the nonrefundable application fee (\$10), and a single-family home project type. The applicant will be required to submit a performance escrow in the amount of \$2,125.00. This corresponds to a base escrow of \$2,000, plus an additional \$500 per acre of disturbance (0.43 acres of disturbance proposed).

**Stormwater Management (Rule 3.0):**

The proposed project does not create a cumulative total of 10,000 sf or more of new or fully reconstructed impervious surface, or 5,000 sf or more of new or fully reconstructed impervious surface for non-residential or multifamily residential within one mile of and draining to an impaired water. The proposed project is not a public linear project where the sum of the new and fully reconstructed impervious surface is equal to one or more acres. Stormwater Management standards do not apply.

**Soils and Erosion Control (Rule 4.0)**

Rule 4.0 applies to the proposed project because it includes land disturbing activities of more than 5,000 square feet and is within 50 feet of, and drains to, a waterbody.

The proposed project drains to surrounding wetlands and private ditches which ultimately drain to County Ditch 11. The soils affected by the project include Rifle, Isanti and Lino, which have a soil erodibility factor of 0.15 or greater. Disturbed areas are not proposed to be stabilized within 24 hours, as required. The proposed erosion and sediment control plan includes silt fence. The erosion control plan does not meet District requirements because disturbed soils and stockpiles are not

proposed to be temporarily or permanently stabilized within 24 hours after construction activity in that area has ceased, and provisions have not been made for cleaning road surfaces where sediment is transported by the end of the day.

**Wetlands (Rule 5.0)**

Wetlands may exist on site, but no impacts are proposed. The TEP reviewed the site and determined that 896 ft MSL was an appropriate conservative wetland boundary elevation based on review of aerial photographs, the floodplain elevation, and neighboring wetland elevations. The TEP also agreed that the applicant was not required to complete a wetland delineation if all proposed disturbance was above this elevation and an easement was placed over elevations below 896 to capture the wetland and District floodplain. The proposed work is above the 896 elevation and the easement has been included on the plat.

**Floodplain (Rule 6.0)**

The proposed project does not include land disturbing activities within the floodplain as mapped and modeled by the District. Rule 6.0 does not apply.

**Drainage, Bridges, Culverts, and Utility Crossings (Rule 7.0)**

The proposed project does not include land disturbing activities which construct, improve, repair, or alter the hydraulic characteristics of a bridge profile control or culvert structure on a creek, public ditch, or major watercourse. The proposed project does not include land disturbing activities which involve a pipeline or utility crossing of a creek, public ditch, or major watercourse.

The proposed project does not include land disturbing activities which construct, improve, repair or alter the hydraulic characteristics of a conveyance system that extends across two or more parcels of record not under common ownership and has a drainage area of 200 acres or greater. Rule 7.0 does not apply.

**Buffers (Rule 8.0)**

The proposed project does not include a land disturbing activity on land adjacent or directly contributing to a Public Water, Additional Waters, High or Outstanding Ecological Value Waters, a Public Ditch, or Impaired Waters/waters exceeding state water quality standards. Rule 8.0 does not apply.

**VariANCES (Rule 10.2)**

The proposed project does not request a variance from the District rules, regulations, and policies. Rule 10.2 does not apply.

P23-044



5/11/2023

**COON CREEK WATERSHED DISTRICT**  
**Request for Board Action**

**MEETING DATE:** May 22, 2023  
**AGENDA NUMBER:** 9  
**ITEM:** County Services Transition Update

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**AGENDA:** Discussion

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**ACTION REQUESTED**

Receive information update on County Services Transition.  
Table decision until June 12 meeting.

**PURPOSE**

To brief the Board on interview process for accounting and payroll services and timing of human resource and benefits services transition.

**BACKGROUND/CONTEXT**

Since 1990 Anoka County has provided select administrative services the District. Initial services provided involved health care and payroll. Later services involved banking and investments and audit prep and still later actuarial services. Currently the District pays \$7,500 per year to the County and has periodically indicated a willingness to pay full cost for our services.

On Thursday February 2 Tim Kelly was contacted by Corey Kampf Chief Financial Officer for the County indicating that he had been instructed to inform the District that the County wished to terminate all services with the watershed.

On Monday February 27 Kelly reported that Requests for Proposals (RFPs) were being drafted for the services formerly provided by the County. The Board direction was to allow the proposals be sent to the firms and report results to the Board. The issue of future levy increases was discussed and the need for a reasonable timeline for these changes.

On Thursday March 9 RFP's were sent to sixteen firms; providers of accounting, payroll, human resource and benefits brokering. Due date for questions regarding the proposal was March 31 and proposals were due April 6.

On Monday March 13 the Board was updated on the RFPs being sent out and two firms had already responded they would not be submitting proposals. Mr. Kelly also confirmed that the County was discussing our health care and benefits with their consultant. The County indicated at this point that benefits will likely not change until the end of 2024.

On Monday March 27 Kelly informed the Board of his concerns regarding funds available to pay for the needed services.

On April 3 questions that were submitted from the RFP recipients were answered and sent to all 16 agencies.

On Thursday April 6 all proposals were due for the requested services. Two accounting, three payroll and five human resources proposals were received.

On Monday April 10 the Board was updated with the number of proposals received.

On May 10 interviews were held with two firms that proposed both accounting and payroll services.

### **ISSUES/CONCERNS/OPPORTUNITIES**

Both potential accounting and payroll service providers discussed various software options. We have asked for demonstrations on the recommended software in order to make a financially sound decision.

Due to changing needs and requirements in the future for the District, it is important that decisions made regarding software and services not only help us through the initial transition but accommodate our future needs. A second interview with each is needed.

The payroll system that would best suit the time-tracking needs of the District will need to be determined.

### **IMPLICATIONS FOR RESOURCE/ORGANIZATION**

Substantial, unbudgeted financial software costs will be incurred.

Changing all services (payroll, accounting, HR and benefits) at one time would add a financial burden to the District, depleting funds to below the recommended minimum.

Changing all services (payroll, accounting, HR and benefits) simultaneously would be an administrative burden on staff.

Making well researched decisions, especially regarding benefits, will contribute to wise, long-term decisions that contribute to retaining the talented staff of the District.

### **CONCLUSIONS**

The County will allow District employees to continue benefits coverage under the County umbrella until December 31, 2024.

Human Resource assistance can be obtained from the League of Minnesota Cities, North Risk Management and the District's Attorney until such time the District determines a



contractual arrangement needs to be made with a firm that provides human resource consulting services.

Sufficient information has not yet been obtained regarding the software options, the proposed accounting firms' familiarity with the functionality of the software, and how it will meet the current and future needs of the District.

Since both firms offer payroll services, the flexibility and capabilities of the time-tracking will need to be discussed further along with a determination of the ease of access by staff.

**RECOMMENDATION**

Receive the Report and Table decision on services selection until June 12 meeting, when staff has had an opportunity to obtain further information regarding software and conduct second interviews with potential accounting service and payroll providers.

**COON CREEK WATERSHED DISTRICT  
Request for Board Action**

**MEETING DATE:** May 22, 2023  
**AGENDA NUMBER:** 10  
**ITEM:** 2024 Budget: Initial Preliminary Rough Draft Salaries & Benefits

**AGENDA:** Discussion

**ACTION REQUESTED**

1. Provide direction to staff on budgeting for additional staff.

**PURPOSE & SCOPE OF ITEM**

Potential 2024 expenditures for staff Salaries & Benefits

**BACKGROUND**

At present the District budgets for 14.8 Full Time Equivalent (FTE) people.

Program		2020	2021	2022	2023	Requested Change	2024	Positions	
<b>Administration</b>									
	FT	2.0	2.0	2.0	3.0	█	3.0	Administrator, Admin Coordinator, Clerk	
	PT	0.8	0.8	0.8	0.8	█	0.8	Accountant	
<b>Operations &amp; Maintenance</b>									
	FT	2.0	2.0	3.0	3.0	█	3.0	Prog Coord, Field Manager & Inspector	
	PT	0.0	0.0	0.0	0.0	█	0.0		
<b>Planning</b>									
	FT	0.0	0.0	1.0	0.0	1.0	█	1.0	Planner
	PT	0.0	0.0	0.0	0.0	█	0.0		
<b>Public and Governmental Relations</b>									
	FT	2.0	2.0	2.0	2.0	█	2.0	Program Coord, Outreach Assistant	
	PT	0.0	0.0	0.0	0.0	█	0.0		
<b>Water Quality &amp; Monitoring</b>									
	FT	2.0	2.0	2.0	2.0	█	2.0	Program Coord, Assist WQ Coord	
	PT	0.0	0.0	0.0	0.0	█	0.0		
<b>Watershed Development</b>									
	FT	3.6	4.0	4.0	3.0		3.0	Program Coord, Develop Services Mgr, Watershed Develop Spec	
	PT	0.4	0.0	0.0	0.0	█	0.0		
	Totals	2020	2021	2022	2023	Request	2024	Positions Requested	
	FT	11.6	12.0	14.0	13.0	1.0	14.0		
	PT	1.2	0.8	0.8	0.8	0.0	0.8		
	<b>Total</b>	<b>12.8</b>	<b>12.8</b>	<b>14.8</b>	<b>13.8</b>	<b>1.0</b>	<b>14.8</b>		

Salaries & Benefits	2020	2021	2022	2023		2024			Pet Chng
	Actual	Actual	Actual	Budget	Projected	Current	Change	Request	
Salaries	\$ 776,794	\$ 1,333,723	\$ 1,164,379	\$ 1,330,378	\$ 1,330,378	\$ 1,390,245	\$ 58,749	\$ 1,448,994	9%
Temporary Salaries - Students	\$ 16,500	\$ 17,952	\$ 17,129	\$ -	\$ -	\$ -	\$ 39,000	\$ 39,000	#DIV/0!
HRA payment	\$ 14,887	\$ 8,215	\$ 6,762	\$ 14,466	\$ 14,466	\$ 15,117	\$ -	\$ 15,117	5%
Health Insurance	\$ 66,945	\$ 182,383	\$ 121,640	\$ 208,094	\$ 208,094	\$ 217,458	\$ 17,562	\$ 235,020	13%
Life Insurance	\$ 384	\$ 559	\$ 300	\$ 512	\$ 512	\$ 535	\$ (9)	\$ 526	3%
Social Security (FICA)	\$ 59,425	\$ 101,372	\$ 89,075	\$ 102,845	\$ 102,845	\$ 107,473	\$ 7,200	\$ 114,673	12%
Retirement (PERA)	\$ 56,318	\$ 100,769	\$ 84,418	\$ 96,674	\$ 96,674	\$ 101,024	\$ 6,856	\$ 107,880	12%
Dental Insurance	\$ 5,059	\$ 7,805	\$ 5,580	\$ 7,605	\$ 7,605	\$ 7,947	\$ (342)	\$ 7,605	0%
LTD Insurance	\$ 1,152	\$ 2,104	\$ 1,048	\$ 1,422	\$ 1,422	\$ 1,486	\$ 304	\$ 1,790	26%
Board & Advisory Committee	\$ 10,275	\$ 10,050	\$ 9,617	\$ 10,950	\$ 10,950	\$ 11,443	\$ (443)	\$ 11,000	0%
<b>Total Salaries &amp; Benefits</b>	\$ 1,007,739	\$ 1,764,932	\$ 1,499,948	\$ 1,772,946	\$ 1,772,946	\$ 1,852,729	\$ 128,877	\$ 1,981,605	12%

There are three issues and concerns that will affect salary and benefit costs in 2024

1. Salary adjustments & reclassifications due to county transition of services
2. Changes in health insurance costs

**ISSUES/CONCERNS**

- 1) **Salary Adjustments:** The preliminary 2024 Salaries and benefits include adjustments for:
  - a) Salary adjustments/Step increases of (9%).
  - b) Insurance costs: Health, Dental, Life and LTD costs have all continued to increase at rates higher than anticipated. With the upcoming transition away from Anoka County services it is more imperative to budget and prepare for these increased costs now and thru the next several years.
  
- 2) **Near-future retirements of 5 Senior Staff:**  
 In the next 4 years (2028) the Board will see either the full retirement of or the ramping down of 4 key staff.
  - Three of these staff are in-house and hold positions that will take two to three years for replacement staff to learn and contribute at a level that ensures continuity of service.
  
- 3) **Next Steps:** Unless directed otherwise the Board will not see refined budget numbers until the part of the Initial Preliminary Budget in its entirety. The review is currently scheduled for the July 10 Board meeting.

**CONCLUSIONS**

Salary adjustments are needed to ensure that we stay current in the Twin Cities market and to retain experienced staff during the transition away from Anoka County services. The current team of employees were selected not only for their qualifications, but for their fit and dedication to the District mission.

**RECOMMENDATION**

Discuss, provide direction, and receive the report.

**COON CREEK WATERSHED DISTRICT  
Request for Board Action**

**MEETING DATE:** May 22, 2023  
**AGENDA NUMBER:** 11  
**ITEM:** 2024 Budget: Preliminary Rough Draft Professional Services

**AGENDA:** Discussion

**ACTION REQUESTED**

Receive the budget report with any directions to staff.

**PURPOSE & SCOPE OF ITEM**

Addresses the costs and professional services for which the District contracts for on an ongoing basis.

**BACKGROUND**

This budget category addresses required or needed services provided by specialized companies and firms with which the District contracts.

The services addressed in this category are:

- Accounting
- Audit
- Engineering
- Geographic Information Systems (GIS)
- Information Technology (IT)
- Legal

Services	2020 Actual	2021 Actual	2022 Actual	2023 Budget	2023 Projected	2024 Current	2024 Change	2024 Request	
GIS Services	\$ 93,200	\$ 100,805	\$ 104,837	\$ 109,031	\$ 111,700	\$ 113,392	\$ 3,893	\$ 117,285	8%
Accounting	\$ 5,500	\$ 5,000	\$ 5,050	\$ 5,252	\$ 5,252	\$ 5,462	\$ 109,538	\$ 115,000	2090%
Audit	\$ 10,858	\$ 11,500	\$ 11,960	\$ 12,438	\$ 13,264	\$ 12,936	\$ 992	\$ 13,927	12%
IT Services	\$ 28,000	\$ 39,979	\$ 47,250	\$ 58,000	\$ 58,336	\$ 60,320	\$ 4,490	\$ 64,810	12%
Engineering Services	\$ 488,224	\$ 155,620	\$ 718,279	\$ 143,758	\$ 121,000	\$ 149,508	\$ (16,408)	\$ 133,100	-7%
Legal Services	\$ 45,864	\$ 48,000	\$ 52,000	\$ 54,080	\$ 54,080	\$ 56,243	\$ (541)	\$ 55,702	3%
	\$ 671,646	\$ 360,904	\$ 939,376	\$ 382,559	\$ 363,632	\$ 397,861	\$ 101,963	\$ 499,825	31%

## **ISSUES/CONCERNS**

1. **Computer (IT) services**: IT services are proposed to be 12% higher due to organizational revision as a public enterprise.
2. **Engineering**: Budgeted costs are a -7% decrease due to a deconstruction of engineering cost and a reassignment to appropriate programs
3. **Accounting**: Service costs are expected to increase significantly due to the transition away from Anoka County services and the need to hire an accounting firm, purchase software and transition payroll to a new provider.
4. **Total Professional Services Costs**: Currently expecting to increase budget 31% for 2024

## **IMPLICATIONS FOR DISTRICT BUDGET**

Total impact unknown until July

## **CONCLUSIONS**

1. These are initial figures

## **RECOMMENDATION**

Receive report

**COON CREEK WATERSHED DISTRICT  
Request for Board Action**

**MEETING DATE:** May 22, 2023  
**AGENDA NUMBER:** 12  
**ITEM:** Draft District Tour Itinerary

**POLICY IMPACT:** Discussion  
**FISCAL IMPACT:** Budgeted

**REQUEST**

Review and discuss

**BACKGROUND**

At the April 10 meeting the Board confirmed its desire for an annual tour as part of the 2024 budget process. **The tour will be on Monday June 12, following the Noon Board Meeting but no earlier than 1 PM.**

Below is a draft itinerary for the tour. The intent is to visit past and proposed project sites and sites exemplifying issues identified in the annual report as well as serve as the Board’s annual inspection of the watershed.

**ISSUES/CONCERNS**

**1. Proposed Destinations**

	Location Subject	Subject	Arrive	Onsite	Dep	Drive	Method	Staff
1	CCWD Office	Welcome, office drainage, rear parking	1:00 PM	10	1:10 PM		Onboard	TK, CE
2	HWY65	Road project, subwatershed planning				14	Drive by	TK, EE
3	Northtown Library	Water Education Grant, collaboration	1:24 PM	10	1:34 PM	10	Park	DD
4	Apex Pond and Riverview Terrace Flood Mitigation	Water Quality and flood mitigation collaboration	1:44 PM	10	1:54 PM	13	Park	JD
5	Coon Rapids Dam Regional Park	Creek crossing, creek restoration, collaboration	2:07 PM	15	2:22 PM		Deboard	JJ
6	Epiphany Creek Biochar and Iron Sand Filter	New filer, collaboration				18	Drive by	JD
7	Rural Reserve	Proposed development, subwatershed planning	2:40 PM	15	2:55 PM	11	Deboard	EE
8	Crosstown Rolling Acres 3rd	Development, multiple BMPs, creative solutions	3:06 PM	10	3:16 PM	6	Park	EE
9	SRWMO Boundary	179th area	3:22 PM	10	3:32 PM	10	Park	TK
10	Ditch 11 Inchannel Vegetation	Ditch maintenance	3:42 PM	10	3:52 PM	8	Park	JJ
11	CCWD Office	Good night	4:00 PM				Deboard	TK

**Options:**

- Woodland Wetland Bank – wetland banking success, wild rice
- Nightingale Villas – Ganske Pond Emergency Overflow Concern
- Blaine Well Interference
- Laddie Lake - Chloride

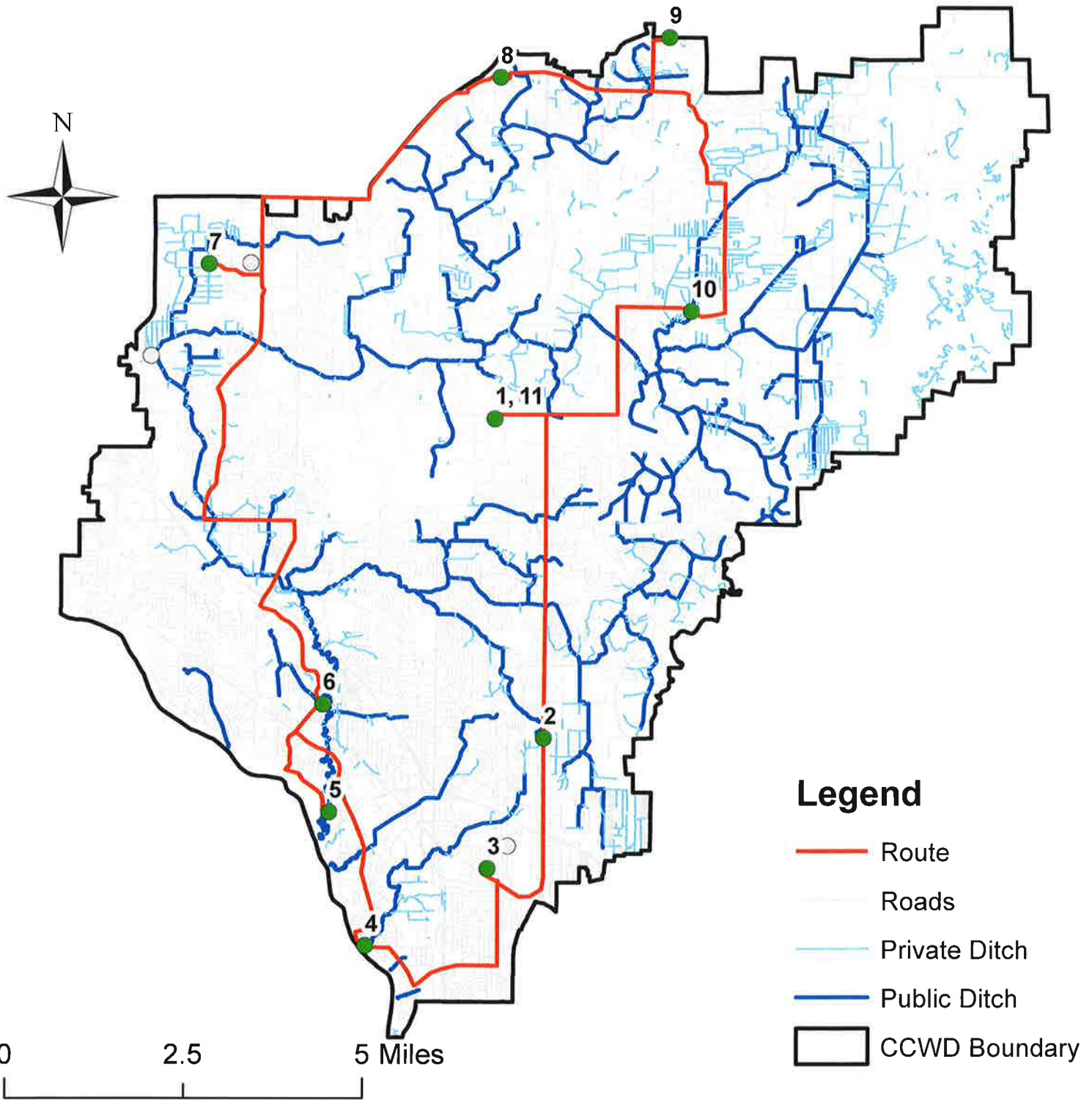
2. **Invites**

County Commissioners have been invited  
Any others you wish to invite?

**RECOMMENDATION**

1. Review itinerary adding or changing sites the Board would like to review.
2. Identify additional invitees.
3. Get a head count of Board members that will be attending.

# 2023 CCWD Board Tour Travel Route



## Legend

- Route
- Roads
- Private Ditch
- Public Ditch
- CCWD Boundary

Sequence	Location Subject	Subject	Arrive	Onsite	Depart	Drive	Method	Staff
1	CCWD Office	Welcome, office drainage, rear parking	1:00 PM	0:10	1:10 PM		Onboard	TK, CE
2	HWY 65	Road project, subwatershed planning				0:14	Drive by	TK, EE
3	Northtown Library	Water Education Grant, collaboration	1:24 PM	0:10	1:34 PM	0:10	Park	DD
4	Apex Pond and Riverview Terrace Flood Mitigation	Water Quality and flood mitigation collaboration	1:44 PM	0:10	1:54 PM	0:13	Park	JD
5	Coon Rapids Dam Regional Park	Creek crossing, creek restoration, collaboration	2:07 PM	0:15	2:22 PM		Deboard	JJ
6	Epiphany Creek Biochar and Iron Sand Filter	New filer, collaboration				0:18	Drive by	JD
7	Rural Reserve	Proposed development, subwatershed planning	2:40 PM	0:15	2:55 PM	0:11	Deboard	EE
8	Crosstown Rolling Acres 3rd	Development, multiple BMPs, creative solutions	3:06 PM	0:10	3:16 PM	0:06	Park	EE
9	SRWMO Boundary	179th area	3:22 PM	0:10	3:32 PM	0:10	Park	TK
10	Ditch 11 Inchannel Vegetation	Ditch maintenance	3:42 PM	0:10	3:52 PM	0:08	Park	JJ
11	CCWD Office	Good night	4:00 PM				Deboard	TK





NOAA is recognized by the engineering and floodplain management communities as the authoritative source of precipitation frequency data, and has a long history of generating these data that serve as the foundation for built infrastructure nationwide.

The [National Weather Service \(NWS\) Office of Water Prediction \(OWP\)](#) has produced an authoritative atlas of precipitation frequency estimates, published as volumes of the NOAA Atlas 14 Precipitation-Frequency Atlas of the United States. These estimates are currently posted on the NOAA [Precipitation Frequency Data Server \(PFDS\)](#), with interactive tables and charts. Precipitation frequency estimates are defined as the precipitation depth at a particular location, for a given storm duration, that has a statistically-expected 1-in-YY chance of being exceeded in any given year, where YY is the statistical annual recurrence interval.

**The generation of authoritative precipitation frequency information requires a rigorous development process and extensive quality control with significant stakeholder interaction.**

NOAA Atlas 14 estimates are used to design, plan, and manage much of the Nation's infrastructure for a wide variety of purposes under federal, state, and local regulations. NOAA Atlas 14 estimates replace estimates previously published by NOAA in the early 1960s and '70s and cover a range of storm durations from 5-minutes through 60-days, for average recurrence intervals of 1-year through 1,000-year. Compared to previous volumes, Atlas 14 estimates benefit from use of better-quality data (e.g. precipitation stations with longer period of record, increased station density, etc.), enhanced quality control methods, consideration of uncertainties, and improved frequency analysis and spatial interpolation methods that account for variation in terrain, proximity to the coastline etc.



FD-5-based precipitation frequency estimates with 10% c

Duration	1	2	5	10	25	50	100	250	500	1000
24-hour	0.01	0.02	0.05	0.10	0.20	0.35	0.55	0.85	1.20	1.60
100-year	8.99	12.7	17.5	24.0	32.0	42.0	55.0	70.0	88.0	110.0

12.7" (8.99 - 17.5)

States and territories associated with each NOAA Atlas 14 volume

### First National Precipitation Frequency Analysis Accounting for Climate Change

Historically, NOAA precipitation frequency estimates have been funded by states and other users, on a cost-reimbursable basis, for individual subsets of the U.S. However, with the 2022 [Bipartisan Infrastructure Law \(BIL\)](#), OWP received first-ever direct Federal funding to (1) update the NOAA Atlas 14 precipitation frequency standard while accounting for climate change, and (2) develop precipitation frequency estimates for the entire U.S. and its territories.

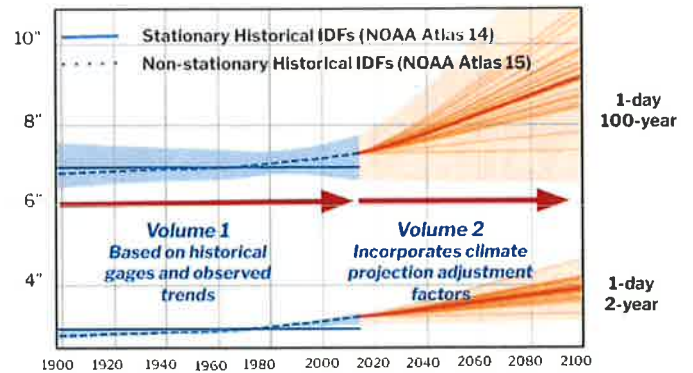
These updated precipitation frequency estimates will be referred to as **NOAA Atlas 15** and will be presented in two volumes. **Volume 1** will account for temporal trends in historical observations, and **Volume 2** will use future climate model projections to generate adjustment factors for Volume 1. To account for a changing climate, NOAA worked with the Federal Highway Administration (FHWA) and the academic community to develop a new methodology for Atlas 15, which has undergone broad review by stakeholders and Federal partners over the past year, leveraging state of the art research in extreme value theory and climate model outputs and projections. The Atlas 15 estimates will provide critical information to support the design of state and local infrastructure nationwide under a changing climate.

The NOAA Atlas 15 update enhances the production and provision of rigorously produced, authoritative precipitation frequency estimates by:

- Leveraging the results and recommendations from the [“Analysis of Impact of Nonstationary Climate on NOAA Atlas 14 Estimates”](#) assessment report.
- Developing a seamless national analysis based on historical data and a non-stationarity assumption using the latest precipitation observations and future climate model projections. Storm durations will range from 5-minutes to 60-days and span average annual recurrence intervals of 1 to 1,000 years.
- Enhancing Web visualizations and data services, through NOAA’s Service Delivery framework initiative, to better engage stakeholders and users.

## NOAA Atlas 15

### New National Precipitation Frequency Standard



Historical and future intensity-duration-frequency estimates (IDFs)

## Timeline for the Development and Deployment of Updated Authoritative Precipitation Frequency Estimates Nationwide



The **FLOODS Act** signed into law in December 2022 and known as [Public Law No. 117-316](#), authorizes NOAA to establish a program, to be known as the *NOAA Precipitation Frequency Atlas of the United States*. This program would compile, estimate, analyze, and communicate the frequency of precipitation in the United States and update these precipitation frequency estimates no less than once every 10 years.

For additional information, please contact OWP at [hdsc.questions@noaa.gov](mailto:hdsc.questions@noaa.gov).

## FARMERS' TRENCH DIGGING RAISES CONCERNS ABOUT WETLANDS PROTECTION IN MINNESOTA

Local wetlands authorities say the damage was unintentional and will be repaired.

By Jennifer Bjorhus Star Tribune

May 8, 2023 — 9:50am



Brian Peterson, Star Tribune

Lyon County farmer Bob Viaene said he can't understand how this large new ditch, dug by neighboring farmers through a cattail marsh, was allowed to happen.

MARSHALL, Minn. — A pair of farmers had permission to clean out some ditches in a few fields. Instead, they dug a trench nearly three-quarters of a mile long in the fields and through a cattail marsh in southwest Minnesota, work authorities say violated wetlands protection laws.

The ditching episode has triggered consternation in this pocket of Lyon County. Two downstream farmers took time from spring planting to speak out, saying they feel it's such an egregious violation, they don't understand how the work received approval. And they don't think authorities are doing enough to hold the violators accountable.

They fear that given the 8-foot slope down to their land, one heavy rain will send water roaring south and flood them, with one of their properties emptying into the Redwood River, a tributary of the Minnesota River.

"This is so wrong," said farmer Bob Viaene. "We do not mess with cattails because that is Mother Nature filtering the water system. There's umpteen farmers who have come to us and asked 'How did they get away with that?'"

## Item 15

It all started last November when Jance Vandelanotte and his uncle Mark Vandelanotte hired a contractor with a backhoe to improve drainage, including from the fields the Vandelanottes had just tiled. Both declined repeated interview requests for this article.

A few surrounding farmers had a verbal arrangement with the Vandelanottes to help foot the bill for some cleaning, according to Viaene and neighbor farmer Terry Lange.



Brian Peterson, Star Tribune

The ditch was dug and trees uprooted through Terry Lange's property and wetland, where he hunted as a kid.

Jance Vandelanotte had approval from the Lyon County Soil and Water Conservation District, the local authority administering the state's Wetland Conservation Act. The 1991 law protects what remains of Minnesota's precious swamps and bogs, half of which have been lost since European settlers arrived. The wetlands act holds that landowners can't fill or drain a wetland without creating or restoring wetlands of equal public value.

The approval was for a private ditch cleanout of accumulated sediment and plants to the bottom for parts dug prior to 1991, and down a maximum of 18 inches for parts that weren't, records show.

That's not what happened.

The dredge ditch is about 10 feet wide across the bottom, 3½ feet deep and runs about 3,650 feet, according to Luke Olson, conservation technician with the Lyon County Soil and Water Conservation District. Viaene said the top is about 19 feet wide and it's more like 4 feet deep.

A portion runs through old ditches. It also plows through an unnamed cattail marsh on the Vandelanottes' land and on Lange's land too — most of which never had a ditch.

Lange said he'd agreed to the cleanup deal with the Vandelanottes for a portion on his land. The work was done while he was out of state last November, he said. He couldn't believe the mess when he got home.

The marsh where he grew up hunting deer and pheasants had a giant gash through it. Willows were uprooted; cattails strewn. The ditch cut over to Roggeman Marsh and went north.

"They bulldozed trees out," Lange said. "I still can't believe they did it."

Lange said he is not paying the bill that the Vandelanottes sent him for the work.

Item 15

He immediately notified the Lyon County Soil and Water Conservation District office, which was surprised to learn a ditch had been dug, he said.

The state's locally based process for enforcing wetland protections cranked into gear. There was a meeting of the required technical evaluation panel, which includes a state wetlands specialist and other authorities, including Olson.

The Vandelanottes agreed to rectify the situation, Olson said.

"The landowners... know that they're in violation and they've been cooperative voluntarily on this," Olson said. He said he thinks it was a mixup with the contractor.



Brian Peterson, Star Tribune

Lyon County farmers are upset that a large new drainage ditch dug through a cattail marsh (bottom) next to Roggeman Marsh (top) ruined a valuable wetland and could lead to a rush of water flooding their land.

The panel is still figuring out how extensive the restoration should be, Olson said. Plug parts or all of the ditch with clay? Put all the soil they dug out back in? One option is for the Vandelanottes to buy wetland mitigation credits to offset the lost marshland. The high cost of that makes it unlikely, Olson said.

"I don't anticipate that we're going to fine them," Olson said, explaining citations aren't used unless a violator resists fixing the problem. None of his office's cases has ever resulted in a citation, he said.

Kyle Jarcho, a Minnesota Department of Natural Resources area hydrologist in Marshall on the technical evaluation panel, described the violation as a misunderstanding with the contractor. It "definitely was not intentional," he said.

"We don't want to be heavy-handed," Jarcho said. "That's not the approach people like."

## Item 15

Ken Powell, Wetland Conservation Act operations supervisor at the state Board of Water and Soil Resources, agreed. The board, the main enforcer of the act, prefers voluntary compliance. His agency has the authority to fine up to \$10,000 in an administrative penalty order, but it would probably cost more than that to use it, he said: "We've never used it."

Olson approved a limited ditch cleanout in December 2021, according to a copy of the decision. An attached map spells out that a 1991 photo shows a "flow path" in the marsh area "but no clear excavated channel" except for a few portions.

Lyon County doesn't have many old aerial photos to pinpoint pre-existing ditches, he said. He based the decision on the 1991 shot showing a "slight channel through the cattails"; an indication by the Vandelanottes that a ditch was there at some time in the past; and the existence of an old culvert, indicating drainage, installed under a field crossing.

The Wetland Conservation Act exempts maintenance of ditches that existed before the law, but farmers cannot create a deeper or larger ditch during cleaning, he noted.

Given that the cattail slough is right next to Roggeman Marsh, a public water, the project may have also violated laws against damaging that resource. The DNR is looking into that matter, which involves measuring the water levels.

The panel will issue instructions for the fix shortly, Olson said. He said he expects the work to be done this summer and that Viaene and Lange will be satisfied.

Standing next to the trench through the cattail marsh, pheasants flapping nearby, Viaene and Lange shook their heads. They've lived there their whole lives, they said, and there was no ditch through most of that bit of wild.

They described the Vandelanottes as experienced farmers who must have known what they were doing. Viaene said he saw them out working with the contractor when the ditch was dug, hauling dirt away. If there aren't some substantial penalties for destroying wetlands, farmers aren't deterred, they said.

"I personally feel they should get penalized for what they did, even after filling it in," Viaene said. "You'll never get that back to its original condition."

**Jennifer Bjorhus** is a reporter covering the environment for the Star Tribune.

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