

## **BOARD MEETING AGENDA**

**Board Room**  
**Coon Creek Watershed District Offices**  
**Monday, June 12, 2023**  
**Noon - 12:00 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**

#### **a. Presentation of MAISRC Research Partnership Award by Nick Phelps**

### **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 22, 2023**

### **6. Receive Administrator's Report**

### **7. Advisory Committee Report**

### **8. Approve Bills**

### **POLICY ITEMS**

### **9. Accounting, Payroll, Human Resources Services Contracts**

### **10. Juneteenth Holiday Personnel Guidance Manual Amendment**

### **PERMIT ITEMS**

### **11. 2023 Athletic Fields Improvement**

### **12. Chipolte Andover**

### **13. H&H Facility**

### **14. Lot 4 Block 1 Sanctuary Home**

### **DISCUSSION ITEMS**

### **15. 2024 Budget: Preliminary Rough Draft Operating Costs**

### **16. 2024 Budget: Preliminary Rough Draft Program Costs**

### **17. 2024 Budget: Preliminary Rough Draft Capital Costs**

**INFORMATIONAL ITEMS**

**18. Sacket Decision: U.S. Supreme Court**

**19. 2023 Board Tour**

**20. Legislative Update**

**21. BWSR June Snapshot**

**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 22, 2023, at the Coon Creek Watershed District Office.

**1. Call to Order:** The meeting was called to order at 5:30 PM  
Board Members Present: Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker.  
Staff Present: Erin Edison, Corinne Elfelt, Tim Kelly, Michelle Ulrich  
Staff Present via Zoom: Dawn Doering, Jon Janke, Abby Shea

**2. Approval of the Agenda:** Board Member Herbst made a motion to add Permit Review Item 8 – Hentges Additional Permit Application Review to the Consent 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.

Board Member Herbst moved to Approve the Amended Agenda. 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.

**3. Announcements:** MAWA Tour date has been set for June 20, 21. The Agenda is available. If any would like to attend they should contact the Administrator by Thursday (5/25).

**4. Open Mic/Public Comment:** No one present

**CONSENT ITEMS**

**5. Approval of Minutes of May 8, 2023**

**6. Approval of Bills for Payment:** 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>

*The following Permit Items were moved to the Consent Agenda by motion:*

**8.Hentges Additional Permit Application Review:** The purpose of this project is the construction of a new driveway and removal of an existing driveway located at the Northwest corner of 155<sup>th</sup> Avenue Northeast and Naples Street Northeast, 15610 Naples Street Northeast in Ham Lake, Minnesota.

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

**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

Board Member Campbell moved to Approve the Consent Agenda Items 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.

**POLICY ITEMS**

**7. Coon Creek Sunrise WMO Boundary in Ham Lake:** The purpose of this policy item is to direct 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 section 1, 2, and 3 in Ham Lake, Minnesota.

Administrator Kelly advised the Board a letter from the Ham Lake City Council had been received on May 15, 2023, requesting a review of the hydrologic boundary to determine

the accuracy and effect on the properties and parcels involved. Administrator Kelly summarized the staff report and reviewed the steps involved in the boundary review.

Board Member Parker moved to direct staff to prepare a petition under MS 103B.215 for the boundary between Sunrise WMO and Coon Creek WD in areas of Sections 1, 2, and 3 in Ham Lake seconded by Board Member Hafner. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Matthew Herbst, Dwight McCullough and Patrick Parker) and no nays.

## **PERMIT ITEMS**

**8. Hentges Addition Permit Application Review** – moved to Consent Agenda

## **DISCUSSION ITEMS**

**9. County Services Transition Update:** The purpose of this discussion item is to brief the Board on interview process for accounting and payroll services and timing of human resource and benefits services transition.

Kelly requested the Board consider delaying the decision for services to June 12, 2023. Due to illness, Administrator Kelly stated he was not able to attend the first interviews and he along with the staff on the interview panel would like to have the opportunity to have second interviews with the two contenders. Administrative Services Coordinator, Corinne Elfelt, indicated the second interview would allow the interview team to obtain additional information regarding the preferred accounting software and each organizations level of competency using the software.

Board Member Herbst moved to Receive the Report and Table the decision on services selection until June 12 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.

**10. 2024 Budget- Preliminary Rough Draft Salaries & Benefits:** The purpose of this item is to discuss potential 2024 expenditures for staff salaries and benefits.

Administrator Kelly made a verbal correction to the staff report, clarifying that no additional staff is being requested for 2024.

Kelly also noted that the Planner position will likely be posted in-house first within a week.

It was noted that the County has agreed to continue the Benefits package through 2024, allowing staff to take appropriate time to research and determine the benefits.

Board Member Hafner moved to Receive the Report, 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.

**11. 2024 Budget- Preliminary Rough Draft Professional Services:** The purpose of this item is to address the costs and professional services the District contracts for on an ongoing basis.

The Board discussed whether human resource services were going to be included in this portion of the budget.

Administrator Kelly indicated that it will be included in the next draft of this portion of the budget.

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

**12. District Tour Itinerary Draft:** The purpose of this item is the review of potential District Tour sites.

Administrator Kelly asked the Board if they had questions or suggested changes for the tour itinerary and discussed their questions.

## **INFORMATIONAL ITEMS**

### **13. Legislative Update (At Board Meeting)**

There will be more further information available once the legislation has been reviewed. Kelly noted there was some legislation regarding the taxing authority of watershed districts that may be of interest.

### **14. Atlas 15: Update to the National Precipitation Frequency Standard**

Kelly highlighted the NOAA developed Atlas 14 to identify and quantify rain events and now an update, known as Atlas 15, is being compiled. It was also noted by Board Member Hafner Congress for the first time is involved.

### **15. Farmers' Trench Digging Raises Concern About Wetlands Protection in Minnesota**

After review of the article, the Board expressed their concern about the lack of consequences for the violators and the message that sends.

**ADJOURN**

Board Member Herbst moved to adjourn at 6:06 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:** June 12, 2023  
**AGENDA NUMBER:** 6  
**ITEM:** Administrator’s Situation Report

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**AGENDA:** Consent

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**REQUESTED ACTION:**

Receive report

**ADMINISTRATOR’S EVALUATION**

**Upcoming Board Considerations**

- Board Tour
- Admin Services Request for Proposals (RFP)
- Capital Improvements Priority Discussion
- Annual Storm Water Pollution Prevention Plan (SWPPP) Assessment

**District Capacity and Capability**

The District possesses the required resources and is trained to undertake most of its legislative mission for which it is organized or designed.

The District can accomplish most required tasks to standard under most conditions.

**Risk Assessment**

**Strategic Risk:**

- Nothing new to report

**Operational Risks:**

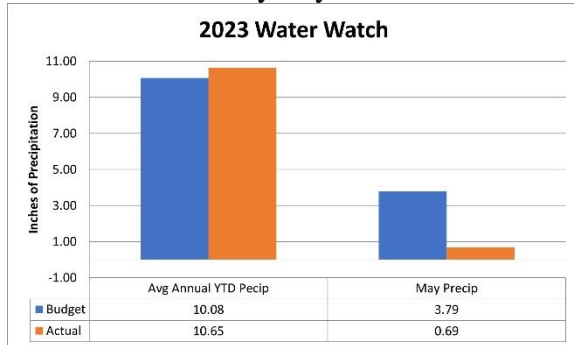
- **Anoka County Transition:** The District has been verbally informed that District employee benefits will likely continue through 2024. County health care consultant and the actuary continue to review the District benefits package for discussion of options for replicating coverage and obtain costs similar to those currently incurred.

Interviews with two accounting firms will take place on May 10. References for the two firms have been collected for review by the interview team.

# MANAGEMENT SITUATION

The District averaged 0.70 inches of precipitation in the month of May. That leaves the District 3.10 inches or 82% below average for the month and 0.6 inches or 6% above for the year.

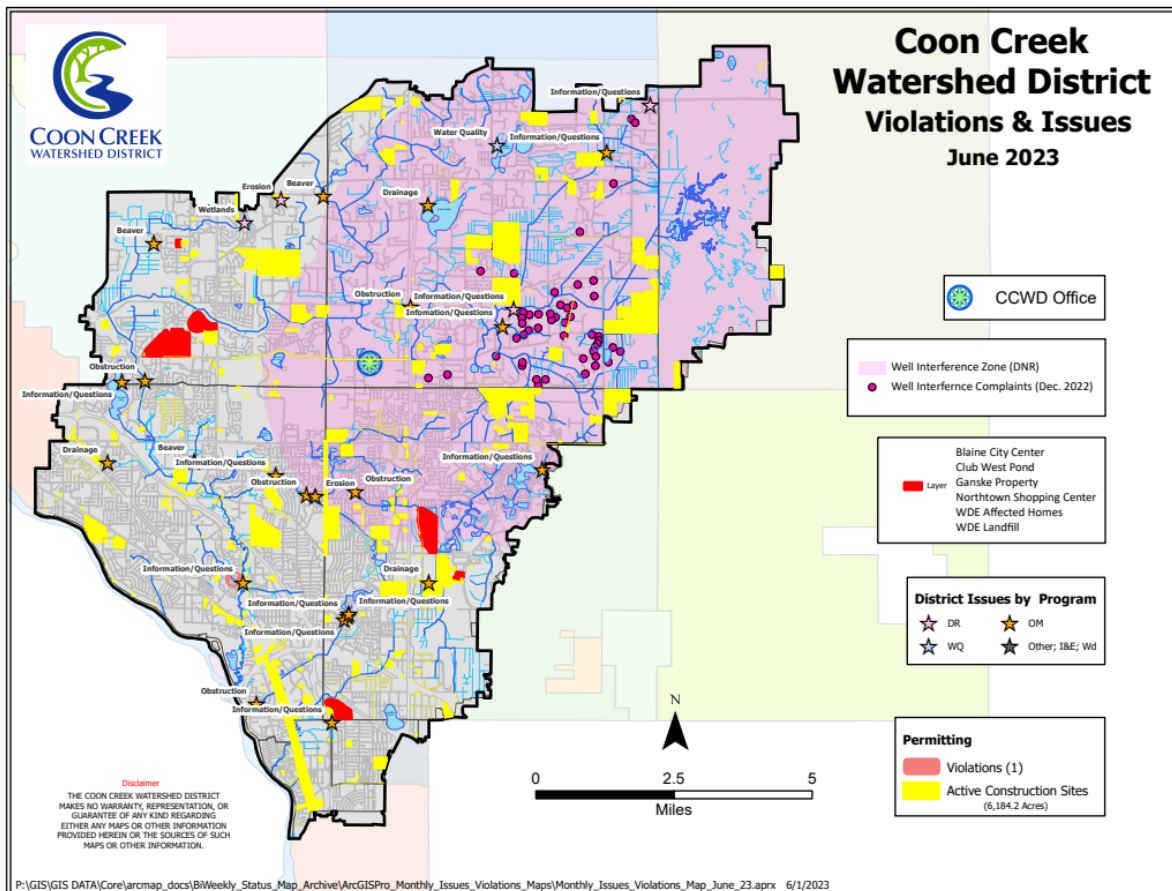
According to the latest US Drought Monitor release (June 1st), all of Anoka County has been listed as Abnormally Dry after 11 weeks of no drought status. The Minnesota Weekly Stream Flow Report release (May 29th) reduced much of Anoka County from Normal Flows to Low Flows.



Water level and discharge in streams and ditches throughout the district have receded for the past 6 weeks. Discharge at the outlet of Coon Creek has dropped from 330 CFS to 26 CFS in that time. Lakes, ponds, and wetlands remain in the normal range for water level.

The National Weather Service is currently predicting a 30%-50% chance of isolated showers and thunderstorms for the next several days with little accumulation expected.

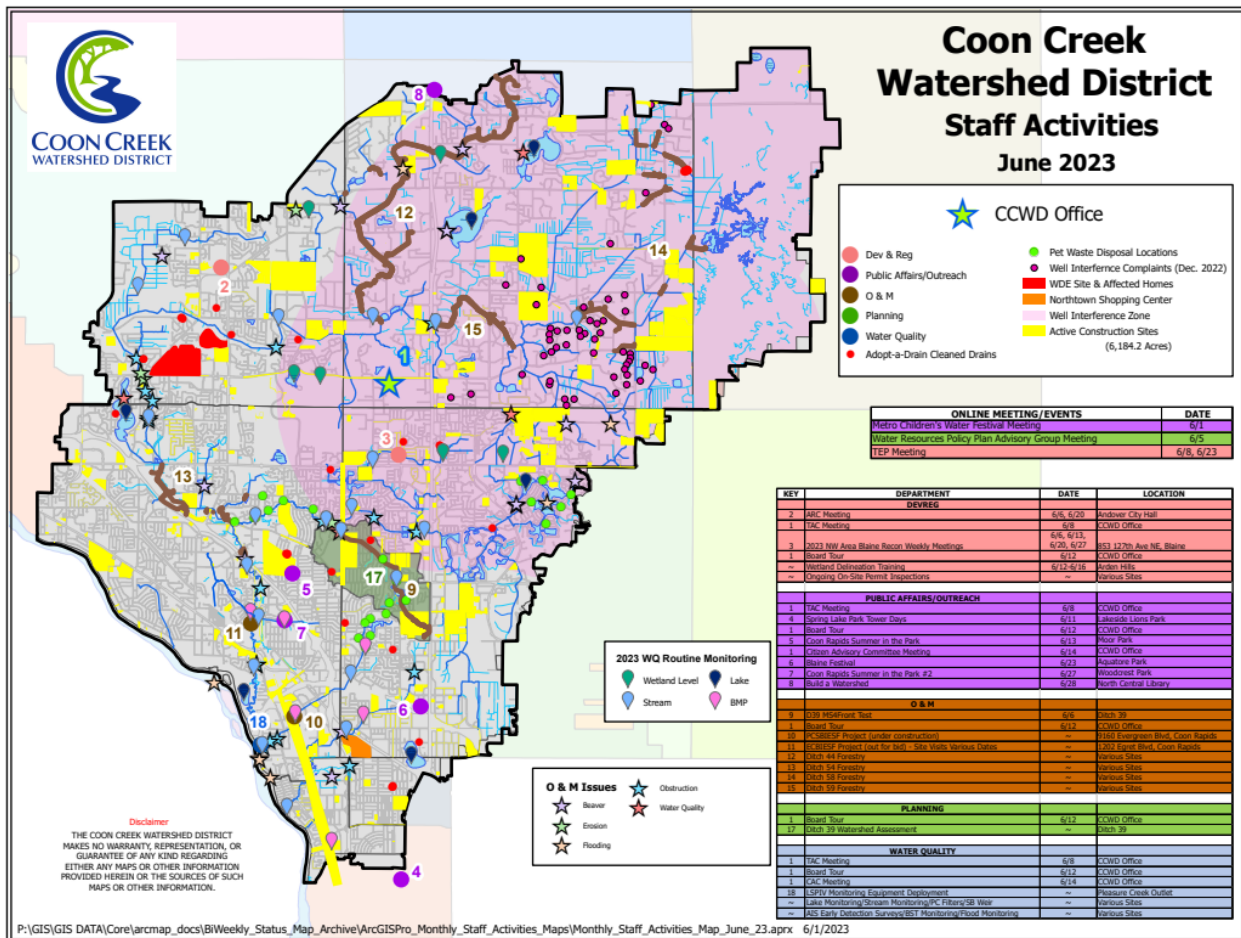
## Problems, Issues and Concerns



# EXECUTION

## May Priorities

O&M	Planning	PGA	WQ	Development
2022 Routine Forestry	Comprehensive Plan Goals and Objectives	Article- Andover, Blane, Coon Rapids, Ham Lake	Monitoring equipment installation	Spring erosion control inspections
Coon Rapids Dam Regional Park	2024 Forecast and budgeting	Blaine Ditch 60 Cleanup	Special Study: Coon Creek Dissolved Oxygen	Inspection Program Development
Pleasure Creek South and Epiphany Creek BIESF	Ditch 37 and 39 Subwatershed Planning	Brochure -update Easements	Pleasure Cr Discharge Monitoring: Contracting	MS4Front Bugs
Annual Structure and BMP Inspections	Succession Planning	Events- Andover, Blane, Coon Rapids, Ham Lake	2022 Almanac Review	Crosstown Rolling Acres Infiltration Basins



## **MANAGEMENT DISPOSITION**

### **Financial Position:**

May started with an operational fund balance of approximately \$610,719.75. 7.1% of those funds are restricted, leaving a working fund balance of \$569,969.75. Change in net cash position was -\$282,078.92. Balance of the escrow trust fund is \$2,128,456.12. Four months into the fiscal year, the budget variance is -\$99,000 (31%) less than planned.

**Equipment:** The status and condition of the existing/available equipment may cause isolated decreases in flexibility in methods for mission accomplishment but will not increase the vulnerability of the public or resource

### **Staffing:**

- **Staff Availability:** over the month of June the District we will be at 88%
  - One employee on medical leave – Returned 6/5
  - Multiple staff on vacation

### **Personnel:**

- Benchmarks
  - Julie Peterson – 5 years at CCWD on June 4
- Vacancies
  - **Planner:**
    - Position Description completed
    - Posting position internally has resulted in an application
    - Determination yet to be made if position will be posted externally
- Succession
  - Evaluation of essential function and tasks being conducted
- **Health:** .
  - One employee recovering from illness
  - Annual tick and poisonous plant training for all staff

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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 7  
**ITEM:** Advisory Committees Report

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**AGENDA:** Policy Discussion Information

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**ACTION REQUESTED** Receive Report

**BACKGROUND**

The Citizen Advisory Committee (CAC) met in person on May 10<sup>th</sup>. The Technical Advisory Committee (TAC) meeting met virtually on May 11<sup>th</sup>. Meetings are recorded. Recordings available upon request.

- The next CAC meeting scheduled: July 12<sup>th</sup> at 4:30 pm in person. The June meeting has been canceled.
- The next TAC meeting scheduled: July 13<sup>th</sup> at 8:30am by Zoom. The June meeting was canceled June 7th.

**ISSUES/CONCERNS**

**Citizen Advisory Committee (CAC)**

All members were present except for Mr. MacPherson who was at the Legislature.

Agenda items presented and discussed:

1. 2023 Annual Board Tour: Abby Shea explained the logistics for this year’s Board Tour and asked for a headcount on CAC members that would like to attend – all CAC members are planning to attend except for Mr. Lindahl due to his work schedule.
2. Comprehensive Plan – Identifying Alternative Courses of Action: Abby Shea facilitated discussion on the same document the Board discussed at their April 24<sup>th</sup> meeting. Group discussion regarded participation and payment by other MS4s and how CCWD is coordinating and communicating with those entities, as well as general buy-in from the State and community. Suggestions from members included regular communication with city council members from staff, as well as expanding on “what if” scenarios and how those would affect TMDL achievement and costs.

**Technical Advisory Committee (TAC)**

Cities, County Highways, and District staff were present.

Updates were given on local flooding situation, Comprehensive Plan, and that PFAS legislation was in Omnibus Bill.

- Street Sweeping Study update- Justine Dauphinais gave Summary of recent detailed meeting on Phase 1 of Study. Some discussion resulted in clarifications for accounting towards TMDL goals: clarification of “credit”, clarification about including sump debris (Yes); use of current Street Sweeping calculator accuracy for which it’s best to record the

mass #s and not just lane miles of sweepings now for baseline- and Fridley offered to share a new portable scale. CCWD is looking for better disposal options if it's a barrier.

- Comp Plan: Alternatives and Developing a Course of Action to achieve TMDL
- Discussion continued about cost of implementing TMDL and difficulty with competing interests and needs that Councils have.
- One consideration to make sure past work has been properly accounted for
- A request was made for CIP project proposal budgets to cities in next 2 months to be ready for grant opportunities

## **RECOMMENDATION**

Receive Report

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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 8  
**ITEM:** Bills to Be Paid

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

**REQUEST**  
 Approve bills

**BACKGROUND**

Claims totaling \$57,483.74 on the following disbursement(s) list will be issued and released upon Board approval.

June 12, 2023		
To	Amount	
A1 Carpet & Floor	2,132.50	
Anoka County	1,000.00	
Centerpoint Energy	138.88	
City of Coon Rapids	11,400.00	<b>Escrow Return</b>
Connexus Energy	207.47	
Emmons Olivier Resources Inc	4,180.00	
ESRI	2,523.00	
Houston Engineering	4,577.50	
Loffler	139.68	
Metro-INET	4,498.00	
Michelle Ulrich PA	4,673.00	
Pember Companies Inc	2,100.00	<b>Escrow Return</b>
Poop 911	914.25	
Respec	10,153.75	
RMB Environmental Lab	1,279.40	
Sunram Construction	2,100.00	<b>Escrow Return</b>
US Bank	4,797.23	
Well Groomed Lawns	630.90	
Xcel Energy	38.18	
	<b>57,483.74</b>	<b>0.00</b>





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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 9  
**ITEM:** Selection of Accounting, Payroll and Human Resource Services

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**AGENDA:** Policy

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**ACTION REQUESTED**

Select service provider(s) for Accounting, Payroll and Human Resources.

**PURPOSE**

Recommendations for accounting, payroll and human resource services.

**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 the Board approved issuing Requests for Proposals (RFPs) for the services formerly provided by the County. On 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 and 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.

During the balance of March and April the Board was updated on RFP progress and conversations with the County.

On May 10 interviews were held with two firms that proposed both accounting and payroll services and one also offered human resources services.

On May 31 a second interview and demonstration of accounting software was conducted with Abdo that could provide accounting, payroll, human resources and accounting software implementation services.

On June 6 staff met with Abdo to determine the District's accounting needs in order to determine software cost and annual software fees.

On June 7 a second interview was held with Redpath and Company to gain further insights into their accounting, payroll and accounting software capabilities.

On June 8 the interview team met to discuss the proposals for the services.

## **FACTS**

- The RFP's were issued on March 9, 2023
  - Total proposals received was nine.
  - Interviews were held on May 10; second interviews May 31 and June 7, 2023
  - No submittals were received for Benefits Brokerage Services
- \*See attached chart of submittals.

## **ISSUES/CONCERNS/OPPORTUNITIES**

### **Ability to Grow and Adapt with Changing Public Finances**

Due to evolving needs and requirements in the future for the District, it is important that decisions made regarding services not only help us through the initial transition but accommodate our future needs.

Abdo provided highly accomplished staff biographies and demonstrated ways to mechanize tasks that are currently being done manually, allowing more efficiency for District staff and the ability to forecast future needs of the District. Only Abdo demonstrated an awareness of pending change and the ability to adapt.

### **Basic Accounting and Payroll Services**

Both Abdo and Redpath could both provide for the current accounting needs of the District.

### **Software**

Sage Intacct and Sage 50 Cloud were described as software that are functional and would meet day-to-day needs of the District. Abdo was very familiar with Sage Intacct and Redpath uses Sage 50 (not the cloud version) with multiple watershed districts.

The Abdo accounting team was very familiar with software (Sage Intacct), it's functionality and how it would be used to meet the current and future needs of the District. The software demonstration provided by Abdo showed fit to current needs of the District with the ability to adapt and/or add modules for future changing needs, offering suggestions and pricing for future modules. Abdo has software representative on staff that would provide training to the District's accountant and others to enable the best use of all capabilities of the Sage Intacct software.

**Payroll**

Payroll and time-tracking are needed features of the District payroll system. Abdo offers full-service payroll support using ADP and Redpath would use emailed timesheets manually compiled by District staff to process payroll.

Abdo offers full-service payroll support using ADP, simplifying District communications with ADP. Payroll is done through a self-service portal.

**Human Resources**

With the changes from Anoka County and multiple labor and benefits laws that are being implemented by the state between January, 2024 and January 2025, there is a need for Human Resource services to be arranged before the end of 2023.

Redpath did not offer Human Resource services. Several other HR firms did respond to the RFP, including large firms with minimal personal contact. Abdo has a Human Resource division headed up by the same well-qualified staff that do payroll to help District staff navigate the changes from Anoka County and multiple labor and benefits laws.

**Cost**

<b>Service</b>	<b>Firm</b>	<b>Fee structure</b>	<b>One-time fee</b>	<b>Annual cost</b>
<b>Accounting software</b>	<b>Abdo</b>	<b>Implementation One-time fee</b>	<b>\$39,750</b>	
<b>Accounting software*</b>	<b>Abdo</b>	<b>Sage Intacct</b>		<b>\$14,358</b>
<b>Accounting Services</b>	<b>Abdo</b>	<b>Accting Services</b>		<b>\$62,325</b>
<b>Payroll</b>	<b>Abdo</b>	<b>Timesheet, FTO tracking, etc</b>		<b>\$12,600</b>
<b>Human Resources</b>	<b>Abdo</b>	<b>Human Resource services</b>		<b>\$60,000</b>
<b>Accounting</b>	<b>Redpath</b>	<b>Implementation One-time fee</b>	<b>\$2,500</b>	
<b>Accounting &amp; Payroll</b>	<b>Redpath</b>	<b>Accounting and Payroll Services</b>		<b>\$27,000</b>
<b>Accounting software</b>	<b>Redpath</b>	<b>Sage 50 Cloud</b>		<b>\$1,000</b>
<b>Human Resources</b>	<b>Versa</b>	<b>Human Resource services</b>		<b>\$60,000</b>

\*Phasing in additional modules over the next few years ranging from \$13,000 to \$19,000, including implementation.

## **IMPLICATIONS FOR RESOURCE/ORGANIZATION**

### **Cost:**

Changing services will add a financial burden to the District as these services were not budgeted for 2023.

### **Staff Time:**

Significant staff time will be devoted to the transition of services through 2024.

### **Transition:**

Services will need to be in place prior to the end of county services to allow for setting up of accounts, payroll, banking, etc.

## **CONCLUSIONS**

### **Cost Effective**

Redpath offered a cost-effective solution to the District's basic accounting and payroll needs.

### **Value**

#### **Capacity**

- Abdo demonstrated capacity for adapting to evolving needs.

#### **Level of Services**

- Abdo offered an efficient and effective solution to the accounting (including software), payroll and human resources needs of the District.
- Abdo's accounting and software staff will oversee initial set-up of accounting software and transfer of needed data from Anoka County to District records.
- Abdo's fully integrated system utilizing Sage Intacct will provide best-in-class solution by provided significant availability of information for District staff in a secure cloud environment. Critical reporting will be available with greater access to key information for tactical and strategic decision making.

#### **Reliability**

- Abdo's professional human resources staff will assure that the District navigates the changes in laws regarding paid family and medical leave, safe and sick time and other workplace protections enacted and remain in compliance.

#### **Availability**

- Abdo attended two in-person interviews and one virtual meeting demonstrating their availability to the District on short notice. As the District goes through the transitions process, it will be very important that Abdo staff is available to both the District and the County during the transfer of financial and payroll records.

**RECOMMENDATION**

Award Accounting, Payroll and Human Resource Services to Abdo.

**ACTION/IMPLEMENTATION STEPS**

- 1) Choose firm
- 2) Clarify contract terms
- 3) Enter into contracts for services over next 6 to 8 weeks.

RFP's were sent to sixteen firms. Responses were received as follows:

Firm	Acctg	Payroll	HR	Benefits Broker	Qualifications of the Firm	Qualifications and Experience of the Team	Ability to Meet Scope of Work	Continuity During Transition	Services Approach	Knowledge of Government Accounting	Experience with Innovative strategic solutions	Project Costs	Services Beyond Scope of Work	References
Abdo	X	X	X		X	X	X	X	X	X	X	High	X	Cost high
ADP		X	X		X		X	X		na	na	Mid		
HRx			X		X	X		Retiring 12/31/24	X	na		Mid		
Paychex		X			X		X			na		Mid		
Redpath	X				X	X	X	X	X	X		Low		Good
Versa			X		X	X	X	X	X	na		Mid		

**NOTE:** There was no response to the Benefits Brokerage RFP and Anoka County has agreed to continue benefits coverage for District staff through December 31, 2024. No Benefits Brokerage Contract will be awarded.

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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 10  
**ITEM:** Juneteenth Holiday Personnel Guidance Manual  
Amendment

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**AGENDA:** Policy

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**BACKGROUND**

A bill to establish Juneteenth as a state-recognized holiday was signed into law on February 3, 2023 by Gov. Tim Walz. The holiday is to recognize the date on which slavery was abolished in the United States. Public business cannot be conducted on June 19 in observance of the holiday. (2023 Minn. Laws ch. 5, §§ 1, 2 )

The new law was set to go into effect on August 1, 2023, however, a provision contained in HF 1830, recently enacted into law, changes the effective date to make the new holiday effective before June 19 of this year, requiring that the day be observed. (2023 Minn. Laws ch. 62, art. 2, § 115)

**ACTION REQUESTED**

Adopt the change in Holidays, Section 5.13 of the Personnel Guidance Manual, to include June 19, effective June 13, 2023.

**COORDINATION**

Staff has been informed of the change in Holidays in order to facilitate work and meeting scheduling.

A posting has been prepared for the entry of the building to include the updated Holiday schedule and office closure.

A change has been noted for an upcoming revision to the Personnel Guidance. In the meantime, this amendment and approval of the policy by the Board will serve as Policy until such time as a more complete update of the Personnel Guidance Manual shall be completed and the change is incorporated into the general verbiage of the manual.

**PERTINENT FACTS**

This change is based on:

- Amendments to Minn. Stat. 10.55 and 645.44, Subd. 5, including Juneteenth as a state-recognized holiday, signed into law by Gov Tim Walz
- HF 1830 state and local government omnibus bill, signed into law May 23, 2023, changing the effective date to before June 19, 2023

**CONCLUSION**

Addition of Juneteenth to the list of Holidays included in the Personnel Guidance Manual will maintain legal compliance in accordance with newly changed laws.

**RECOMMENDATION**

Adopt amendment including Juneteenth (June 19<sup>th</sup>) as a Holiday in Personnel Guidance Manual Section 5.13.

**ACTION & IMPLEMENTATION STEPS**

Adopt amended list of Holidays to include Juneteenth (June 19) in Personnel Guidance Manual.



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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 11  
**ITEM:** 2023 Athletic Field Improvements

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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-23-045 2023 Athletic Field Improvements.

**RECOMMENDATION**

To approve Permit Application Number P-23-045 with 7 conditions and 2 stipulations, as stated in the Application Review Report dated 06/09/2023.

**ATTACHED**

Application Review Report for Permit Application Number P-23-045





**Permit Application Review Report**  
**Date: 06/09/2023**

Applicant/Landowner:

The Church of the Epiphany  
 Attn: Jay Tomaszewski  
 1900 111th Avenue NW  
 Coon Rapids, MN 55433  
 jtomaszewski@epiphanymn.org  
 760-862-4370

Contact:

Contour Civil Design  
 Attn: Joe Radach  
 8195 Vernon St  
 Rockford, MN 55373  
 jradach@contourcd.com  
 612-730-2265

Project Name: 2023 Athletic Field Improvements

Project PAN: P-23-045

Project Purpose: Construction of athletics fields and associated stormwater infrastructure. This infrastructure will also treat the impervious from a 2022 parking lot reconstruction project.

Project Location: Southeast corner of Hudson Blvd and 111th Avenue NW, 1900 111th Avenue NW, Coon Rapids

Site Size: size of parcel - 53.83 acres; size of disturbed area – 10.7 acres; size of proposed new and reconstructed impervious - 5.02 acres

Applicable District Rule(s): Rule 2, Rule 3, Rule 4, Rule 6, Rule 8

Recommendation: Approve with 7 Conditions and 2 Stipulations

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

Procedural Requirements (Rule 2.7)

1. Submittal of a performance escrow in the amount of \$7,350.00

Stormwater Management (Rule 3)

2. 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.
3. The CCWD floodplain elevation is mislabeled on the grading plan and floodplain figure. Update elevation to be 852.8.
4. Provide the surface elevation for each of the soil borings in the boring logs.

Soils and Erosion Control (Rule 4)

5. Provide 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.

Buffers (Rule 8)

6. Provide permanent buffer monumentation at each parcel line, and every 200 ft as needed, on the construction plans.
7. Specify perennially rooted seed mix for use as buffer stabilization.

**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:

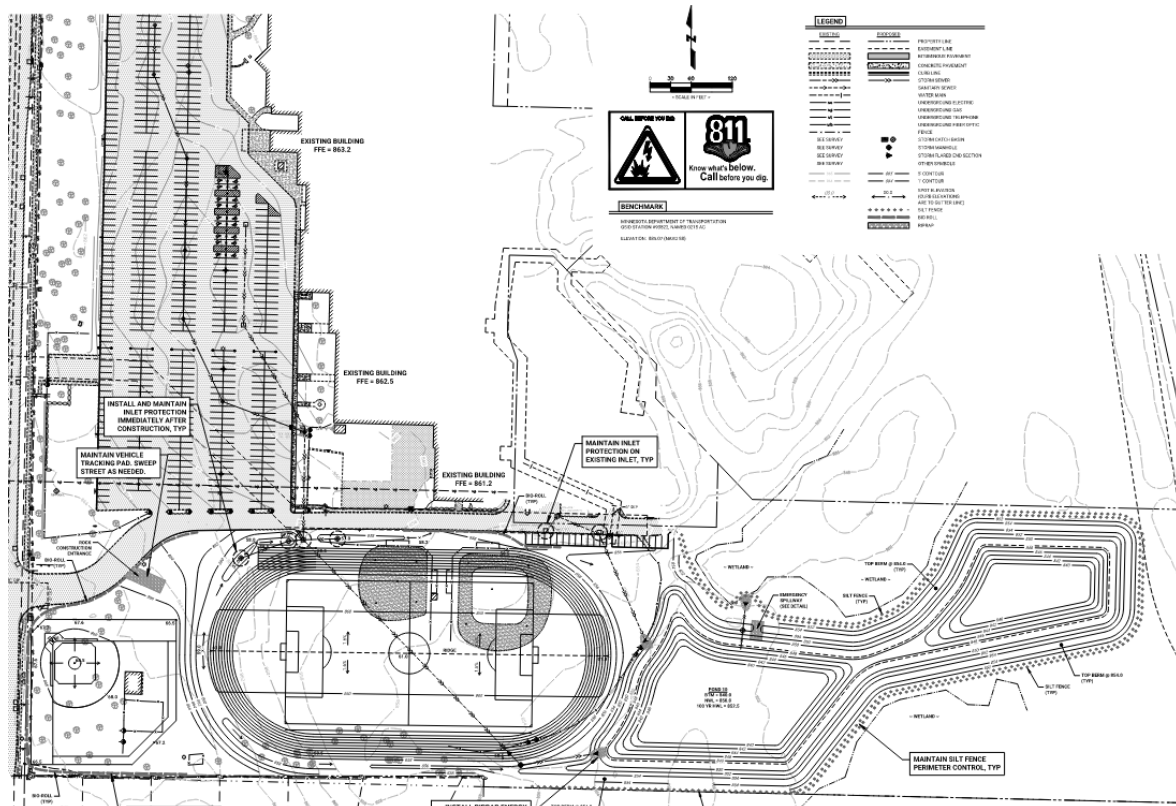
1. Submittal of as-builts for the underground retention system and the stormwater management practices and associated structures listed in Table 2, including volume, critical elevations and proof of installation for hydrodynamic separators
2. If dewatering is required, provide DNR dewatering permit prior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

**Exhibits:**

Exhibit Type	Exhibit Author	Signature Date	Received Date
Geotechnical Report	Braun Intertec	08/17/2022	05/06/2023
Stormwater Management Plan	Contour Civil Design	05/05/2023	05/06/2023
Construction Plans	Contour Civil Design	05/05/2023	05/06/2023

**Findings**

**Description:** The proposed project includes the construction of athletic fields and associated stormwater infrastructure. The infrastructure is designed to include the treatment of a parking lot reconstruction project that was completed without a permit in 2022. The project parcel is 53.83 acres. There are 10.92 acres of existing impervious in the drainage area that holds the entirety of the proposed project. The project proposes a total of 5.02 acres of new and fully reconstructed impervious (including the completed parking lot work). The overall project disturbance is 10.7 acres. The site drains west into a large wetland complex and on to Epiphany Creek.



**Figure 1: Site Plan**

**Fees and Escrows (Rule 2.7):** The applicant has submitted a \$4,810.00 application fee and deposit which corresponds with the nonrefundable application fee (\$10), commercial development 13632 Van Buren St NE | Ham Lake, MN 55304 | 763.755.0975 | www.cooncreekwd.org

of >4 acres (\$4,500.00), and addition to base fee for floodplain impacts (\$300.00). The applicant will be required to submit a performance escrow in the amount of \$7,350.00. This corresponds to a base escrow of \$2,000, plus an additional \$500 per acre of disturbance (10.7 acres of disturbance proposed).

**Stormwater Management (Rule 3.0):**

Rule 3.0 applies to the proposed project because it includes land disturbing activities creating a cumulative total of 10,000 sf or more of new or fully reconstructed impervious surface.

The Hydrologic Soil Group (HSG) of soils on site are HSG A. Curve Numbers have been shifted down one classification to account for the impacts of grading on soil structure.

Rate Control: Peak stormwater flow rate at each point of site discharge does not increase from the pre-development condition for the 24-hour precipitation event with a return frequency of 2-, 10-, 100- years as shown in Table 1. The rate control standard has been met.

Point of Discharge	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Wetland	28.9	2.2	43.6	4.1	80	7.4

**Table 1.**

Volume Control: The application proposes redevelopment which does not disturb more than 50% of the site or reconstruct more than 50% of the existing impervious surface, therefore the volume reduction requirement is equal to 1.1 inches over the area of new and fully reconstructed impervious surface. The amount of proposed impervious required to be treated is 218,671 ft<sup>2</sup>.

The applicant is proposing the Stormwater Management Practices (SMPs) described below:

Drainage Area	Impervious required to be treated (ft <sup>2</sup> )	Proposed SMP	TP Removal Factor	Required Treatment Volume (ft <sup>3</sup> )	Water Quality Volume Provided (ft <sup>3</sup> )
10S	218,671	Pond 10	0.5	40,090	458,164

**Table 2.**

Infiltration may not be used as a volume control practice because the practice would need to be placed in areas with less than three feet of separation from the bottom of the infiltration system to seasonally high saturated soils. Geotechnical information from September 2022 has been submitted which indicates that seasonally high saturated soils are likely 5-10 feet below the surface elevation. The bottom of an infiltration system would need to be at an elevation higher than site conditions allow. Because the volume reduction standard cannot be met due to these site constraints, the project proposes the use of a stormwater pond. The volume control standard has been met as shown in Table 2.

Water Quality: Stormwater treatment on site must remove at least 80% of the average annual post development TSS per discharge location. The following TSS removal has been provided:

Discharge Point	TSS Removal Provided %
Wetland	84% - Wet pond designed to Level 2 per MPCA guidelines

**Table 3.**

The TSS removal standard is met at each discharge point as shown in Table 3.

Discharges to Wetlands:

The wetland complex receiving discharge from the proposed project is approximately 64 acres. The static bounce for the 100-year design storm was calculated. With an increase in volume to the wetland of 1.145 acre-feet, the bounce for the 100-year storm is 0.018 feet which is negligible (below 0.05 feet). Because the bounce is negligible for the highest design storm and due to the size of the wetland, the standards for discharging into a wetland are considered met and the wetland is not

required to be included in the HydroCAD model.

Landlocked Basins: The proposed drainage system does not outlet to a landlocked basin, therefore this section does not apply.

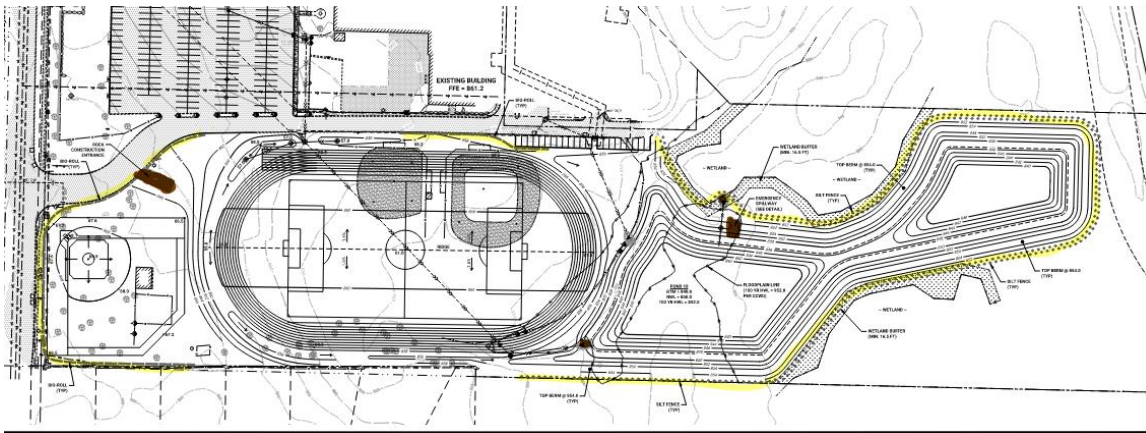
Maintenance:

Maintenance Agreements: The proposed stormwater management practices will not be maintained as part of standard municipal public work activities. Therefore, a maintenance agreement that meets District standards will be required.

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

Rule 4.0 applies to the proposed project because it includes land disturbing activities of 1 acre or more.

The proposed project drains to Ditch 52. The soils affected by the project include Nymore, Duelm, and Millerville and 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 rock construction entrance, silt fence, bioroll, inlet protection, riprap, and street sweeping. The erosion control plan (shown in Figure 2) does not meet 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 temporarily or permanently ceased.



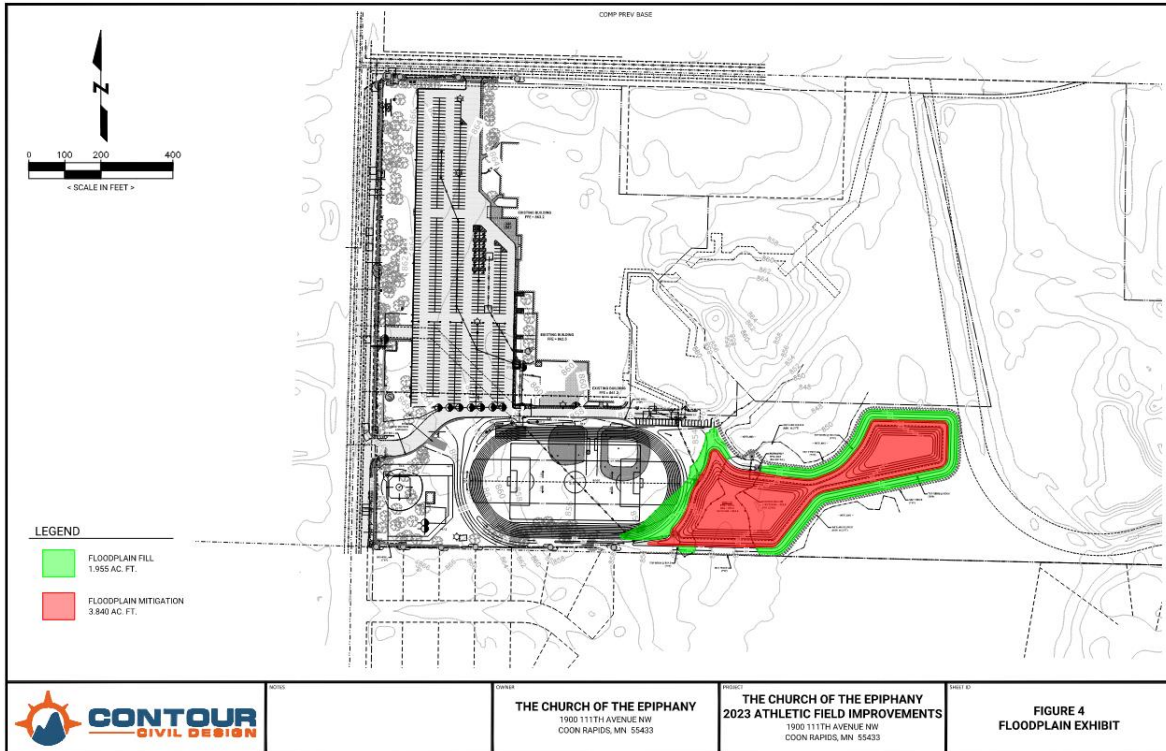
**Figure 2: Erosion & Sediment Control Plan**

**Wetlands (Rule 5.0)**

Wetlands exist on site, but no impacts are proposed. Wetlands were delineated under PAN W22-029. The boundary and type application was reviewed and approved. The Notice of Decision was issued on 10/21/2022.

**Floodplain (Rule 6.0)**

Rule 6.0 applies to the proposed project because it includes land disturbing activities within the boundary of the 100-year flood elevation as mapped and modeled by the District. The regulatory floodplain elevation is 852.8 ft MSL. The application proposes the placement of 3,162 cubic yards (1.955 acre-feet) of fill within the floodplain. Compensatory storage is required. As shown in Figure 3, the proposed project provides 6,195 cubic yards (3.840 acre-feet) of compensatory storage, which exceeds the required 1:1 ratio.



**Figure 3: Floodplain Cut and Fill Locations**

**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)**

Rule 8.0 applies because it includes a land disturbing activity that requires a permit under another District Rule and is on land adjacent or directly contributing to Additional Waters. A continuous buffer is proposed on the plans; it is not proposed to be stabilized with perennially rooted vegetation. Because the resource is an additional water, the average buffer width must be 16.5 ft, with a minimum width of 16.5 ft and a maximum width of 16.5 ft. Permanent monumentation at each parcel line, and every 200 ft as needed, has not been proposed on the plan.

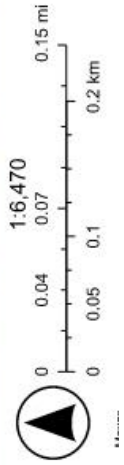
**Variances (Rule 10.2)**

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

P-23-045



5/22/2023





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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 12  
**ITEM:** Andover Station Chipotle

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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-22-087 – Andover Station Chipotle.

**RECOMMENDATION**

To approve Permit Application Number P-22-087 with 3 conditions and 4 stipulations, as stated in the Permit Review Report dated 06/09/2023.

**ATTACHED**

Permit Review Report for Permit Application Number P-22-087



**COON CREEK WATERSHED DISTRICT  
PERMIT REVIEW  
Report Date: 6/09/2023**

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 12  
**FILE NUMBER:** P22-087  
**ITEM:** Andover Station Chipotle

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**RECOMMENDATION:** Approve with 3 Conditions and 4 Stipulations

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**APPLICANT:** HJ Development  
Chris Moe  
3655 Cheshire Ln N  
Plymouth, MN 55447

**PURPOSE:** Construction of new Chipotle restaurant with associated parking, utilities and stormwater features.

**LOCATION:** 2184 Bunker Lake Blvd, Andover

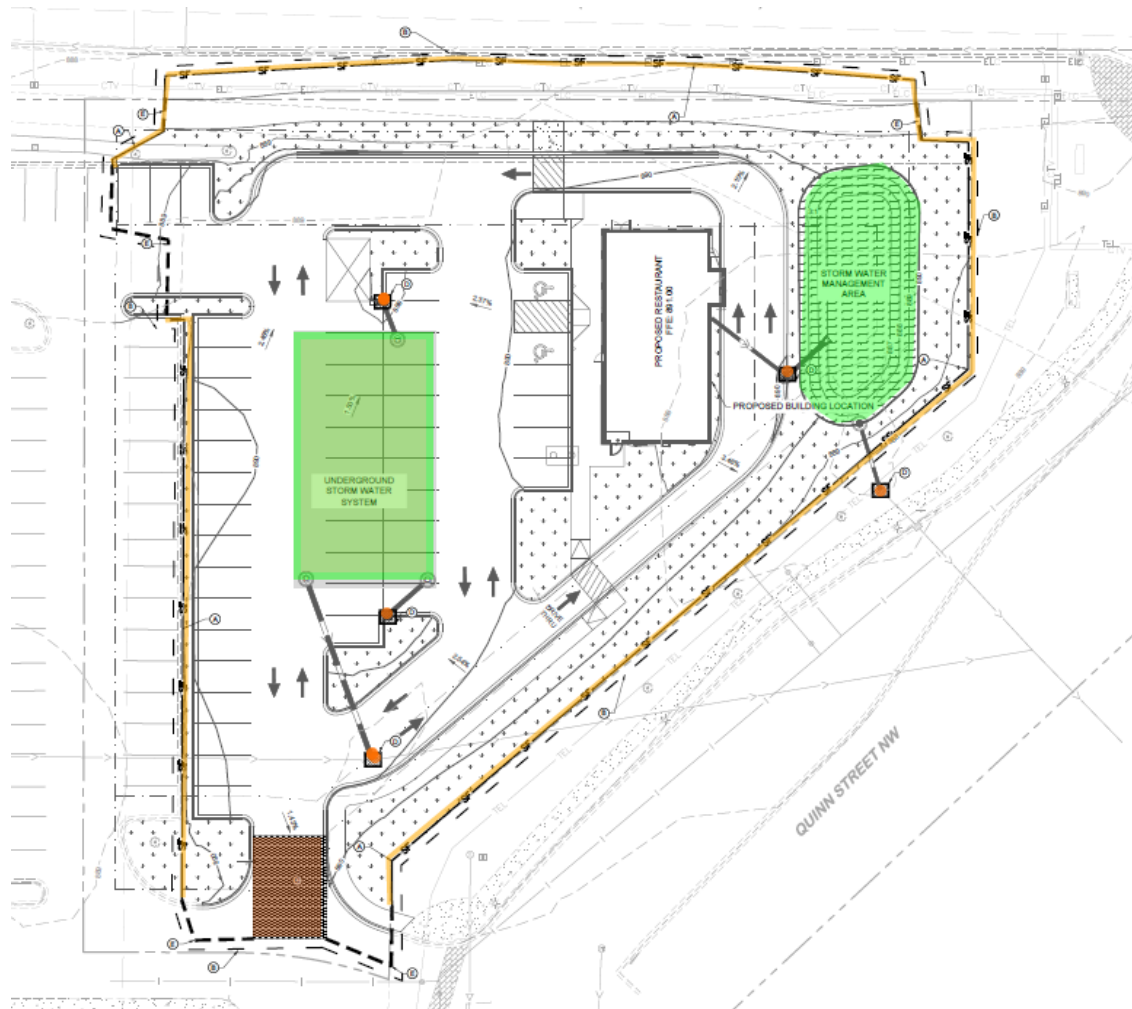


**APPLICABILITY:**

1. Within 1 mile of an impaired water.
2. One or more cumulative acres of land disturbance
3. High infiltration soils
4. Highly erodible soils

**EXHIBITS:**

1. Permit Application; dated 11/14/2022, received 11/15/2022.
2. Construction Plan set (17 sheets); by Kimley Horn, dated 5/01/2023, received 5/09/2023.
3. Survey; dated 7/06/2022, received 11/15/2022.
4. Stormwater Management Report; by Kimley Horn, dated 5/09/2023, received 5/09/2023.
5. Geotechnical Report; by American Engineering Testing, dated 3/23/2023, received 5/01/2023.
6. Phase 1 ESA Report; by Trileaf, dated 8/13/2019, received 12/06/2022.



**PREVIOUS ACTION TAKEN:** This is a new application. This application was received prior to the District Rule change and will therefore be held to 2009 District Rule standards.

**FINDINGS:**

**Pre-application Meeting:** The project as submitted has not received a general review during a pre-application meeting.

**Ditches:** There is not a public ditch on the property.

**Ditch Hydraulics:** A crossing of the ditch is not proposed.

**Erosion and Sediment Control:** Soils affected by the proposal are Sartell, Markey, and Isanti.

- Stabilizing vegetation is proposed for disturbed areas within seven (7) days of rough grading.
- Soil stockpiles have been proposed to be fitted with sediment-trapping measures to prevent soil loss and do have a note to stabilize within seven (7) days of inactivity.
- Adjacent properties and stormwater ponds are protected from sediment deposition.
- Construction schedules detailing when sediment trapping measures will occur; stabilization of earthen structures and the general timing of construction phases have been provided.
- Stormwater runoff does not pass through a sediment basin or other sediment trapping BMP with equal or greater storage capacity and is not required.
- Stabilization adequate to prevent erosion has not been provided at the outlets of all storm sewer pipes.
- All storm sewer inlets are protected from sediment-laden water during construction.
- All work adjacent to water or related resource has taken precautions to contain sediment, and stabilize the work area during construction.
- Provisions have been made to minimize transport of sediment (mud) by runoff or vehicle tracking onto the paved surface.
- Provisions have been made for cleaning road surfaces where sediment is transported by the end of the day.
- Construction entrance points are clearly located on the erosion and sediment control plan.
- The erosion and sediment control plan does provide for the repair and maintenance of all temporary and permanent erosion and sediment control practices.
- Details have been provided for ESC (riprap, perimeter control, concrete washout, inlet protection, etc.)

**Dewatering:** Shallow ground water does not exist on site. The project may require dewatering.

An assessment of risks to other water and related resources has not been conducted.

**Floodplain:** There is no floodplain on the property according to the District model.

High Water Flooding: Information has been provided to substantiate low floor elevations. Low floor elevations do meet the criteria for the City of Andover; 3 ft above mottled soils/groundwater, 2 ft over 100 yr.

**Groundwater:** Geotechnical information collected in July 2022 indicates long term (seasonally high) groundwater elevation is present at 10 to 12 feet below the surface. This corresponds to 878 to 879 feet.

The project site is not within the Emergency Response Area/10 Year Well Head Protection Area/Drinking Water Supply Management Area.

The proposal does not contain a land use discouraged or prohibited by the Safe Drinking Water Supply Act (SDSA).

**Historic Sites:** The proposed project does not include sites of historic or archeological significance.

**Local Planning & Zoning:** The applicant has applied to the City. The City has completed the review of the plans. The City has no significant water resources issues or concerns with the project at this time.

**Maintenance:** The owner of the Stormwater Management features and treatment practices is unknown. The Stormwater Treatment Practices (STPs) consisting of the following:

<b>Stormwater Treatment Practices</b>	<b>Number</b>	<b>Inspection &amp; Maintenance Responsibility</b>
Filtration Basin	1	Unknown
Underground Filtration System	1	Unknown
Outlet Control Structure	2	Unknown
Catch Basin Sump w/ SAFL Baffle	2	Unknown
Catch Basin Sump	1	Unknown

Inspection and maintenance of stormwater facilities will be the responsibility of unknown. A maintenance agreement has not been executed. The applicant has not submitted a Maintenance Plan for each Stormwater Treatment Practice.

**Easements:** The proposed project does not include ditch maintenance easement. A ditch maintenance easement is not required. A maintenance access to all storm water management features is provided.

**Stormwater & Hydrology:** Infiltration is not allowed within the project area because a Phase 1 Environmental Site Assessment has been provided with Recognized Environmental Conditions indicating that soil or groundwater contaminants may be mobilized with the use of infiltration. The District's 1-inch infiltration requirement is not achieved because lined filtration is being utilized. The stormwater management system utilizes the on-site stormwater management features and practices listed in the maintenance section. Calculations have been provided to illustrate the 1-inch filtration volume is available below the outlet. Therefore, the volume management requirement has been met to the maximum extent practicable.

Drainage sensitive uses do not exist downstream from the proposed site. The rate of post-development runoff from the site does not exceed predevelopment rates. Properties and waterways downstream from the project are protected from erosion due to increases in the volume, velocity and peak water flow rates of stormwater runoff. Concentrated storm water leaving a site is discharged directly into a well-defined natural or man-made off-site receiving channel or pipe.

**Water Quality:** The proposed project does not cause an exceedance of State water quality standards. The project does not contribute to the adverse impact of wetlands through inundation or volume of flow. All discharges into wetlands/stormwater basins are pretreated by a catch basin sump/water quality pond, and are designed correctly. All work adjacent to wetlands, waterbodies and water conveyance systems are protected from erosion. The proposal will not detrimentally affect the existing water quality of the receiving water. The proposal will not cause extreme fluctuations of water levels or temperature changes.

Impairments: This project is within one (1) mile of and drains to an Impaired Water. The Impaired Water is Coon Creek. Coon Creek is impaired for Aquatic Life (Macro-invertebrates)/ Aquatic Recreation (E. coli). The major stressors are Total Suspended Solids (TSS)/ Total Phosphorus (TP)/E.coli. There is an EPA approved Total Maximum Daily Load (TMDL) or Waste Load Allocation (WLA) for this water.

There are new impervious or reconstructed surfaces proposed as part of this project.

**Wetlands:** Wetlands do not exist on-site according to the 1987 Federal manual, NWI, PWI and Soil Survey.

**Wetland Replacement Plan:** A wetland replacement plan is not required.

**Wildlife:** The proposed project does not include endangered or threatened species, rare natural communities, colonial waterbird nesting sites, migratory waterfowl concentration areas, deer wintering areas or wildlife travel corridors.

**Performance Escrow:** \$2,615.00

**Wetland Escrow:** \$ N/A

There are not ditch liens on the property.

**ISSUES/CONCERNS:**

<b>ISSUE</b>	<b>NEED</b>
<p><b>Escrows:</b> <math>\\$2,000 + (1.23 \text{ ac} * \\$500/\text{ac} = \\$2,615.00</math></p>	<p>1. Receipt of escrows.</p>
<p><b>Stormwater &amp; Hydraulics:</b> The applicant is not meeting the volume management requirement equivalent to infiltrating runoff from the first inch of precipitation. The applicant is utilizing lined filtration systems in lieu of infiltration due to groundwater contamination concerns. Volume management is met to the maximum extent practicable.</p> <ul style="list-style-type: none"> <li>• Rim elevation and north and south invert elevations are inconsistent between the grading plan and OCS-101 detail.</li> </ul>	<p>2. Rim elevation and north and south invert elevations are inconsistent between the grading plan and the OCS-101 detail. Ensure elevations are consistent between the grading plan, OCS detail, and HydroCAD model.</p>
<p><b>Maintenance:</b> It is unknown who will be responsible for the inspection and maintenance of stormwater facilities. A maintenance agreement has not been executed. The applicant has not submitted a Maintenance Plan for each Stormwater Treatment Practice.</p>	<p>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.</p>

**RECOMMENDATION:** Approve with 3 Conditions and 4 Stipulations

**Conditions:**

1. Receipt of Escrows.
2. Rim elevation and north and south invert elevations are inconsistent between the grading plan and the OCS-101 detail. Ensure elevations are consistent for OCS-101 between the grading plan, OCS detail, and HydroCAD model.
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.

**Stipulations:**

1. Submittal of as-builts for the following stormwater management practices, including volume, critical elevations, and proof of installation of SAFL Baffles:

<b>Stormwater Treatment Practices</b>	<b>Number</b>
Filtration Basin	1
Underground Filtration System	1



Outlet Control Structure	2
Catch Basin Sump w/ SAFL Baffle	2
Catch Basin Sump	1

2. Completion of post construction infiltration tests on the Filtration Basin by filling the basin to a minimum depth of 6 inches with water and monitoring the time necessary to drain, or multiple double ring infiltration tests to ASTM standards. The Coon Creek Watershed District shall be notified prior to the test to witness the results.
3. Notify the District when construction of the Underground Filtration System is beginning. District staff or District engineer must be on site to witness the construction of the underground system.
4. 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.



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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 13  
**ITEM:** H&H Facility

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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-23-039 H&H Facility.

**RECOMMENDATION**

To approve Permit Application Number P-23-039 with 6 conditions and 2 stipulations, as stated in the Application Review Report dated 6/09/2023.

**ATTACHED**

Application Review Report for Permit Application Number P-23-039





**Permit Application Review Report**  
**Date: 06/09/2023**

Applicant/Landowner:

H&H Contractors  
 Attn: Eric Hagen  
 1327 153rd Lane NE  
 Ham Lake, MN 55304  
 eric@mnretainingwalls.com  
 612-382-4081

Contact:

Structural Building  
 Attn: Josh Williams  
 12926 First St.  
 Becker MN 55308  
 j.williams@structuralbuildings.com  
 320-248-3870

Project Name: H&H Facility

Project PAN: P-23-039

Project Purpose: Construction of a new commercial business shop and office

Project Location: 15454 Central Avenue NE, Ham Lake

Site Size: size of parcel - 4.0 acres; size of disturbed area - 2.6 acres; size of existing impervious - 0.2 acres; size of proposed new and reconstructed impervious 1.42 acres

Applicable District Rule(s): Rule 2, Rule 3, Rule 4

Recommendation: Approve with 6 Conditions and 2 Stipulations

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

Procedural Requirements (Rule 2.7)

1. Submittal of a performance escrow in the amount of \$3,300.00

Stormwater Management (Rule 3)

2. Label Wetland 1 and Wetland 2 on the drainage maps.
3. The 12" flared end section outlet invert elevation for Filtration Basin #2 appears to be mislabeled on the grading and utility plan. Update to reflect the correct elevation.
4. Provide complete P8 results, as there appears to be pages missing from the provided data. Also, update P8 model to be consistent with HydroCAD model:
  - a. Update watershed area for DA1 to be consistent with proposed HydroCAD model.
  - b. Update the Particle Class - Filtration Efficiency to align with the MPCA's recommendation for filtration efficiency, found on the MPCA website (25% for Particle Class P10%).
  - c. It is unclear if the proposed underdrain was added to the model. Update the proposed model to include an underdrain pipe outlet.
5. 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.

Soils and Erosion Control (Rule 4)

6. Provide a note on the erosion and sediment control plan to stabilize soils and soil stockpiles within 7 days of inactivity.

**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 stormwater management practices and associated structures listed in Tables 2 and 3, including volume, critical elevations and proof of installation for hydrodynamic separators.
2. Completion of post construction infiltration tests on Filtration Basin #1 and Filtration Basin #2 by filling the basin to a minimum depth of 6 inches with water and monitoring the time necessary to drain, or multiple double ring infiltration tests to ASTM standards. The Coon Creek Watershed District shall be notified prior to the test to witness the results.

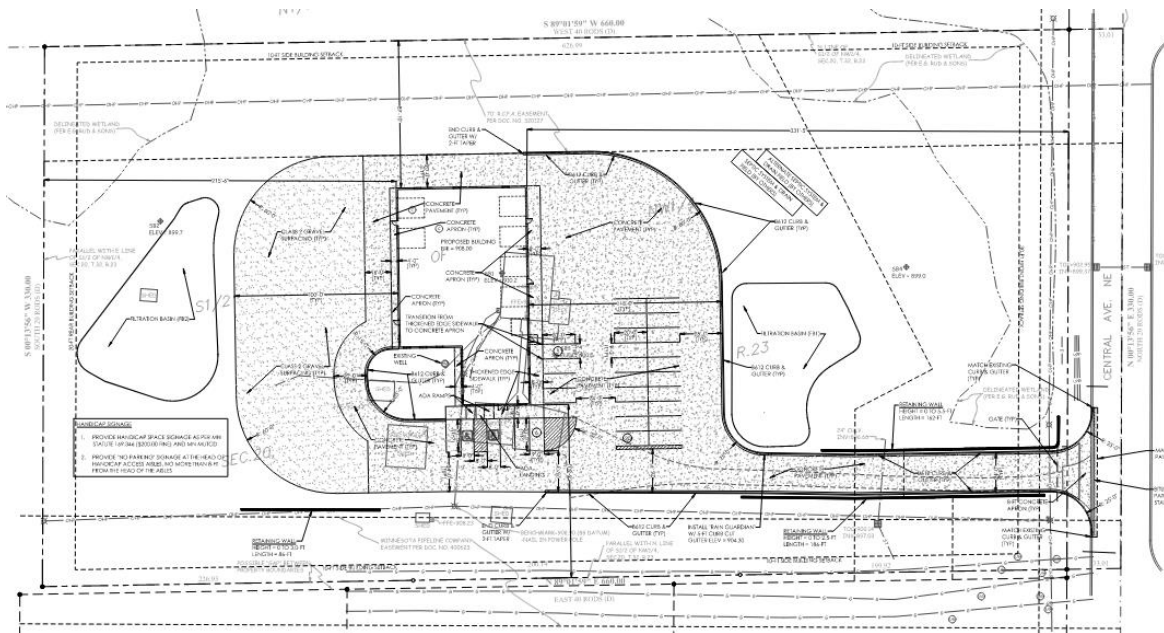
**Exhibits:**

Exhibit Type	Exhibit Author	Signature Date	Received Date
Landscape Plan	Structural Buildings Inc	05/01/2023	05/12/2023
Building Plan	Cole Group Architects	04/19/2023	05/12/2023
Geotechnical Report	Independent Testing Technologies	04/11/2023	05/12/2023
Stormwater Management Plan	Schultz Engineering and Site Design	05/10/2023	05/12/2023
Construction Plans	Schultz Engineering & Site Design	05/01/2023	05/12/2023

**Findings**

**Description:** The project proposes the demolition of an existing home and the construction of a new commercial business shop and office with associated stormwater treatment features. The project will disturb 2.6 acres and create 1.42 acres of new/reconstructed impervious surface. The project drains to onsite wetlands.

**Fees and Escrows (Rule 2.7):** The applicant has submitted a \$4,010.00 application fee and deposit which corresponds with the nonrefundable application fee (\$10), project type of 2-4 acres (\$4,000.00). The applicant will be required to submit a performance escrow in the amount of \$3,300.00. This corresponds to a base escrow of \$2,000, plus an additional \$500 per acre of disturbance (2.6 acres of disturbance proposed).



**Figure 1. Site plan**

**Stormwater Management (Rule 3.0):**

Rule 3.0 applies to the proposed project because it includes land disturbing activities creating a cumulative total of 10,000 sf or more of new or fully reconstructed impervious surface.

The Hydrologic Soil Group (HSG) of soils on site are HSG B. Curve Numbers have been shifted down one classification to account for the impacts of grading on soil structure.

Rate Control: Peak stormwater flow rate at each point of site discharge does not increase from the pre-development condition for the 24-hour precipitation event with a return frequency of 2-, 10-, 100- years as shown in Table 1. The project will not impact Drainage Sensitive Use areas. The rate control standard is met.

Point of Discharge	2-year (cfs)		10-year (cfs)		100-year (cfs)	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Wetland 1	0.98	0.72	3.05	2	8.89	6.46
Wetland 2	0.71	0.33	2.81	1.2	8.94	5.88

**Table 1.**

Volume Control: The application proposes redevelopment which disturbs more than 50% of the site or reconstructs more than 50% of the existing impervious surface, therefore the volume reduction requirement is equal to 1.1 inches over the area of all impervious surface including existing impervious surface that is not proposed to be reconstructed. All existing impervious is proposed to be reconstructed, therefore, the amount of proposed impervious required to be treated is 61,856 ft<sup>2</sup>.

The applicant is proposing the Stormwater Management Practices (SMPs) described below:

Drainage Area	Impervious required to be treated (ft <sup>2</sup> )	Proposed SMP	TP Removal Factor	Required Treatment Volume (ft <sup>3</sup> )	Water Quality Volume Provided (ft <sup>3</sup> )
Wetland 1	33,106	Filtration Basin	0.5	6,054.8	6,447
Wetland 2	28,750	Filtration Basin	0.5	5,270.7	5,445
<b>TOTAL</b>	<b>61,856</b>			<b>11,325.5</b>	<b>11,892</b>

**Table 2.**

≥ 80%

The following pretreatment has been provided:

SMP ID	Pretreatment Device/Method	Percent TSS Removal
Rain Guardian	Rain Guardian	80
CB1	Catch Basin w/ Sump & Preserver	91.2

**Table 3.**

Pretreatment is required to be designed such that the device/method provides removal of 80% TSS entering an infiltration or filtration Stormwater Management Practice. The proposed project meets pretreatment requirements as shown in Table 3.

The volume reduction requirements are not met because infiltration may not be used as a volume control practice as the practices would need to be placed in areas with less than three feet of separation from the bottom of the infiltration system to the seasonally saturated soils or the top of bedrock. Geotechnical information from April 2023 has been submitted which indicates that seasonally high saturated soils are likely at an approximate elevation of 899 ft MSL. The bottom of an infiltration system would need to be at elevation 902 or above. This is infeasible because infiltration BMPs would need to be at excessively high elevations relative to existing site conditions.

Because the volume reduction standard cannot be met due to these site constraints, the project proposes the use of filtration. The volume control standard has been met as shown in Table 2.

Water Quality: Stormwater treatment on site must remove at least 80% of the average annual post development TSS per discharge location. The following TSS removal has been provided:

<b>Discharge Point</b>	<b>TSS Removal Provided (%)</b>
Wetland 1	≥ 80%
Wetland 2	≥ 80%

**Table 4.**

A P8 model was submitted to illustrate TSS removal at each discharge point. The model output provided showed a TSS removal of 99.9% at each discharge point, however, there are inconsistencies present in the model inputs when compared to other submitted materials. The applicant will be required to update these inputs and resubmit them. While the TSS removal at each discharge point may not be as high as 99.9%, the required updates will not be significant enough to lower the TSS removal below the required 80%. The TSS removal standard is met at each discharge point as shown in Table 4.

Discharges to Wetlands:

Stormwater from the proposed project is being discharged into the following wetlands. The table below shows the change from existing to proposed conditions for each.

<b>Wetland ID</b>	<b>Wetland 1</b>	<b>Wetland 2</b>
<b>Wetland Type</b>	Slightly Susceptible	Slightly Susceptible
<b>Bounce 2-yr (ft)</b>	+0.12	+0.05
<b>Bounce 10-yr (ft)</b>	+0.12	+0.10
<b>Bounce 100-yr (ft)</b>	+0.17	+0.16
<b>100 yr Discharge Rate (cfs)</b>	-2.43	-3.06
<b>Inundation on 2-yr (days)</b>	1.9*	1.8*
<b>Inundation on 10-yr (days)</b>	2.5*	3.5*
<b>Run out Control (ft)</b>	0	0

**Table 5.**

\*Note: These wetlands are landlocked and do not discharge under any design storms. Because inundation period cannot be modeled in HydroCAD in this instance, the change in inflow volume was divided by 0.1243 in/day which represents the average evapotranspiration rate across the District. This evapotranspiration rate was calculated using the Thornthwaite equation with monthly temperature data from 1992-2022.

The proposed project meets bounce, discharge rate, inundation, and runout control requirements for all wetlands receiving discharge from the site as shown in Table 5.

Low Floor Freeboard: The proposed project is new development including buildings and habitable structures. Therefore, SMPs must be designed such that the lowest basement floor elevations are at least 2 feet above the 100-yr high water level and 1 foot above the emergency overflow. The lowest basement floor elevation proposed is 908 ft MSL. The applicable emergency overflow is at 904 ft MSL. The freeboard requirement is met.

Maintenance:

Maintenance access for all stormwater management practices have been provided on the plans.

Maintenance Agreements: The proposed stormwater management practices will not be maintained as part of standard municipal public work activities. Therefore, a maintenance agreement that meets District standards will be required.

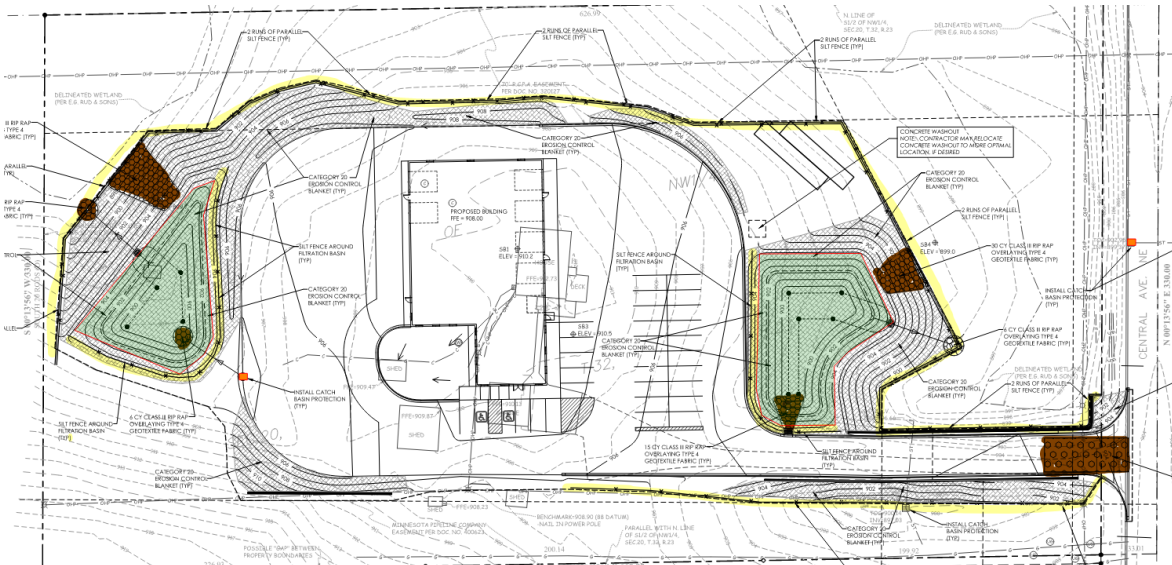
**Soils and Erosion Control (Rule 4.0)**

Rule 4.0 applies to the proposed project because it includes a land disturbing activity of more than 5000 square feet and within 50 feet of and drains to a waterbody.

The proposed project drains to onsite wetlands and then to County Ditch 58-9. The soils affected by



the project include Zimmerman and Markey and do not have a soil erodibility factor of 0.15 or greater. Disturbed areas are not proposed to be stabilized within 7 days, as required. The proposed erosion and sediment control plan includes rock construction entrance, concrete washout, erosion control blanket, riprap, perimeter control, and inlet protection. The erosion control plan (shown in Figure 2) does not meet District requirements because soils and soil stockpiles are not proposed to be stabilized within 7 days of inactivity.



**Figure 2. Erosion and Sediment Control Plan**

**Wetlands (Rule 5.0)**

Wetlands exist on site, but no impacts are proposed. Wetlands were delineated under PAN W22-034. The boundary and type application was reviewed and approved. The Notice of Decision was issued on 12/15/2022. Note that the wetland ID numbers are not the same between the approved Notice of Decision for PAN W22-034 and the materials submitted for this proposed project.

**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.

**Variations (Rule 10.2)**

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

P-23-039



5/31/2023

1:6,455

0 0.04 0.07 0.15 mi

0 0.05 0.1 0.2 km

North Arrow

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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 14  
**ITEM:** Lot 4 Block 1 Sanctuary Home

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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-23-047 Lot 4 Block 1 Sanctuary Home.

**RECOMMENDATION**

To approve Permit Application Number P-23-047 with 3 conditions and 0 stipulations, as stated in the Application Review Report dated 6/09/2023.

**ATTACHED**

Application Review Report for Permit Application Number P-23-047





**PERMIT APPLICATION REVIEW REPORT**  
**DATE: 6/09/2023**

Applicant/Landowner:

Khaja Naxeemuddin Khan  
 11471 Hastings St  
 Blaine, MN 55449  
 khajankhan@yahoo.com  
 763-245-8852

Contact:

Beckmann Custom Homes  
 Attn: Chuck Beckmann  
 15827 Madison St  
 Ham Lake, MN 55304  
 clbeckmann@gmail.com  
 612-599-6141

Project Name: Lot 4 Block 1 Sanctuary Home

Project PAN: P-23-047

Project Purpose: Construction of a single-family home

Project Location: Lot 4 Block 1 The Sanctuary, 2668 109th Ave NE, Blaine

Site Size: size of parcel - 2.08 acres; size of disturbed area - 0.31 acres; size of existing impervious - 0 acres; size of proposed impervious 0.14 acres

Applicable District Rule(s): Rule 2, Rule 4, Rule 8

Recommendation: Approve with 3 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 \$2,155.00.

Soils and Erosion Control (Rule 4)

2. Update the erosion and sediment control plan to include 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. Provide details for erosion and sediment control practices.
  - c. A note on the site plan for the repair and maintenance of all temporary and permanent erosion and sediment control practices.
  - d. A note on erosion control plan for cleaning road surfaces where sediment is

Buffers (Rule 8)

3. Provide permanent buffer monumentation at each parcel line on the construction plans.

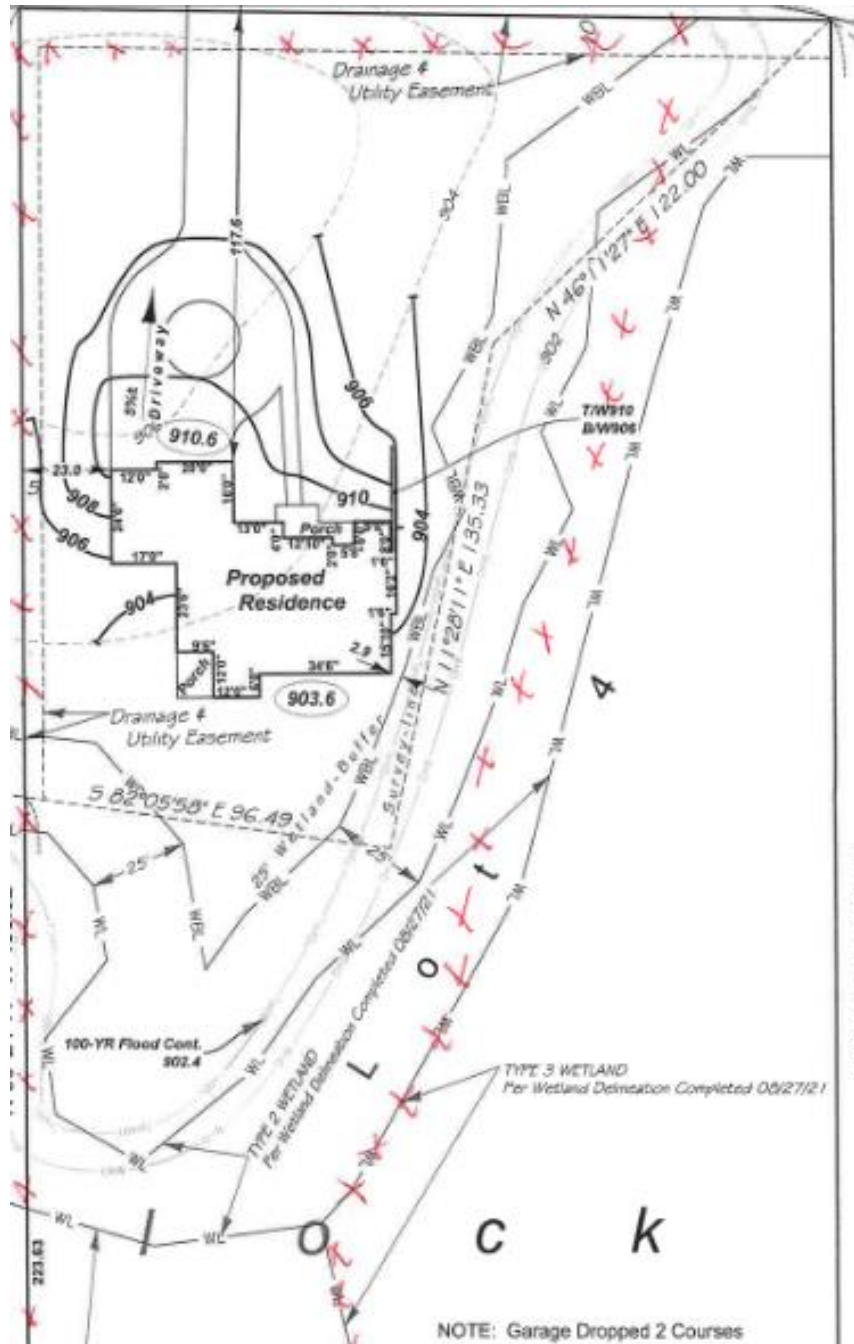
**Stipulations:** None

**Exhibits:**

<b>Exhibit Type</b>	<b>Exhibit Author</b>	<b>Signature Date</b>	<b>Received Date</b>
Site Plan	Demarc Land Surveying & Engineering	05/02/2023	05/09/2023
Permit Application	Khaja Khan	04/28/2023	05/09/2023

**Findings**

**Description:** The project proposes the construction of a new single-family home and driveway. The parcel is 2.08 acres. The project proposes to disturb 0.31 acres and create 0.14 acres of new impervious. The site has 0 acres of existing impervious. The parcel drains west to a large wetland complex and to County Ditch 41-3-A.



**Figure 1. 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), project type of single-family home (\$750.00). The applicant will be required to submit a performance escrow in the amount of \$2,215.00. This corresponds to a base escrow of \$2,000, plus an additional \$500 per acre of disturbance (0.31 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 5000 square feet and within 50 feet of and drains to a waterbody.

The proposed project drains to the adjacent wetland and on to County Ditch 41-3-A. The soils affected by the project includes Isanti, Zimmerman and Markey and 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 perimeter control. The erosion control plan does not meet District requirements because soils and soil stockpiles are not proposed to be stabilized with 24 hours of inactivity, provisions have not been made for cleaning road surfaces where sediment is transported by the end of the day, repair and maintenance of erosion and sediment control devices is not noted on plans, and a detail was not provided for perimeter control devices.

**Wetlands (Rule 5.0)**

Wetlands exist on site, but no impacts are proposed. Wetlands were delineated under PAN (21-116). The boundary and type application was reviewed and approved. The Notice of Decision was issued on 10/05/2021.

**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)**

Rule 8.0 applies because it includes a land disturbing activity that requires a permit under another District Rule and is on land adjacent or directly contributing to a Public Water.

A continuous buffer is proposed on the plans; it is proposed to be established and maintained in turf grass, which qualifies as perennially rooted vegetation. Because the resource is a Public Water, the average buffer width must be 50 ft, with a minimum width of 30ft and a maximum width of 100 ft. Total buffer area required is 16,943 square feet. The total buffer area provided is 18,297 square feet, which meets the requirement. Permanent monumentation at each parcel line, and every 200 ft as needed, has not been proposed on the plan.

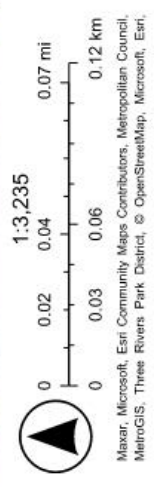
**Variiances (Rule 10.2)**

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

P-23-047



5/24/2023





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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 15  
**ITEM:** IPRD Operating Expenses Budget

**AGENDA:** Discussion

**ACTION REQUESTED**

Receive the budget report with any directions for staff.

**PURPOSE & SCOPE OF ITEM**

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

**BACKGROUND**

This budget category addresses general operating expenses required or needed for day-to-day functions of the District.

Code	Prepared	2020	2021	2022	2023			2024			Change
	6/1/2023 14:08	Actual	Actual	Actual	Budget	Projected	Var.	Current	Change	Request	23-24
<b>Operating Expenses</b>											
61558	Advertising	4,003	0	1,574	1,637	1,637	0%	1,702	(52)	<b>1,650</b>	1%
61552	Bank Charges	411	556	732	761	732	-4%	791	8	<b>799</b>	5%
61575	Books & Software	9,008	7,765	7,765	19,398	19,398	0%	20,174	(974)	<b>19,200</b>	-1%
62273	Cable	-	5,956	7,005	7,285	7,285	0%	7,576	73	<b>7,649</b>	5%
61105	Cleaning & Janitorial Supp	805	10,062	23,525	25,444	15,487	-39%	26,462	(10,240)	<b>16,222</b>	-36%
61557	Dues & Memberships	9,827	9,070	10,529	10,950	15,650	43%	11,388	5,612	<b>17,000</b>	55%
61149	Gen'l Supplies (print/gas/oil/lic/office)	9,043	7,427	19,814	21,471	19,031	-11%	22,330	(2,297)	<b>20,033</b>	-7%
62370	Insurance-Liability	15,110	13,591	16,624	17,289	18,500	7%	17,981	1,444	<b>19,425</b>	12%
62372	Insurance-Property	921	919	1,004	1,044	4,700	350%	1,086	3,849	<b>4,935</b>	373%
62374	Insurance-Vehicles	852	845	941	1,000	1,135	14%	1,040	152	<b>1,192</b>	19%
62373	Insurance-Work Comp	6,009	6,364	5,228	5,437	5,437	0%	5,654	54	<b>5,709</b>	5%
62124	Leases & Rentals	19,251	6,078	5,594	5,818	5,818	0%	6,051	(1,359)	<b>4,692</b>	-19%
61477	Meals & Lodging	2,501	949	2,000	1,750	1,950	11%	1,820	1,145	<b>2,965</b>	69%
61475	Mileage	2,814	691	2,718	2,827	650	-77%	2,940	(2,257)	<b>683</b>	-76%
61476	Other Travel Exp, Parking	79	6	0	40	40	0%	42	(2)	<b>40</b>	0%
62229	Phones	17,540	15,500	15,200	17,884	17,884	0%	18,599	179	<b>18,778</b>	5%
62231	Postage	300	358	987	1,026	1,027	0%	1,067	(92)	<b>975</b>	-5%
61250	R&M Buildings	37,015	15,925	12,205	15,166	15,666	3%	15,773	6,639	<b>22,412</b>	48%
61251	R&M Office Machine & Equip	2,991	685	1,046	3,588	4,000	11%	3,732	2,168	<b>5,900</b>	53%
61249	R&M Phone Hardware	-	68	3,000	3,150	2,350	-25%	3,276	174	<b>3,450</b>	10%
61263	R&M Security	897	1,000	1,030	1,071	1,071	0%	1,114	11	<b>1,125</b>	5%
61101	Small Equipment (furn/off/comp/misc)	1,414	47,641	23,505	20,020	18,020	-10%	20,821	13,887	<b>34,708</b>	73%
61559	Subscriptions & Publications	-	1,985	1,485	2,744	2,744	0%	2,854	1,389	<b>4,243</b>	55%
61354	Training & Conferences-Board/Other	250	198	2,352	2,000	500	-75%	2,080	(1,580)	<b>500</b>	-75%
61355	Training & Conferences-Staff Dev	5,049	4,199	11,356	11,810	9,700	-18%	12,282	(1,662)	<b>10,620</b>	-10%
62226	Utilities-Electric	3,122	3,772	5,287	5,458	4,958	-9%	5,676	50	<b>5,726</b>	5%
62225	Utilities-Heat/Natural Gas	1,743	1,821	2,405	2,501	2,501	0%	2,601	25	<b>2,626</b>	5%
62228	Utilities-Waste/Recycle Disposal	319	1,169	1,046	1,300	1,350	4%	1,352	66	<b>1,418</b>	9%
62119	Web Site Server	800	960	889	1,000	1,000	0%	1,040	955	<b>1,995</b>	100%
<b>Total Operating Expenses</b>		<b>152,074</b>	<b>165,560</b>	<b>186,846</b>	<b>210,869</b>	<b>200,221</b>	<b>-5%</b>	<b>219,304</b>	<b>17,365</b>	<b>236,669</b>	<b>8%</b>

## ISSUES/CONCERNS

1. **Dues & Memberships**: costs are proposed to be **55% higher** due to the increase in MAWD membership fees from \$7500 to \$12,500.
2. **Insurance**: costs are expected to **increase 373%** due to increased rates; property from \$1000 to \$4700 and Liability from \$17,000 to \$18,500.
3. **R&M Buildings & Equip**: Service costs are expected to increase significantly due to on-going building maintenance and equipment repairs/maintenance of project filters.
4. **Small Equipment**: costs are proposed to be **73% higher** due to upgraded computer equipment, workstations, office desks and appliances.
5. **Subscriptions/Publications**: costs are proposed to be **55% higher** due to data fees associated with monitoring needs.
6. **Web Site Server**: costs are proposed to be **100% higher** due to the transition to a new carrier, Catalis, and rates going from \$900 to \$2000.
7. **Mileage**: costs are proposed to **decrease 76%** due to additional vehicle available to staff.
8. **Training-Board**: costs are proposed to **decrease 75%** due to less training needs for board members.
9. **Total Operating Expenses**: Currently expecting to increase budget 8% for 2024.

## IMPLICATIONS FOR DISTRICT BUDGET

Total impact unknown until July

## CONCLUSIONS

These are initial figures.

## RECOMMENDATION

Receive report.



<b>Water Quality</b>										
Lake Plan Implementation	1,215	2,776	2,887	4,525	4,525	4,706	294	5,000		
Street Sweepings Testing	-	-	-	0	0	-	15,000	15,000		
Springbrook Cr Subwatershed plan Partner-led Projects	-	-	-	0	0	-	90,000	90,000		
Pleasure Cr Subwatershed plan Partner-led Projects	-	-	-	0	0	-	87,500	87,500		
Groundwater-Surface Water Chlorides Pilot	-	-	-	0	0	-	35,000	35,000		
Contaminants of Emerging Concern	-	-	-	0	0	-	50,000	50,000		
Monitoring	89,113	96,400	99,746	104,235	104,235	108,404	2,085	110,489		
Winter Chloride Monitoring	-	-	-	0	0	-	6,000	6,000		
WQ Cost Share Program	55,418	76,000	75,000	79,794	79,794	82,986	17,014	100,000		
WQ Cost Share: Optimized Street Sweeping	-	-	-	0	0	-	100,000	100,000		
WQ Cost Share: TA for municipal projects	-	-	-	0	0	-	15,000	15,000		
PC MNDot Pond Outlet Modification	-	-	-	0	0	-	21,000	21,000		
Springbrook Nature Center Outlet Modificaiton	-	-	-	0	0	-	22,500	22,500		
CRD Reg Park Stream Corridor Restoration	-	-	-	0	0	-	440,000	440,000		
Sand Creek AOP crossing Enhancement @ Xeon	-	-	-	0	0	-	115,000	115,000		
Field Supplies	3,000	3,666	7,547	3,826	3,826	3,979	(1,413)	2,566		
<b>Total</b>										<b>1,215,055</b>
<b>Aquatic Invasive Species</b>										
AIS Rapid Response	3,092	-	5,000	20,000	20,000	20,000	0	20,000		
<b>Total</b>										<b>20,000</b>
<b>Development Regulation</b>										
Illicit Discharge Detection	590	800	850	869	869	904	(4)	900		
Groundwater-Surface Water Dewatering Study	-	-	-	0	0	-	15,000	15,000		
Engineering	-	-	-	532,850	350,000	364,000	36,000	400,000		
Field Supplies	1,025	500	950	800	800	832	(332)	500	416,400	
<b>TOTAL</b>				<b>1,460,404</b>	<b>1,262,554</b>			<b>2,602,070</b>	<b>2,602,070</b>	

## ISSUES/CONCERNS/OPPORTUNITIES

- Overall change: The IPRD Budget is \$1,141,666 (+78%) from what the 2023 budget.

## IMPLICATIONS FOR DISTRICT BUDGET

- Holds costs to previous years adjusted for expected industry increases.

## CONCLUSIONS

- These are initial figures.

## RECOMMENDATION

Receive report.

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

**MEETING DATE:** June 12, 2023  
**AGENDA NUMBER:** 17  
**ITEM:** IPRD Capital Equipment Budget

**AGENDA:** Discussion

**ACTION REQUESTED**

Receive the budget report with any directions for staff.

**PURPOSE & SCOPE OF ITEM**

To familiarize the Board with the capital equipment that either needs replacement or is being requested by staff.

**BACKGROUND**

This portion budget category addresses capital equipment (equipment costing more than \$5,000) that is either needing replacement or is being requested by staff.

**CAPITAL EQUIPMENT BUDGET**

Code	Prepared 6/1/2023 14:21	2020	2021	2022	2023			2024			Change 23-24
		Actual	Actual	Actual	Budget	Projected	Var.	Current	Change	Request	
<b>65180</b>	<b>Capital Equipment</b>										
	<b>Building Improvements</b>	0	28,000	-	8,000	8,000	0%	-	97,350	97,350	0%
	Blinds		8,000	-				-	-		
	Landscaping		20,000		8,000	8,000		-	-		
	Keyless Entry-Rekey							-	20,900		
	Handicap Doors							-	11,100		
	Hex Pave							-	21,000		
	Rear Parking Paving							-	35,000		
	Parking Lot Netting							-	9,350		
<b>65230</b>	<b>Monitoring &amp; Field</b>	32,000	0	-	13,795	13,795	0%	-	14,000	14,000	1%
	Portable Velocity/Depth Sensor			-		-		-	14,000		
	Aqua TROLL multipar sonde							-	-		
	GNSS Receiver							-	-		
<b>65250</b>	<b>Vehicle</b>	0	0	55,000	0	-	#DIV/0!	-	-	-	#DIV/0!
	Hybrid SUV			55,000		-		-	-		
<b>65270</b>	<b>Telecommunications</b>	0	0	-	0	-	#DIV/0!	-	-	-	#DIV/0!
								-	-		
<b>65340</b>	<b>Office Equipment/Furniture</b>	24,000	0	-	0	-	#DIV/0!	-	16,000	16,000	#DIV/0!
	Training Tables & Chairs							-	16,000		
<b>65380</b>	<b>Computers</b>	0	15,095	11,100	0	-	#DIV/0!	-	-	-	#DIV/0!
	Monitors/computers		15,095	11,100		-		-	-		
<b>65390</b>	<b>Software</b>	0	0	-	0	-	#DIV/0!	-	25,000	25,000	#DIV/0!
	MS4 Modules				0			0	-		
	Sage IntAcct				0			-	25,000		
	<b>Total Capital Equipment</b>	<b>56,000</b>	<b>43,095</b>	<b>66,100</b>	<b>21,795</b>	<b>21,795</b>	<b>0%</b>	<b>-</b>	<b>152,350</b>	<b>152,350</b>	

## **ISSUES/CONCERNS**

### **1. Initial Preliminary Rough Draft Budget**

The budget shown is driven by:

- a. Staff requests for equipment needed to conduct work and/or enhance efficiency of work performed or
- b. Replacement of equipment.

## **IMPLICATIONS FOR DISTRICT BUDGET**

1. Total impact on 2024 budget will not be known until July when the 2024 budget is brought together and reviewed in its entirety.

## **CONCLUSIONS**

These are initial figures.

## **RECOMMENDATION**

Receive report.

# Sackett vs. EPA U.S. Supreme Court Ruling

Mike Graham – June 5, 2023

## Introduction

This is my personal non-attorney analysis of the Supreme Court decision of May 25, 2023. Legal counsel should be sought regarding any specific situations in determining jurisdiction under Section 404 of the Clean Water Act which rests with the EPA and U.S. Army Corps of Engineers.

## Sackett Case

This 9-0 ruling was made specifically regarding a property in Idaho owned by Michael and Chantell Sackett, but it has implications for other wetlands regarding jurisdiction under Section 404 of the Clean Water Act (CWA). This decision also affects the new definition of "waters of the United States" (WOTUS), that went into effect March 20, 2023.

Approximately 10 years ago, the Sacketts began filling wetland on a small lot that the EPA determined was "waters of the United States" based on its proximity to a ditch that fed to a creek which fed to Priest Lake which was considered a "Traditional Navigable Water" (TNW). The Sacketts sued the EPA and lost in District Court and then again when the Ninth Circuit affirmed the District Court decision. **On May 25, the Supreme Court overturned these rulings based on the interpretation that the Clean Water Act applies only to wetlands that have a "continuous surface connection" directly to a TNW or to a relatively permanent body of water with a surficial hydrologic connection to a TNW.** In the Sackett's case, it is apparent that the ditch that was close to the wetland was not "relatively permanent" or, if it was, that there was an upland separation between the wetland and ditch, rendering it not adjacent.

The ruling does away with the "significant nexus" test for CWA jurisdiction, which had been introduced in the *Rapanos* case (2006) and was being applied as recently as May 2023 under the new definition of WOTUS. The significant nexus test said that isolated wetlands did not require a surficial hydrologic connection to be jurisdictional but could be so if they had a significant impact on the physical, chemical or biological integrity of a downstream TNW.

## Criteria for Jurisdiction

It remains to be seen exactly how the Corps and EPA will apply the Sackett ruling in jurisdictional determinations. In the past, the EPA has been relatively aggressive in interpreting Supreme Court rulings that diminish the scope of WOTUS. Below, I have provided some examples to demonstrate how I would interpret the way in which the Sackett ruling should be applied in specific circumstances.

1. Wetland Directly Adjoining a TNW - Jurisdictional  
**These are really the only cases that meet the definition of WOTUS under the Sackett ruling**, even though several of the justices stated that the unanimous opinion did not include wetlands that they felt were intended to be covered under the CWA. Specifically, they felt that wetlands should be considered adjacent and thus WOTUS if separated from a TNW (or permanent water connected to a TNW) only by a man-made barrier or natural upland separation.

The unanimous opinion states "we hold that the CWA extends only to those 'wetlands with a continuous surface connection to bodies that are 'waters of the United States' in their own right'". This means that the water the wetland is

connected to must be a TNW or must be a relatively permanent body of water connected to a TNW. A clear example would be a marsh that directly adjoins a lake. A less clear example would be a wetland that directly adjoins a permanent ditch that may not be considered a TNW but that connects to a TNW (see also #5 below).

2. Wetland Separated from a TNW by a Road/Berm with No Pipe/Culvert Connection – **not Jurisdictional**

The way “adjacency” is described in the ruling does NOT include these types of cases. However, as stated in #1 above, several justices believe that these situations could be considered “adjacent” in some circumstances. The ruling did not speak directly to cases where there is a pipe/culvert connection. This would have to be explained in a new WOTUS definition.

3. Wetland Separated from a TNW by a Road/Berm with Pipe/Culvert Connection – **could be either Jurisdictional or Non-Jurisdictional**

I believe these would usually be considered jurisdictional under the notion that they have a continuous surface connection to a TNW, even if the connection is man-made, *but only if there is sufficient water in the pipe that it would be considered a “relatively permanent” connection.*

Pipes and culverts connecting wetlands to TNW’s under a road or other barrier that have only intermittent, limited or ephemeral flow should be considered non-jurisdictional under the Sackett ruling. Like #4, the gray area will be determining whether such conveyances are “relatively permanent” or not. This analysis should be done considering seasonality, drought periods, etc.

4. Wetlands with a “non-permanent” Ditch/Drainage Connection to a TNW – **not Jurisdictional**

If there is only a periodic/seasonal/ephemeral ditch/waterway connection between a wetland and a TNW, these would not be jurisdictional under the new ruling (think of a typical roadside ditch). This would be similar to the 2<sup>nd</sup> situation described in #3 above. The gray area will be determining whether such waterways are “relatively permanent” or not (consider seasonality, drought periods, etc.).

5. Wetlands with a “relatively permanent” Ditch/Drainage Connection to a TNW – **Jurisdictional**

Under the new ruling, these wetlands would be considered jurisdictional. In this example, a permanent (perennial) waterway creates the connection between the wetland and the TNW. Many of these types of waterways would likely be considered TNW’s themselves (which would mean automatic jurisdiction of the wetland) but this category covers situations where the waterway is relatively permanent but not considered a TNW for whatever reason. Similar to #1 above.

## Definitions

Adjacent – under the Sackett ruling, “adjacency” only occurs when there is a wetland that has a continuous surface connection to a body of water that is a ‘water of the United States’ such that there is no clear demarcation between ‘waters’ and ‘wetlands’. There is no distinction made or definition provided in the ruling that addresses wetland types that do not normally have surface water (i.e., Types 1, 2) so the ruling is apparently not attempting to exclude wetland types that do not have surface water. In fact, the term “surface connection” is not defined in the rule. It is implied to mean “hydrologic” surface connection. My interpretation is that Type 1 and 2 wetlands that directly adjoin TNW’s or have a surface



connection to TNW's through a relatively permanent pipe, ditch, waterway, etc. are considered adjacent and are jurisdictional.

Relatively Permanent – waters that are relatively permanent, standing or continuously flowing and waters with a continuous surface connection to such waters or to traditional navigable waters, the territorial seas, or interstate waters. This definition is provided from that given in the March 2023 WOTUS definition. No definition is offered in the Sackett ruling.

Traditional Navigable Water – a) any water that is subject to the ebb and flow of the tide, and/or b) a water body that is presently used, has been used in the past, or may be susceptible for use for transport of interstate or foreign commerce. This includes any Section 10 waters on current Corps lists and any other waters that could meet this definition. The consideration of whether a water may be susceptible for such use depends on its current state, not on some condition that could be realized with future improvement.

## Conclusions

The Sackett ruling does not provide a comprehensive new definition of WOTUS but, rather, affects which wetlands can be considered WOTUS. The latest WOTUS definition that was offered in March 2023 will have to be interpreted in such a way that it is consistent with the Sackett case (and also with other relatively recent cases like SWANCC and Rapanos/Carabell).

The main way the Sackett case will change the 2023 WOTUS definition is that the "significant nexus" test for jurisdiction is no longer valid. This had allowed for wetlands to be potentially jurisdictional if they had a significant impact on the physical, chemical or biological integrity of a downstream TNW.

The main confusion that will arise from the Sackett case is determining whether or not a particular wetland is connected to a relatively permanent waterbody that drains to a TNW (if not already determined to be adjoining a TNW). The EPA and Corps are apparently still determining how the Sackett case will impact the new WOTUS definition and how jurisdictional determinations will be made. The EPA website currently states the following:

### Supreme Court's Decision in Sackett v. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers are in receipt of the U.S. Supreme Court's May 25, 2023 decision in the case of *Sackett v. EPA*. In light of this decision, the agencies will interpret the phrase "waters of the United States" consistent with the Supreme Court's decision in *Sackett*. The agencies continue to review the decision to determine next steps.



# Supreme Court ruling eliminates protections from vast areas of wetlands

Environmental groups denounce "devastating" ruling; state regulators say Minnesota's expansive wetlands protections will blunt the impact.

By [Jennifer Bjorhus](#) Star Tribune

May 25, 2023 — 7:55pm



Charlie Riedel, Associated Press file

FILE - A road bisects a wetland on June 20, 2019, near Kulm, N.D. The Supreme Court has made it harder for the federal government to police water pollution. The decision from the court on Thursday, May 25, 2023, strips protections from wetlands that are isolated from larger bodies of water. It's the second ruling in as many years in which a conservative majority has narrowed the reach of environmental regulations.

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The U.S. Supreme Court on Thursday eliminated federal protections for vast numbers of the nation's wetlands, setting the stage for their conversion to farm fields and urban development.

The effect could be blunted for Minnesota's 10 million acres of wetlands because of state conservation laws. But the effects of lost wetlands elsewhere could be felt here in the impact on migratory birds and water quality.

The nation's highest court [ruled](#) that federal Clean Water Act protections only apply to wetlands with a "continuous surface connection" to bodies of water already deemed waters of the United States. That means more isolated wetlands will no longer be protected, and parties seeking to dredge or fill them would no longer be required to get a permit from the Army Corps of Engineers.

Industry groups say they have long sought clarity on what sets a wetland apart. The National Corn Growers Association applauded the ruling as "a huge win to landowners." Warren Formo, executive director of the Minnesota Agricultural Water Resource Center, said he welcomes the narrowed definition because permitting is a long, expensive process for land managers.

Environmental groups called it an egregious rollback that could endanger up to half of the country's wetlands.

"It's terrible. It's disappointing. It blows a big hole in the side of the Clean Water Act and unfortunately it's also not surprising," said Janette Brimmer, senior attorney at the nonprofit environmental law firm Earthjustice, which represented 18 Native American tribes in the case, including the Fond du Lac Band of Lake Superior Chippewa and the Grand Portage Band of Lake Superior Chippewa. "It's divorced entirely from the science of hydrology and how wetlands work."

Brimmer estimated that about 90 million acres of U.S. wetlands will lose federal protections.

Minnesota has extensive statutory protections for its vast expanse of bogs, swamps, sloughs, marshes and fens that remain in force.

"It really will have very minor impact in Minnesota," said John Jaschke, executive director of the Board of Water and Soil Resources, the state's top wetland regulator.

The state defines protected wetlands very broadly, including areas where the soil is saturated but there's no standing water.

Minnesota's wetland protections have been in statute since the 1970s and were greatly expanded by the 1991 Minnesota Wetland Conservation Act. The act aims for no net loss of wetlands, and prohibits draining or filling wetlands without replacing them with wetlands of equal value elsewhere, which could mean buying wetland banking credits to preserve other wetlands nearby.

Jaschke said the agency doesn't know how many of the state's wetlands are losing federal protections, and it probably will never need to find out. But he thinks most of them would be in the western and southern part of the state that is pocked by shallow and more isolated prairie potholes. The state's northeast has more interconnected bogs, he noted.

The Supreme Court case, *Sackett v. Environmental Protection Agency*, developed after Mike and Chantell Sackett filled in a wet area in 2004 to build a home on Priest Lake in Idaho. The EPA said the Sacketts couldn't build on the lot without a permit because of the federally protected wetland.

The ruling was 5-4, with Justice Brett Kavanaugh joining the three liberal justices opposing the majority's broad interpretation of the law.

The Supreme Court ruling is at odds with a [final rule](#) from the EPA and the U.S. Department of the Army. In December the two agencies defined federally protected "waters of the United States" to include wetlands with a "significant nexus" to lakes, streams and tributaries — meaning they affect their biological, physical or chemical makeup even if they don't appear on the surface to be connected.

EPA Administrator Michael Regan issued a statement Thursday saying he was "disappointed" in the ruling and that it "erodes longstanding clean water protections." The agency is considering its next steps, he said.

The Minnesota Pollution Control Agency said it is reviewing the decision to determine whether it affects its programs.

In an interview, Barb Naramore, deputy commissioner of the state Department of Natural Resources, said she's concerned the ruling could affect the health of waterfowl and migrating birds in the state. The Mississippi River is a critical flyway for birds, and while Minnesota doesn't rely heavily on federal wetlands protections, other states do. Weakened protections could degrade crucial wetlands along the migration corridor.

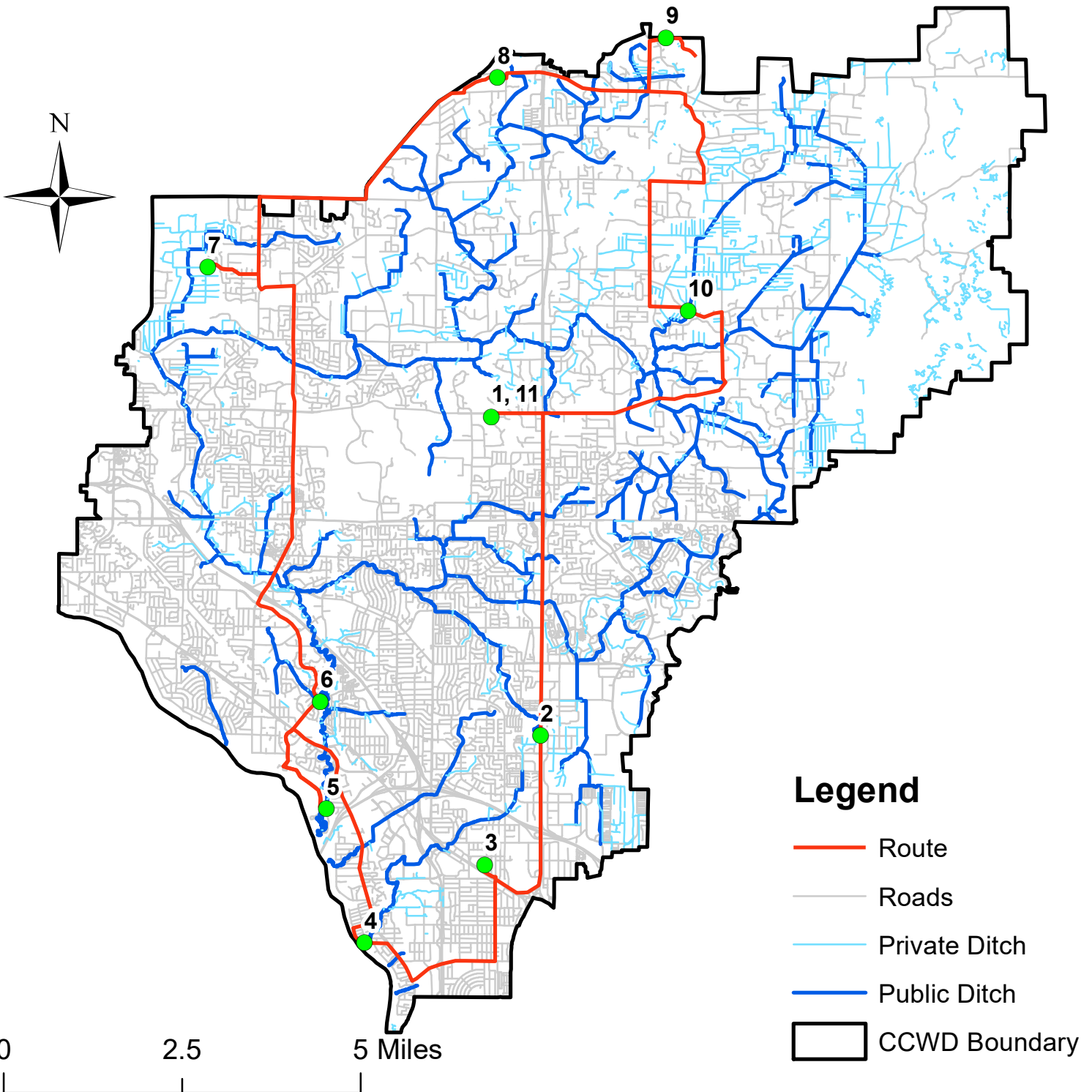
"To the extent that the federal government is less involved in regulating many types of wetlands, that may well have implications for wildlife populations that people see in Minnesota and the health of those populations," Naramore said.

John Rumpler, clean water director for the nonprofit Environment Minnesota, called the ruling an "incorrect reading" of one of the country's bedrock environmental laws.

"The only place to go is back to Congress," Rumpler said.



# 2023 CCWD Board Tour Travel Route



Sequence	Location	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			0:10	0:16	Drive by	TK
3	Northtown Library	Water Education grants, partnerships, buffers	1:26 PM	0:08	1:34 PM	0:10	Park	DD
4	Apex Pond and Riverview Terrace Flood Mitigation	Water Quality and flood mitigation collaboration	1:44 PM	0:08	1:52 PM	0:15	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 filter, collaboration				0:24	Drive by	JD
7	Rural Reserve	Proposed development, subwatershed planning	2:46 PM	0:08	2:54 PM	0:11	Park	TK
8	Crosstown Rolling Acres 3rd	Development, multiple BMPs, creative solutions	3:05 PM	0:08	3:13 PM	0:07	Park	EE
9	SRWMO Boundary	179th area	3:20 PM	0:08	3:28 PM	0:15	Park	TK
10	Ditch 11 Inchannel Vegetation	Ditch maintenance	3:43 PM	0:08	3:51 PM	0:09	Park	JJ
11	CCWD Office	Good night	4:00 PM				Deboard	TK







## Minnesota Watersheds

2023 Legislative Session  
End of Session Legislative Update  
May 24, 2023  
By Ray Bohn

The 2023 Legislative Session ended on Monday, May 22 with some goodwill after the majority and minority parties finally came together on bonding and cash capital investment bills for the 2023 session. There had not been a bonding bill passed by the legislature in the past three sessions, so there was much pent up demand and consternation regarding infrastructure issues. Eventually, both parties agreed on a bonding bill ([HF669](#)) and infrastructure bill ([HF670](#)) package totaling \$2.6 billion. In addition, the parties agreed to spend an additional \$300 million to aid nursing homes which are struggling to stay in existence throughout Minnesota. All three bills dealing with these topics were passed on Monday evening and will be signed by the governor.

Outlined in this update are the results of Minnesota Watershed's legislative initiatives for the session.

### Priority A: Top Priorities for 2023 Legislative Action

Increase or remove the \$250,000 general fund tax levy limit. One of the more prominent watershed initiatives passed was increasing watershed district's general levy authority ([Laws 2023, Chapter 64](#), Article 3, Sec. 1) from \$250,000 to \$500,000 or from 0.048 to 0.096, whichever is lower. While this looks like a significant increase, this levy has not been increased since 2001. The present value of the \$250,000 levy dollar limit is approximately \$418,000 in today's money. Plus, this language gives watershed districts the authority to raise general fund levy taxes up to this amount, and of course very few will probably do that immediately. This provision is effective beginning with the 2024 assessment year.

Seek capacity funding for the \$250,000 capped rural WDs and SWCDs from state and county general funds and Use Clean Water Funds (CWFs) for implementation, not capacity. Another tax provision ([Laws 2023, Chapter 64](#), Article 4, Sec. 1) passed was state aid for the Soil and Water Conservation Districts (SWCDs). This provision will eliminate the need for SWCD's to receive capacity funds from the Clean Water Fund (CWF). They were given \$15 million in FY23 and \$15 million in FY24 to be distributed statewide with a formula and other provisions dealing with the distribution of the aid. For aids payable in FY25 and thereafter, they were given \$12 million each year. This provision frees up CWFs for implementation, which is needed by all local units of government.

Clarification of watershed district project establishment. Another provision (103D605, Subd. 5), was clarified in the final environment bill ([Laws 2023, Chapter 60](#), Article 5, Sec. 14) that under watershed district's establishment of projects, it is the board of managers that orders the project, not the Board of Water and Soil Resources (BWSR). While board of managers orders have been the traditional process, because of the ambiguity of the statute, it was believed there was a need to clarify the provision. This provision was initially part of the BWSR housekeeping bill.

Obtain stable funding for Flood Damage Reduction and Natural Resources Enhancement Projects. The two capital investment bills provided much needed funding for the Flood Hazard Mitigation program. The statewide total is \$40.3 million. Of that, the Red River Watershed Management Board (RRWMB) received \$5 million for its flood projects. There was also an \$11 million grant to the City of Moorhead for their flood mitigation needs. The remaining \$15 million undesignated funds for the program will be allocated by Department of Natural Resources for statewide allocation. We anticipate that because the

RRWMB has several shovel-ready projects many of those funds will be allocated to the RRWMB projects. (While this does not meet the long-term stable funding needs, the funds will provide much needed funding for flood control projects.)

Require 60-day review periods when state agencies adopt new policies. The 60-day requirement when state agencies adopt new policies was not acted on this session. This should be a prime target for action in the non-budget 2024 session.

### **Priority B: Legislation to Support**

Limited liability for Smart Salting-certified Commercial Salt Applicators. The Commercial Certified Salt Applicator legislation (HF820), even with 18 House sponsors, received very little interest this session. It was sent directly to the Judiciary Committee in the House and the committee did not afford the bill a hearing. In the Senate, the companion file, SF755 was heard in the Environment Committee and re-referred to the Senate Judiciary and Public Safety Committee. It was not heard in that committee. This legislation is still alive and could be activated again next session.

### **Legislation to Defeat**

Drainage registry information portal. The provision dealing with drainage notice requirements via a drainage portal was not passed but sent back by the conference committee to the Drainage Work Group (DWG) for its recommendations for the 2024 session. In addition, the environment committees want recommendations from the DWG on outlet adequacy, which is presently being worked on by the group. These recommendations must be made by February 1, 2024. ([Laws 2023, Chapter 60](#), Article 5, Sec. 21) The legislature also directed the DWG to assess drainage district's powers "to consider the abandonment or dismantling of drainage systems; to re-meander, restore, or reconstruct a natural waterway that has been modified by drainage, or to deconstruct dikes, dams or other water-control structures". In addition, the DWG has already agreed to work with DNR on early coordination efforts. ([2023 Laws, Chapter 60](#), Article 1, Sec. 4(d)) So, it appears the DWG will have a very busy summer and fall dealing with these issues and others that may come up in the next several months.

There were a number of initiatives in various bills adopted by the legislature this past session that affect or are of interest to watersheds. We will be reviewing those bills and presenting a final legislative update in the near future capturing these new legislative initiatives and regulatory actions for your information.

Jan Voit and I would like to thank everyone who help move our legislation along by talking with your local legislators or by testifying on watershed legislation. Please feel free to contact me or Jan Voit if you have any questions about this update or the legislative session just ended.

Thank you!

# Coon Creek Watershed District links habitat, stormwater work



Clean Water Funds from BWSR backed three Coon Creek-related projects:  
**\$376,090**, 2019; CCWD and Coon Rapids; biochar- and iron-enhanced sand filter to treat a tributary's runoff. Annual reduction estimates (ARE): 80% E. coli; 69 pounds phosphorus.  
**\$395,000**, 2020; 1.1-mile Coon Creek Park stream restoration, Andover. ARE: 237 tons sediment, 201 pounds phosphorus.  
**\$345,000**, 2022; CCWD and Coon Rapids; biochar- and iron-enhanced sand filter to treat a tributary's runoff. ARE: 23 pounds phosphorus, 404 billion organisms.

**C** OON RAPIDS — On a stream that carries stormwater runoff from a densely populated suburb, the Coon Creek Watershed District (CCWD) overcame constraints of its urban setting to improve habitat, reduce the likelihood of flash flooding, and curb pollution bound for the Mississippi River.

The two-phase, \$1.3 million Sand Creek restoration project leveraged \$577,930 in Clean Water Funds from the Minnesota Board of Water and Soil Resources (BWSR), and \$560,540 in U.S. Environmental Protection Agency funding through Section 319 of the Clean Water Act. Work focused on a 1.2-mile-long stretch.

“When we work to address our aquatic life impairments in these urban streams, it’s really twofold. The heavy anthropogenic impact on the land has led to in-stream factors: poor habitat, straightened channels, a lot flashier water, altered hydrology,” said Justine Dauphinais, CCWD water quality coordinator. “Also, you have to deal with all of the regulated urban stormwater that is washing off the landscape into the creek — and the quality of that water itself.”

As space, partnerships and funding allow, the CCWD pairs in-stream restoration and bank stabilization to reduce sediment-loading with best management practices to reduce peak flows and filter out

dissolved phosphorus and bacteria.

Annual reduction estimates show the Sand Creek project, which finished in 2021, will curb sediment-loading by 468 tons and cut phosphorus by 420 pounds. One pound of phosphorus can feed 500 pounds of algae.

Sand Creek starts in Blaine as a series of stormwater ditches, and flows 8.3 miles to Coon Creek, a Mississippi River tributary. The downstream 2.2 miles function as a stream. The rest, bordered by hundreds of private properties, functions as a ditch.

The Sand Creek work set the stage for projects on Coon Creek.

“We started our work in Sand Creek for a couple of reasons,” Dauphinais said. “It’s a bit closer to meeting water quality goals. It’s nice to be able to move that needle. It buys momentum. We can receive this grant money, pair it with our own and make a measurable difference. It’s realistic and it’s within reach (of being removed from the state’s impaired waters list).

“Second is it’s a major tributary to Coon Creek, which has worse impairments. Anything we do in Sand Creek helps Coon Creek.”

The two years of drought conditions that followed Sand Creek project construction allowed the bank-stabilizing native vegetation to grow deep roots. Accurately

**Left:** Contractors backfilled the existing Middle Sand Creek channel and restored the stream, following a natural, meandering channel design. Two BWSR Clean Water Fund grants supported the Sand Creek work: \$195,160 awarded in 2018 for Lower Sand Creek corridor restoration; and \$382,770 awarded in 2019 for Middle Sand Creek corridor restoration. **Middle:** An aerial view of the remeandered Middle Sand Creek looks upstream from the BNSF Railway stream crossing on April 1, 2021. **Right:** An upstream view from the pedestrian bridge at Sycamore Circle Northwest depicts native plants' growth the summer after work on a segment of Middle Sand Creek was complete. **Photos courtesy of Coon Creek Watershed District**  
**VIDEO:** [Lower Sand Creek project](#)



**Left:** The first stage of the CCWD’s Clean Water Fund-supported work on Sand Creek in Coon Rapids focused on Lower Sand Creek corridor restoration. Construction included five backwater pools, and six rock cross vanes designed to control the grade and direct stream flow. The project incorporated toe wood protection, resloping, and vegetated rock riprap streambank stabilization techniques. **Middle:** CCWD Water Quality Coordinator Justine Dauphinais walked along Sand Creek in fall 2019. **Right:** Most of Sand Creek functions as a ditch; only the downstream 2.2 miles function as a stream. **Photo Credits:** Ann Wessel, BWSR

measuring the project’s success will take about five years of phosphorus, sediment and E. coli sampling.

Anecdotally, Dauphinais said evidence of sediment-reduction already exists: After heavy rains, the water no longer resembles tea.

“Prior to this project we had a relatively straightened, shallow, over-widened channel with a sandy bottom, and not a lot of variety. So we’re trying to encourage habitat variety and quality. Things like riffles, pools and runs, and then also cover and substrate variety. We want wood in the channel, and rocks along with the sand. And we want areas of faster-flowing water, areas of low-flowing waters, and then areas with overhanging vegetation and nooks and crannies for the macroinvertebrates to live in,” Dauphinais said in fall 2019, when the Lower Sand Creek project was finished and the Middle Sand Creek project was being planned.

Dauphinais called the Middle Sand Creek project the “gold standard” in terms of maximizing the potential within urban constraints.

That two-thirds-mile-long segment used natural channel design methods to return the straightened stream to its winding course, adding 625 feet of length via curves

that slow the velocity. The design created a 50-foot-wide floodplain, and lowered the floodplain level by as much as 2 feet.

One of the biggest challenges was explaining why it was necessary to thin the trees. The first step in the Sand Creek work — clearing, thinning and dirt-moving — generated dozens of calls to the CCWD office.

“People appreciated this oasis in the middle of Coon Rapids,” Dauphinais said.

But under the heavy shade of mature trees, invasive buckthorn crowded out native understory species, leaving bare soil that eroded easily.

“As they learned more about the projects and the benefits and ... the creek and the aquatic life, then things got better. We had a robust replanting plan with both seed and plugs and shrubs and trees,” Dauphinais said. “When the leaves started budding and the plants started growing, then people really came around.”

Dauphinais said a couple of residents who had opposed the project called the CCWD office to say they were happy with the results.

During the summer, lush vegetation now conceals bits of the narrowed, serpentine

stretch. A more open canopy allowed plants to flourish, and drew eagles and owls.

“The biggest challenge (was) the public perception, and trying to explain the need and the long-term benefit of the tree-clearing and the mass excavation,” Dauphinais said.

The extensive excavation was necessary to ensure the project would not increase the flood risk to neighboring homes. The design had to avoid negatively affecting existing infrastructure or sensitive areas. Working in a heavily developed landscape required extensive planning and permits — including permits from the U.S. Army Corps of Engineers, the Minnesota Department of Natural Resources (DNR), and the Minnesota Pollution Control Agency.

“In an urban environment, there’s a lot of constraints, whether it’s utility companies, gas lines, sewer lines, fiber optic — you have the streets and the culverts and then you have private property and bridges and the railroad,” Dauphinais said.

Dauphinais credited Nick Proulx, a stream restoration specialist on the DNR’s Clean Water Team, with helping engineers to devise a project that adhered to natural stream design principles.

“That was the biggest win — working well with the DNR and building that relationship. That’s going to pay off in all of our future projects and (in) training our engineers that don’t do that kind of work in these methods,” she said.

What CCWD staff learned from the Sand Creek project translated to its recently finished Coon Creek Park restoration on the main branch of Coon Creek in Andover.

A multi-year project situated on Public Ditch 57, a straightened segment of Coon Creek, it incorporated the principles of natural channel design. It considered what the stream would have looked like before European settlement, and then made adjustments based on how much water the stream receives today — including runoff from impervious surfaces. The existing ditch was oversized and too shallow.

The completed project incorporated a two-stage channel that provides better habitat.

“We’re really grateful that there’s state and federal funding available for this type of work, because to do it right, it’s incredibly expensive and we wouldn’t be able to do it with just local funds,” Dauphinais said.