

AGENDA

COON CREEK WATERSHED DISTRICT BOARD OF MANAGERS

September 11, 2023
5:30 PM

1. Call to Order
2. Approval of the Agenda
3. Announcements
4. Open Mic

CONSENT ITEMS

5. Approval of Minutes
6. Receive Administrator's Report
7. Advisory Committee Report
8. Approve Bills

POLICY ITEMS

9. Hearing on 2024 Budget
10. Election of Officers

PERMIT ITEMS

None

DISCUSSION ITEMS

11. Draft District By Laws
12. TH 65 Elected Officials Briefing

INFORMATIONAL ITEMS

13. Waters of the US (WOTUS) Fact Sheet
14. CMAL Watershed District Study
15. NYT article - 5 Takeaways of 8/28/23 NYT Groundwater article
16. Strib article - TC area Home Building trend

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, August 28, 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, Dwight McCullough and Patrick Parker.

Board Members Absent: none

Staff Present: Dawn Doering, Corinne Elfelt, Tim Kelly, Michelle Ulrich

Staff Present via Zoom: Erik Bye, Erin Edison, Jon Janke

Others: Erin Lind – new Board Member; Chris Lord – Anoka Conservation District

2. Approval of the Agenda: Board Member McCullough made a motion to add Permit Review Items: 10-Gateway Fiber – Blaine & Coon Rapids, 11 – Sunrise Pond Parking and Trail, and 12 Unlimited Concrete to the Consent Agenda. Seconded by Board Member Campbell. Motion carried with four yeas (Board Members Mary Campbell, James Hafner, Dwight McCullough and Patrick Parker) and no nays.

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

3. Swearing In of New Manager Erin Lind: The District's Attorney, Michelle Ulrich, swore in new Manager Erin Lind.

4. Announcements: none

5. Open Mic/Public Comment:

CONSENT ITEMS

6. Approval of Minutes of August 14, 2023

7. Approval of Bills for Payment: Claims totaling \$278,333.95 on the following disbursement list will be issued and released upon Board approval.

August 28, 2023		
To	Amount	
Anoka County	130,642.42	
Centerpoint Energy	26.00	
City of Andover	2,806.00	
City of Blaine	38,771.00	
City of Fridley	6,000.00	
Emmons & Olivier Resources Inc	9,477.25	
Dave & Karla Fox	1,724.75	Escrow Return
MG Main Street Properties	392.54	Escrow Return
Michelle Ulrich PA	6,240.50	
North Pine Aggregate	27,280.20	
PLM Lake & Mgmt Corp	851.50	
RMB Environmental LLC	1,988.00	
Abby Shea	190.61	
Stantec	42,431.85	
Chase Vanderbilt	25.35	
Xcel Energy	210.98	
YTS Companies LLC	9,275.00	
	278,333.95	0.00

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

~~10~~ 8. Gateway Fiber Blaine and Coon Rapids Permit Application Review:

The purpose of this project is a directional bore of utility cable below multiple county ditches in Blaine and Coon Rapids, Minnesota.

Staff recommendation was to approve with 1 Condition and 1 Stipulation as follows:
Procedural Requirements (Rule 2.7)

1. Submittal of a performance escrow in the amount of \$2,005.00.

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 utility crossing under all ditch crossings that shows 4-foot separation is maintained between the bottom of ditch and top of utility line.

~~11~~ 9. Sunrise Pond Parking & Trail Permit Application Review:

The purpose of this project is the construction of a parking lot and completion of an existing walking trail located east of Ghia Street and south of 131st Avenue NE in Blaine, Minnesota.

Staff recommendation was to Approve with 2 Conditions and zero Stipulations as follows:

Procedural Requirements (Rule 2.7)

1. Submittal of a performance escrow in the amount of \$2,290.00.

Soils and Erosion Control (Rule 4)

2. Update the erosion and sediment control plan to include the following:
 - a. Note that soils and soil stockpiles will be stabilized within 7 days of inactivity.
 - b. Provide provisions for cleaning the streets by the end of each day where sediment may have been transported.

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:

None

~~12.~~ 10. Unlimited Concrete Permit Application Review:

The purpose of this project is the construction of a new commercial building, parking lot, driveway and truck maneuvering area located at 16651 Polk St NE in Ham Lake, Minnesota.

Staff recommendation was to Approve with 4 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 \$2,550.00.

Stormwater Management (Rule 3)

2. Provide an explanation and details of the diesel pump station and containment system that ensures any potential leaks or spills are mitigated. Explain how spills and/or leaks will be addressed to avoid diesel fuel from draining to the adjacent ditch system.

Soils and Erosion Control (Rule 4)

3. Update the erosion and soil control plan to include a note that soils and soil stockpiles will be stabilized within 24 hours of inactivity.
4. Provide proof of NPDES permit application.

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:

None

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

POLICY ITEMS

§ 11. Order Public Hearing on Draft 2024 Operating Budget:

District Administrator, Tim Kelly, having reviewed the staff report proposing that since the Board has review and discussed the budget at multiple Board Meetings, and it has been reviewed by both Advisory Committees, Administrator Kelly’s recommendation was to publish the following budget for public comment:

Revenues	Draft 2024
Property Tax	\$ 4,965,828
Fees & Charges	298,423
Grants	314,539
Other Revenue	28,042
Fund Balance Used	40,225
Total Revenue	\$ 5,647,057
Expenditures	
Salaries & Benefits	1,981,605
Professional Services	589,000
Operating Expenses	239,164
Program Costs	2,680,517
Capital Costs	156,708
Total Expenses	\$ 5,646,994

Board President Hafner asked if the new Board Member, Erin Lind, had the opportunity to review the proposed budget. Board Member Lind indicated she had reviewed the budget.

Board Member Campbell moved to Approve the Budget for Public Hearing at the September 11, 2023, meeting of the Board, seconded by Board Member Hafner. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Erin Lind, Dwight McCullough and Patrick Parker) and no nays.

9 12. Support for Anoka Conservation District's Request for a Groundwater Specialist

District Administrator Kelly stated he had been at an Anoka County intergovernmental meeting the previous week when Anoka Conservation District (ACD) requested partial funding from the County for a Groundwater Specialist addition to the ACD staff. Administrator Kelly noted that groundwater will continue in importance over the next few decades in addition to the water quality issues. Kelly noted that both groundwater and water quality have been brought to the fore in recent months due to ground water contamination in Andover.

Administrator Kelly asked two items of the Board:

- 1) Reach out the County Board and voice support for this much needed position within the county; and
- 2) Authorize Administrator Kelly to send a letter of support of the funding of the Groundwater Specialist position at ACD to the County Commissioners.

Chris Lord, ACD District Manager, answered various questions about the position and funding for the Board.

Board Member McCullough moved to Authorize the District Administrator to write a letter of support to the Anoka County Commissioners, seconded by Board Member Parker. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Erin Lind, Dwight McCullough and Patrick Parker) and no nays.

PERMIT ITEMS- moved to Consent Agenda

DISCUSSION ITEMS

13. Comprehensive Plan Update

Administrator Kelly said the Draft of the Comprehensive Plan is being edited. Administrator Kelly asked the Board if they would like to see the plan in sections, complete, hardcopy or electronic. The general consensus was the Board would rather have it complete and electronically.

INFORMATIONAL ITEMS

14. Trunk Highway 65 Public Official Briefing

Administrator Kelly informed the Board that the Highway 65 reconstruction was at approximately 30% design completion. Kelly noted there have been some changes such as to the right-of-way, roundabouts, bridges, wetlands and flood plain. Kelly noted that alternatives are being considered.

The Board discussed who would be attending the Public Official Briefing. Board Members Hafner and Lind indicated they would be attending.

15. Board of Soil and Water Resources Discussions and Proposals for Amendments to Watershed District Act (MS 103D)

Administrator Kelly noted that there are significant changes being considered and he will keep the Board up-to-date on the proposed changes.

16. Heads Up: Minnesota Pollution Control Agency Rule Making

a. Ground Water - Demolition Land Fills & Tire

b. Lakes Water Quality under Tiered Aquatic Life Uses Framework

Administrator Kelly alerted the Board to changes coming from MPCA that may have an impact on the standards that the District works under. Kelly noted there is an upcoming meeting and that he would brief the Board on content.

ADJOURN

Board Member Campbell moved to adjourn at 6:17 p.m. seconded by Board Member Hafner. Motion carried with five yeas (Board Members Mary Campbell, James Hafner, Matthew Herbst, Erin Lind, Dwight McCullough and Patrick Parker) and no nays.

President

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

MEETING DATE: September 11, 2023
AGENDA NUMBER: 6
ITEM: Administrator’s Situation Report

AGENDA: Consent

REQUESTED ACTION:

Receive report

ADMINISTRATOR’S EVALUATION

Upcoming Board Considerations

- 2024-2033 Comprehensive Watershed Management Plan

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.

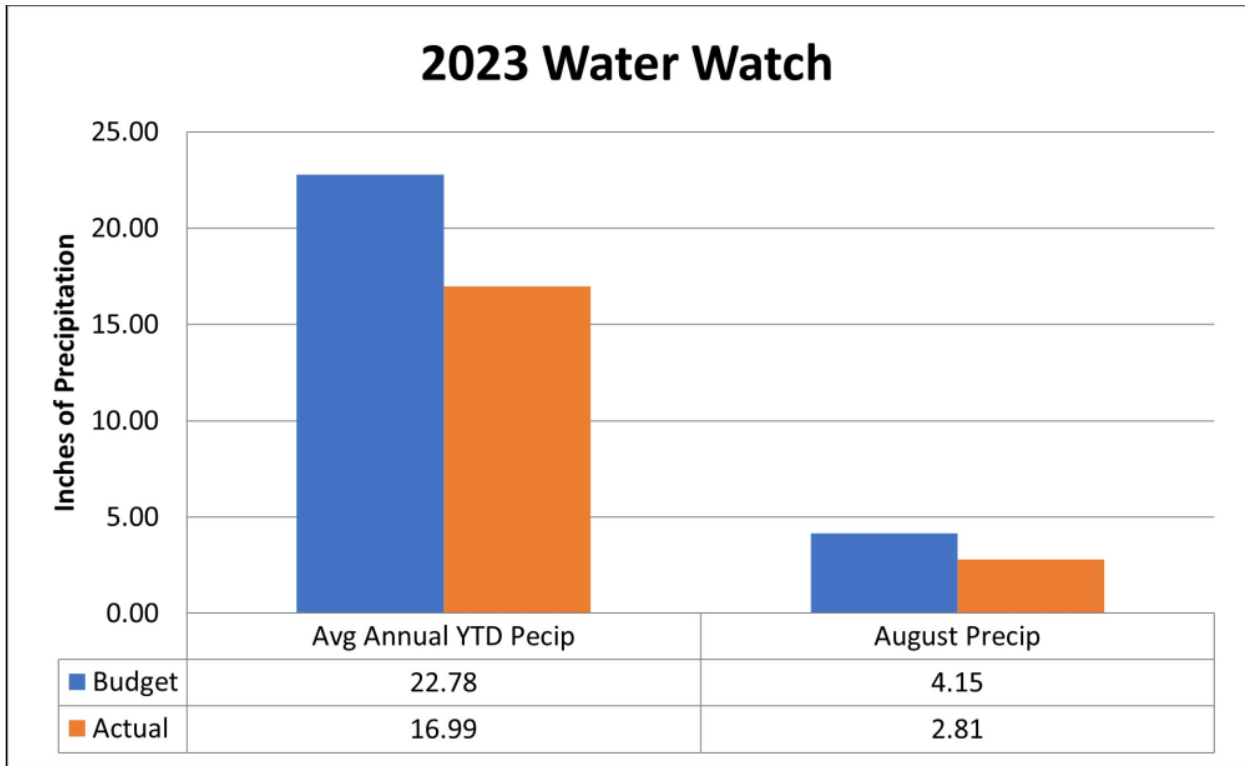
MANAGEMENT SITUATION

Precipitation & Hydrology: Continued Drought, Dry Winter

The District averaged 2.81 inches of precipitation in the month of August. That leaves the District 1.34 inches or 32% below average for the month and 5.79 inches or 25% below for the year. Growing season precipitation is 9.5 inches or 57% below average.

According to the latest US Drought Monitor release (August 31st), all of Anoka County is experiencing Severe Drought after spending two weeks in Moderate Drought. The Minnesota Weekly Stream Flow Report release (August 28th) shows Anoka County is experiencing minimum to low flows. This is reflected by CCWD water level/discharge instrumentation deployed throughout the District.

The National Weather Service is currently predicting 0.25” of precipitation over the next seven days.



Non-Routine Projects

Anoka County Transition:

Accounting – Abdo: Completing the definition phase required to fully set up and customize the accounting system for financial records transfer.

Payroll:

Benefits:

Boundary Amendment

Had been submitted to the BWSR and is under review.

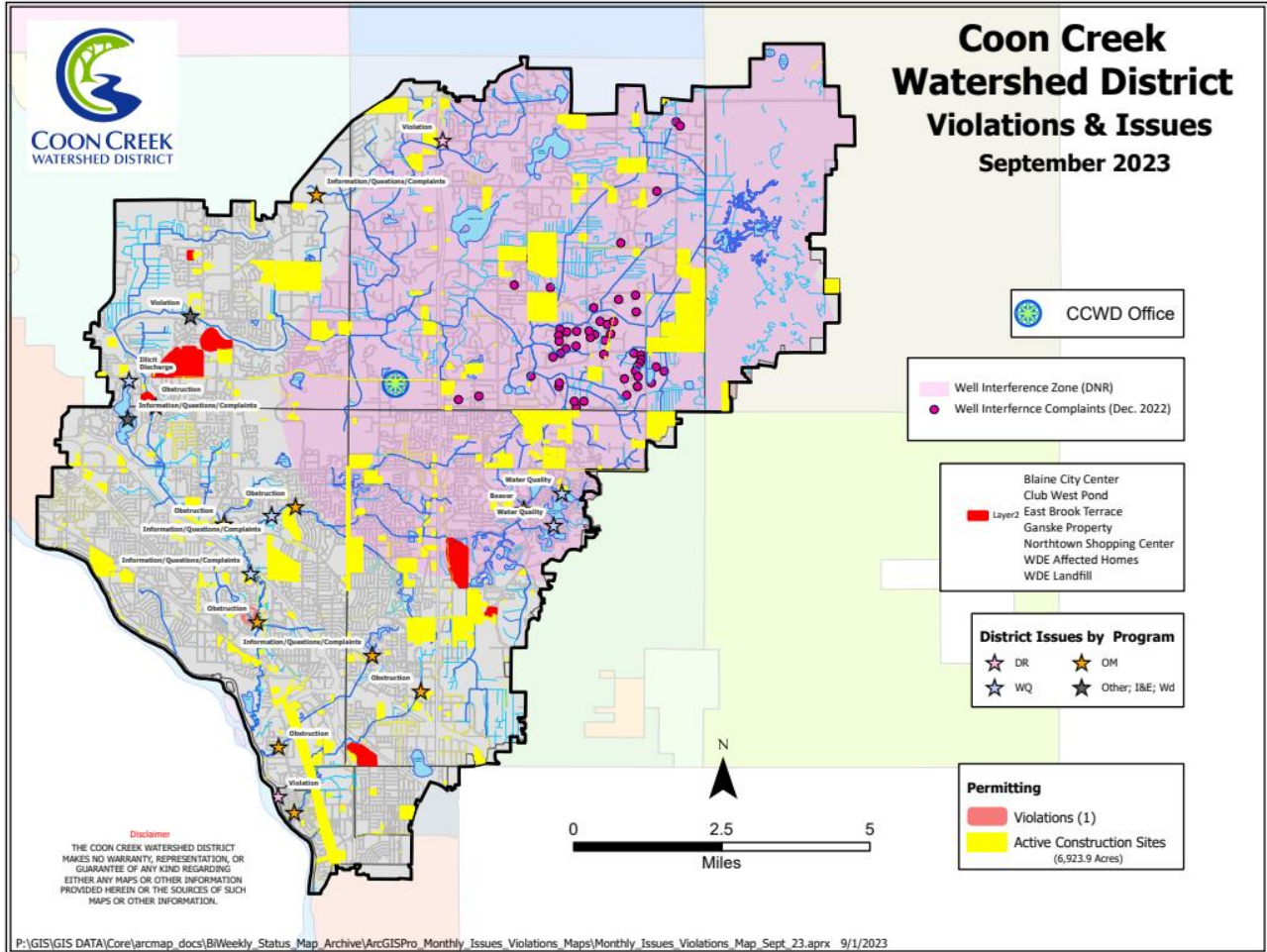
Ground Water Position

Proposed Amendments to 103D

TH 65

At less than 30% design – No further updates. Observations on the Elected Officials briefing on this agenda.

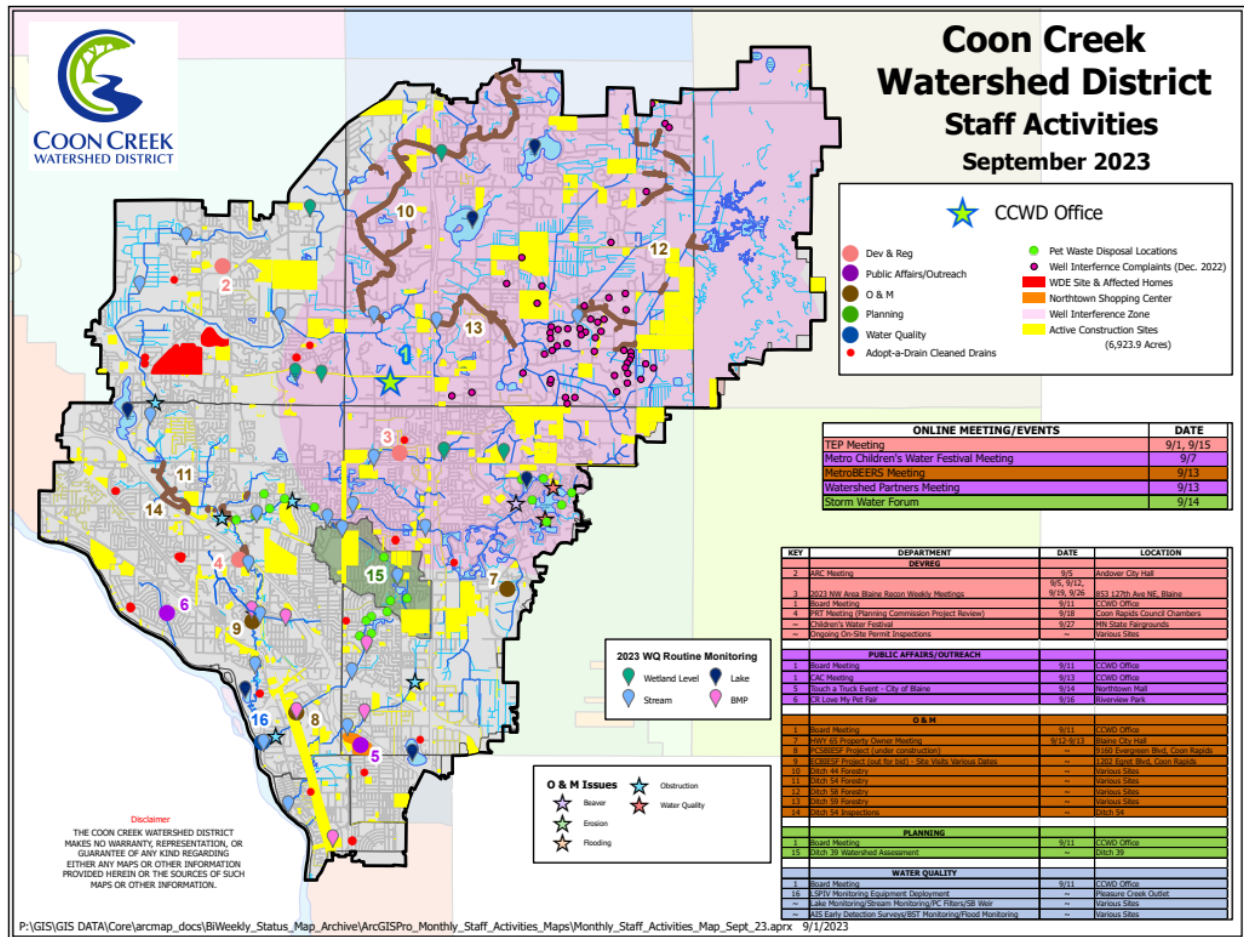
Problems, Issues and Concerns



EXECUTION

August Priorities

O&M	Planning	PGA	WQ	Development
Coon Rapids Dam Regional Park	2024 Budget	Website-Issues Reporting Mapfeeder module	Comp Plan Water Quality Chapter	Water Quality Annex to Comprehensive Plan
2023 Routine Forestry	Comprehensive Plan	Article- Sept Ham Laker: Drought Impacts on surficial groundwater	CWF grant closeout: EC BIESF	CWF grant closeout: Aurelia Park
Ditch 20 Routine Inspection	Annual Plan Prep	Article-SLP newsletter: Imp acts of Chloride pollution	CWF grant closeout: Aurelia Park Pond	FY 24 CWF RFP – LCCNR proposal evaluation



MANAGEMENT DISPOSITION

Financial Position:

August started with an operational fund balance of approximately \$1,526,514.49. 2.7% of those funds are restricted, leaving a working fund balance of \$1,115,667.38. Change in net cash position was +\$1,327,982.08. Balance of the escrow trust fund is \$2,132,716.79. Seven months into the fiscal year, the budget variance is -\$160,000 (24%) less than planned.

Equipment and Facilities:

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Staffing:

- Health: Overall health of staff is good
- Staff Availability: Over the month of September the District we will be at 88%
- Succession Planning: Development of the Succession Plan continues, slowed due to employee turnover.
- Vacancies/New Hires
 - Administrative Assistant position has been filled effective September 25 by Bobbie Law, an employee with similar experience in two other watershed districts.
 - Watershed Development Specialist position has been filled effective September 18 by Kailee Hasbrook. Kailee is coming from an inspecting position at an engineering firm.
 - In the process of refining the Engagement Position Description

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

MEETING DATE: September 11, 2023
AGENDA NUMBER: 7
ITEM: Advisory Committees Report

AGENDA: Policy Discussion Information

ACTION REQUESTED Receive Report

BACKGROUND

The Citizen Advisory Committee (CAC) met in person August 9th. The Technical Advisory Committee (TAC) met virtually on August 10th.

- The next CAC meeting scheduled: September 13th at 4:30pm in person at the CCWD office.
- The next TAC meeting scheduled: September 14th at 8:30am hybrid with Zoom.

ISSUES/CONCERNS

Citizen Advisory Committee (CAC)

All members were present in person at CCWD office except Mr. Kurdziel & Mr. McCullough.
Guest: Erik Bye, CCWD staff

1. Announcements: Abby Shea announced this is her last CAC meeting as she leaves for the MN Department of Health Source Water Protection Unit. Tim Kelly announced that Erik Bye, CCWD WD Specialist, is CCWD Planning Coordinator as of 8/28/23.
2. Tim Kelly led a discussion on the Draft 2024 Budget.
 - a. Questions regarded the projected amount of revenue from the Clean Water Fund, in what form remaining funds from the previous year's budget are held, the additional administrative costs from separating from the County, and how the percentage of each city's representation/costs in the District is calculated.
 - b. Members also asked if the proposed levy increase has been met with any questions or concerns thus far. CAC members did not express any concern over the levy increase; one member noted that the budget increase was "overdue."

Technical Advisory Committee (TAC)

All members were present with exception of Columbus and Spring Lake Park.

1. Watershed Status: in Severe Drought status
2. MN Plumbing Board and Stormwater Surcharge-Section 310.5 Obstruction of Flow. Katy Thompson, Stantec, reported on high financial impact of new interpretation of 2020 Plumbing Rules in regards to stormwater requirements. Many city and engineering groups are preparing for legal proceedings since Cottage Grove has filed a petition.
3. Discussion Items
 1. 2024 Budget – Tim Kelly led briefing on draft Budget sent out on Thurs, 8/3, to TAC
 - i. There was no discussion or comments at meeting
 - ii. members were invited to email Tim Kelly with any further comments

2. Comprehensive plan transition-Phase 1 Water Quality 2024-2025
 - i. Draft Plan to come end of August; adoption December 2023-January 2024
 - ii. WQ Chapter sent out 8/8:
 1. Driven by 10-year CIP: Tim Kelly reminded members to send CIP projects
 2. Comments due 8/24 to Justine Dauphinais
 3. Additional request to submit source water/drinking water projects
4. Announcements:
 - Staff Changes- Erik Bye, CCWD WD Specialist, is now CCWD Planner
 - Blaine - WSB was awarded contract for Northtown Mall AUAR
 - Andover – QCTV will have recording of 8/9/23 Red Oaks public meeting
 - Fridley- Apex Pond is on track with 1 citizen at the public meeting
 - BWSR – WBIF going to their Board later in August
 - Chris Lord noted that WBIF funding #s are bigger both in total available and in project proposals
 - Michelle Jordan, BWSR, responded: it’s an updated funding formula for Metro per feedback received about improvements;
 - BWSR anticipates funding going more to non-competitive grants than competitive ones

RECOMMENDATION

Receive Report

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: September 11, 2023
AGENDA NUMBER: 8
ITEM: Bills to Be Paid

FISCAL IMPACT: Budgeted
POLICY IMPACT: Policy

REQUEST
Approve bills

BACKGROUND

Claims totaling \$43,803.62 on the following disbursement(s) list will be issued and released upon Board approval.

September 11, 2023	
To	Amount
A1 Floor & Carpet Care	1,076.25
Abdo LLP	11,925.00
Connexus Energy	273.29
Indigital	8,410.58
Loffler	171.22
Michelle Ulrich PA	4,388.00
Plaudit Design	3,500.00
RMB Environmental Labs	2,654.00
US Bank	5,236.53
YTS Companies	6,168.75
	43,803.62

Item 8: Bills to be Paid Page 2 of 2

delete before upload	Paid	Div	CheckID	RefDt	Ref	Desc	DistAmt	GlKey	GObj	JGr	JKey	JObj	Units	UnitPrice	Recv Addr Cd	DutyCd	Payment Fiscal Year
VENDOR	invoice #			invoice date	invoice #		DistAmt							unit rate	Servaddress		
A1 FLOOR AND CARPET CARE INC	129035	CCWD	CC	08/25/2023	0923CCWD	SEPT 2023 CLEANING SERVICE	1,076.25	8699560112	61105				1	1,076.25	RD	GEN	CHK 2023
ABDO LLP	247704	CCWD	CC	08/31/2023	475658	FIN SVCS/IMPL THRM PMNT 30%	11,925.00	8699560112	63052				1	11,925.00	RD	GEN	CHK 2023
CONNEXUS ENERGY	131028	CCWD	CC	08/25/2023	253758-0823	ACCT 828846-253758 CCWD	273.29	8699560112	62226				1	273.29	RD	GEN	CHK 2023
INDIGITAL	249140	CCWD	CC	08/23/2023	13275	WO 18575 DOCUMENT SCANNING	8,410.58	8699560112	61549				1	8,410.58	RD	GEN	CHK 2023
LOFLER COMPANIES INC	134135	CCWD	CC	09/01/2023	445873.8	ACCT CC16 CCWD AUG 23	171.22	8699560112	62124				1	171.22	RD	GEN	CHK 2023
MICHELLE J ULRICH PA	134647	CCWD	CC	09/01/2023	AUG 2023	LEGAL-AUG 2023	4,388.00	8699560112	63453				1	4,388.00	RD	GEN	CHK 2023
PLAUDIT DESIGN	252082	CCWD	CC	08/22/2023	202308847	2023 WEBS/TE REDESIGN-SECOND PYMT	3,500.00	8699560612	61549				1	3,500.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/25/2023	B010148	WOR010148 STREAM MONITORING	1,053.00	8699560512	61549				1	1,053.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/25/2023	B010150	WOR010150 STREAM MONITORING	144.00	8699560512	61549				1	144.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/28/2023	B010167	WOR010167 STREAM MONITORING	216.00	8699560512	61549				1	216.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/28/2023	B010168	WOR010168 STREAM MONITORING	216.00	8699560512	61549				1	216.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/28/2023	B010169	WOR010169 STREAM MONITORING	108.00	8699560512	61549				1	108.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/29/2023	B010185	WOR010185 STREAM MONITORING	216.00	8699560512	61549				1	216.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/29/2023	B010186	WOR010186 STREAM MONITORING	216.00	8699560512	61549				1	216.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	08/31/2023	B010149	WOR010149 STREAM MONITORING	216.00	8699560512	61549				1	216.00	RD	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	228886	CCWD	CC	09/01/2023	B010113	WOR010113 STREAM MONITORING	269.00	8699560512	61549				1	269.00	RD	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		(379.61)	8699560112	61557				1	(379.61)	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		102.86	8699560112	61149				1	102.86	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		1,190.89	8699560112	62229				1	1,190.89	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		49.99	8699560112	61249				1	49.99	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		579.25	8699560112	61149				1	579.25	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		12.45	8699560112	61149				1	12.45	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		9.85	8699560112	61149				1	9.85	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		79.25	8699560112	61105				1	79.25	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		144.59	8699560112	61149				1	144.59	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		82.65	8699560112	61149				1	82.65	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		46.60	8699560112	61149				1	46.60	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		120.22	8699560112	62228				1	120.22	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		60.13	8699560112	61477				1	60.13	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		80.29	8699560112	61559				1	80.29	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		261.27	8699560112	62224				1	261.27	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		504.19	8699560112	62273				1	504.19	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		230.00	8699560112	61148				1	230.00	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		10.00	8699560112	61149				1	10.00	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		12.00	8699560112	61149				1	12.00	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		6.41	8699560112	61148				1	6.41	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		27.63	8699560112	61149				1	27.63	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		39.51	8699560512	63995				1	39.51	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		53.59	8699560112	61149				1	53.59	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		32.84	8699560112	61149				1	32.84	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		49.73	8699560112	61149				1	49.73	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		206.71	8699560112	61148				1	206.71	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		70.92	8699560112	61149				1	70.92	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		6.29	8699560512	61549				1	6.29	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		39.20	8699560112	61149				1	39.20	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		6.94	8699560112	61148				1	6.94	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		39.40	8699560112	61149				1	39.40	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		476.89	8699560112	61148				1	476.89	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		24.72	8699560112	61148				1	24.72	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		14.50	8699560112	61148				1	14.50	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		40.95	8699560112	61149				1	40.95	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		352.90	8699560112	61148				1	352.90	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		7.10	8699560112	61101				1	7.10	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		150.50	8699560512	63995				1	150.50	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		49.23	8699560112	61149				1	49.23	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		20.00	8699560512	61355				1	20.00	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		63.50	8699560112	61101				1	63.50	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		74.99	8699560112	61148				1	74.99	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		72.43	8699560112	61477				1	72.43	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		40.54	8699560112	61149				1	40.54	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		6.38	8699560112	61148				1	6.38	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		10.18	8699560612	61549				1	10.18	RR	GEN	CHK 2023
US BANK	128761	CCWD	CC	25-AUG-2023	ACCT 4246 0445 5571 4595 CCWD		35.67	8699560112	61148				1	35.67	RR	GEN	CHK 2023
YTS COMPANIES LLC	224140	CCWD	CC														

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

MEETING DATE: September 11, 2023
AGENDA NUMBER: 9
ITEM: Hearing on 2024 Budget

FISCAL IMPACT: Policy
POLICY IMPACT: Budgeted

REQUEST

Hold hearing and adopt 2024 budget as required by M.S. 103D.

PURPOSE & SCOPE OF ITEM

The approval and adoption of the 2024 budget.

The budget represents the set of planned revenues and expenses needed to fund District programs and activities that fulfill the District’s legal obligations for managing water and related resources within the Watershed District

BACKGROUND

In March 2023, the Board adopted a budget calendar for the development of the 2024 operating budget. Budget development occurred in three basic phases (detail development, Board review and refinement, public and stakeholder review).

On July 24, the Board approved a rough draft budget for review and comment by the advisory committees and requested feedback from those committees. The District received 10 comments that were addressed at the August 14 and 28th Board meetings.

On August 28 the Board approved a Draft budget for public review and hearing.

COORDINATION

Advisory Committees: Both advisory committees were briefed and consulted monthly during the budget development phase in April, May, and June.

Citizen Advisory Committee (CAC): Presented and discussed rough draft and draft budget with the Citizen Advisory Committee. July 12, and August 9.

Technical Advisory Committee (TAC): Presented and discussed rough draft and draft budget with the Citizen Advisory Committee. July 13, and August 10.

FACTS

- Adoption of an operating budget is required by statute to be adopted by the Board by September 15 of each year (M.S. 103B & M.S. 103D)
- A public hearing is required prior to Board adoption of the operating budget (M.S. 103B & M.S. 103D)
- Participation by the public and major stakeholders is encouraged (MR 8410)
- The 2024 budget development process commenced in March, and some element of the budget has been before the Board at each of the 11 Board meetings since that time.
- Comments from the Advisory Committees were presented and discussed at the August 14 meeting
- The Board has reviewed and commented on the 2024 budget in its entirety on four separate occasions. All approved changes have been included.

ISSUES/CONCERNS

1. **Public Notice**: The draft budget was noticed on the District web site August 25 and September 1, in the Anoka County Union Herald and the Blaine/Spring Lake Park/Fridley Life
2. **Hearing requirements**: Minnesota Statutes 103B & 103D requires the Board to convene a public hearing to allow the public to comment on the proposed 2024 budget. A potential outline for the hearing would be:
 - a. Call to order
 - b. Review Statutory Purpose of the District and the Requirement for the development and adoption of annual budget
 - c. Review proposed 2024 budget
 - d. Receive public comment
 - e. Close public comment
 - f. Discuss public comment
 - g. Close hearing
3. **Adoption of the Budget**: Adoption of the budget is a separate act of the Board, must be done before September 15 and can not be done until the Board has closed a public hearing on the budget.
4. **Property Tax Levy**: Adoption of the budget is not a certification of property taxes payable in 2024. Certification of taxes payable in 2024 is not required and by tradition does not occur until the first Board meeting in December.

However, once the budget is adopted and the proposed levy amount is reported to Anoka County under the “Truth in Taxation” requirements, the Board is prohibited from certifying a levy larger than the levy amount reported to Anoka County. The Board may, however, decrease the amount reported. Any decreases in the levy should be preceded by a review and revisions in expenditures to ensure the revised budget is balanced.

5. **Comments**: The District has received no comments on the draft budget.

6. Proposed 2024 Budget:

Revenues	2024
Property Tax	\$ 4,965,765
Fees & Charges	298,423
Grants	314,539
Other Revenue	28,042
Fund Balance Used	40,225
Total Revenue	\$ 5,646,994
Expenditures	
Salaries & Benefits	1,981,605
Professional Services	589,000
Operating Expenses	239,164
Program Costs	2,680,517
Capital Costs	156,708
Total Expenses	\$ 5,646,994

CONCLUSIONS

The proposed budget:

1. Positions the District for long-term effectiveness.
2. Meets the fiscal goal of a General Fund balance of no less than 45% of planned essential 2024 General Fund expenditures.
3. Recommends capital equipment purchases and replacement based on a comprehensive review of the condition of capital equipment.
4. Used long-term financial models to help designate appropriate capital resources for future District needs.
5. Was developed using a team approach and is consistent with the Comprehensive Plan
6. Supports the implementation of Board policies and goals.
7. Is responsive to changes in community conditions in a cost-effective manner.

OPTIONS

1. Hold public hearing and adopt budget as proposed.
2. Hold public hearing, modify budget and adopt budget with modifications.

3. Hold public hearing, table budget and direct staff to notice an emergency meeting for some time before this coming Thursday.
4. Hold public hearing and adopt 2024 budget and proposed levy

RECOMMENDATION

Convene public hearing and then adopt budget.

IMPLEMENTATION

1. Hold hearing using the following agenda
 - a. Call to order
 - b. Review Statutory Purpose of the District and the Requirement for the development and adoption of annual budget
 - c. Review proposed 2024 budget
 - d. Receive public comment
 - e. Close public comment
 - f. Discuss public comment
 - g. Close hearing
2. Close hearing
3. Motion to adopt budget as presented/modified
 - a. Option: Adopt attached budget resolution. Not required.

A RESOLUTION ADOPTING THE COON CREEK WATERSHED DISTRICT 2024 BUDGET

WHEREAS the preparation and adoption of budgets is recognized as sound financial practice; and

WHEREAS, the Coon Creek Watershed District has the responsibility to manage the public’s funds appropriately and efficiently; and

WHEREAS Minnesota States 103B and 103D require the District to adopt a budget prior to September 15, 2024; and

NOW, THEREFORE, BE IT RESOLVED that the District Board of the Coon Creek Watershed District hereby adopts an annual operating budget totaling \$5,646,994 for the fiscal year beginning January 1, 2024, and ending December 31, 2024

BE IT FURTHER RESOLVED that the District Board of the Coon Creek Watershed District hereby establishes the 2024 Coon Creek Watershed District Operating Budget as follows:

Revenues	Proposed 2024 Budget	
Property Taxes	\$	4,965,765
Fees & Charges	\$	298,423
Grants	\$	314,539
Other Revenue	\$	28,042
Fund Balances	\$	40,225
Total Revenue	\$	5,646,994
Expenditures		
Salaries & Benefits	\$	1,981,605
Professional Services	\$	589,000
Operating Expenses	\$	239,164
Program Costs	\$	2,680,517
Capital Costs	\$	156,708
Total Expenditures	\$	5,646,994

NOTICE OF PROPOSED PROPERTY TAXES and BUDGET

The Board of Managers of the Coon Creek Watershed District will hold a public hearing on:
 Monday, September 11, 2023
 5:30 PM
 Coon Creek Watershed District
 13632 Van Buren St NE
 Ham Lake, MN 55304

All residents of the Watershed District are invited to attend the public hearing on the proposed 2024 budget to express their opinions on the budget and the amount of property taxes the Board of Managers propose to collect to pay for District services to be provided in 2024. If the discussion on the budget cannot be completed, a time and place for continuing the discussion will be announced at the hearing.

The property tax amounts are the total amount of property taxes the Board of Managers proposes to collect in 2024 and the estimated percent change each property will pay compared to the previous year:

Proposed 2024	
Property Tax	Pct
Levy	Change
\$4,965,765	55%

The complete budget document can be reviewed at the District office at the address below or on the District website (www.cooncreekwd.org). You are invited to send written comments to:

President
 Coon Creek Watershed District
 13632 Van Buren St NE
 Ham Lake, MN 55304

Revenues	2024
Property Tax	\$ 4,965,765
Fees & Charges	298,423
Grants	314,539
Other Revenue	28,042
Fund Balance Used	40,225
Total Revenue	\$ 5,646,994
Expenditures	
Salaries & Benefits	1,981,605
Professional Services	589,000
Operating Expenses	239,164
Program Costs	2,680,517
Capital Costs	156,708
Total Expenses	\$ 5,646,994

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

MEETING DATE: September 11, 2023
AGENDA NUMBER: 10
ITEM: Election of Officers

POLICY IMPACT: Policy

BACKGROUND

Elections are typically held at the first meeting in June to accommodate any new appointees. However, interim elections were last held in January after the departure of Michael Kreun to the Minnesota Legislature. Elections for President were also held at the July 10 meeting following Matt Herbst unexpected resignation from the Board of Managers. At that meeting the Board elected Jim Haffner as Board President, leaving the position of vice president vacant.

ACTION REQUESTED

Hold Elections for all required offices.

COORDINATION

Current Officers

Office	Incumbent	
President	Jim Haffner	
Vice President	Vacant	
Treasurer	Mary Campbell	
Secretary	Patrick Parker	

PERTINENT FACTS

Minnesota Statutes 103D.315 Subd. **Officers.** ...the managers must elect different managers as president, secretary and treasurer.

District Policy 1.4: Duties and Powers of the Board of Managers (adopted 7/23/90 and revised 5/10/93) stipulates that the Board of Managers shall have four officers:

1. President
2. Vice-President
3. Secretary
4. Treasurer

ISSUES/CONCERNS/RISKS

Vice-President Position: Vice president position is currently vacant. We are required to have four officers in the identified offices.

OPTIONS FOR ACTIONS

The Vice president position chairs the meeting in the President's absence and is available for special tasks. It is helpful to the Board and staff if a member knowledgeable to governance, water resources issues and the Board holds the position, but is not a requirement. Staff sees three available options available to the Board:

1. Hold elections on all four positions.
2. Elect a vice president and any subsequent offices that may open.
3. Elect one of the two Board members who are currently not holding an office to the position of vice president.

CONCLUSION

1. The unexpected resignations have disrupted the annual process.
2. Option 1 is the most thorough and complete.
3. Option 2 accounts for experience with the District's issues and Board operation
4. Option 3 is the most convenient and expedient.

RECOMMENDATION

Hold elections for all four positions.

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: September 11, 2023
AGENDA NUMBER: 11
ITEM: Draft District Bylaws

AGENDA: Discussion

ACTION REQUESTED

Review and discuss draft District Bylaws

PURPOSE & SCOPE OF ITEM

The purpose of this item is to initiate the development, review and adoption of bylaws to guide the District in the administration of its business practices, as well as meet a statutory requirement.

BACKGROUND

M.S. 103D.315 Subd 11 states that “the managers shall adopt bylaws for administration of the business affairs of the watershed district.

Although the District at present does not have a compiled document entitled “bylaws” it has followed statutory business procedure and when additional guidance or procedures have been needed, has developed separate policy and procedures linked to specific statutes.

Bylaws are the rules of an organization, typically established by the board during the process of starting an organization. They typically govern the internal management of an organization. Bylaws often cover such topics as:

- Location and name of the organization
- Location of meetings and special meetings of the organization
- Date and place of the annual meeting
- Election and organization officers and their duties
- Board of directors’ membership, meetings, compensation, selection and removal of board members
- Appointment of committees
- Information about corporate records

ISSUES/CONCERNS

1. Statutory Requirements

The applicable statute provides that the watershed district adopt bylaws for its internal business administration. The Legislature has also made clear the “bylaws” are not considered “rules” that are subject to the more formal regulatory rule requirements and adoption under Minnesota Statutes section 103D.341.

2. Compile Guidance Procedure in one Document

It is reasonable to compile in one document entitled Bylaws the internal business guidance procedures for the District.

CONCLUSIONS

1. The Board should review and comment on the attached draft bylaws with the intent to adopt bylaws in accordance with MS 103D.315
2. Timeline for adoption? Let's discuss if it's necessary for a CAC review.

RECOMMENDATION

1. The Board at least vote to receive the Draft Bylaw

QUESTIONS

BYLAWS OF THE COON CREEK WATERSHED DISTRICT

These Bylaws in accordance with Minnesota Statutes section 103D.315 (11) establish rules governing the conduct of business by the Board of Managers of the Coon Creek Watershed District.

ARTICLE I

NAME

Section 1. Name: Coon Creek Watershed District.

Section 2. Abbreviations: Throughout these Bylaws the name of the Coon Creek Watershed District may be abbreviated with the initials “CCWD.”

ARTICLE II

PURPOSE

Section 1. General Purpose: CCWD’s statutory general purpose is: “To conserve the natural resources of the state by land use planning, flood control, and other conservation projects by using sound scientific principles for the protection of the public health, welfare, and the provident use of the natural resources.” Minn. Stat. § 103D.201 (1).

Section 2. Mission Statement: CCWD’s Mission Statement, consistent with its statutory general purpose is: “To manage surface and groundwater systems and contributing land to provide for and balance the competing uses of development, drainage, flood prevention and the protection and restoration of water quality and habitat for the benefit of our communities now and in the future.”

Section 3. Roles and Responsibilities: In carrying out its Mission Statement and general statutory purposes the CCWD strives to achieve balance in a variety of its roles and responsibilities, including:

- Serving as the Local Government Unit (LGU) responsible for administration of the Minnesota Wetland Conservation Act within the watershed district, except for State lands and where authority has been expressly granted to another LGU;
- Acting as the drainage authority for all public drainage systems within the jurisdiction of the CCWD managing surface water transportation and flood control;
- Administering permits for the CCWD’s regulatory permit review program which implements principles of the CCWD’s Watershed Management Plan;
- Implementing the principles, goals and projects set forth in the CCWD’s Watershed Management Plan;

- Complying with the Minnesota Pollution Control Agency MS4 general permit requirements as a regulated Municipal Separate Storm Sewer System permittee.

ARTICLE III

ENTITY

State Political Subdivision: The CCWD is a metropolitan watershed management organization and a political subdivision of the State of Minnesota. Minn. Stat. §§ 103B.205 (13), 103D.225 (6).

ARTICLE IV

OFFICE AND WATERSHED DISTRICT BOUNDARIES

Section 1. Office: The principal place of business of the CCWD is located at 13632 Van Buren Street NE, Ham Lake, MN 55304.

Section 2. Boundaries of CCWD: CCWD covers an area of approximately 107 square miles within Anoka County and includes parts or all of seven cities.

ARTICLE V

BOARD OF MANAGERS

Section 1. Composition of CCWD Board of Managers: The CCWD Board of Managers (Board) is composed of five managers who are appointed by the Anoka County Board of Commissioners.

Section 2. Terms of Office: Appointments made by the Anoka County Board of Commissioners to the Board of Managers are for three-year terms. Typically a manager's annual term begins May 28, the organic date of the CCWD, unless the county delays in the appointment of a manager. In accordance with Minnesota Statutes section 103D.315 (6) a manager's term continues until a successor is appointed and qualified.

Section 3. Bonding: Before a manager assumes their duties the CCWD at its expense will obtain and file a bond, surety fidelity or other undertaking for the manager in accordance with Minnesota Statutes section 103D.315 (2).

Section 4. Insurance: The Board at CCWD's expense will provide insurance for the managers for liability protection on such terms and in such amounts as the Board determines.

Section 5. Vacancies: The provisions of Minnesota Statutes section 351.02 shall apply to vacancies on the Board. A manager seeking to resign from the Board shall provide a notice of resignation to the Anoka County Board of Commissioners, the Board

of Managers and to the District Administrator who will place the item for consideration at the next regular Board meeting.

Section 6. Compensation: The Board may elect to compensate its members for attending meetings and performance of other duties necessary to proper management of the CCWD (necessary official business). “Necessary official business” is business conducted by a manager with prior authorization of the Board. Compensation may not exceed the amount specified in Minnesota Statutes section 103D.315 (8). The Board may adopt by policy an hourly reimbursement rate not to exceed the statutory, daily compensation limit. The Board by policy may limit or authorize actions eligible for compensation.

Section 7. Manager Mileage, Lodging Expense Allowances: Managers are entitled to reimbursement for traveling and other necessary expenses incurred in the performance of official duties (necessary official business). “Necessary official business” is business conducted by a manager with prior authorization of the Board. Mileage reimbursement will be made at the current rate specified by the Internal Revenue Service and as approved by the Board. Lodging reimbursement will be made based on actual, reasonable costs of lodging. The Board by policy may adopt limits or restrictions on reimbursements.

Section 8. Submission of Manager Expenses: A claim form for expense reimbursement shall be filled out by each manager and submitted to the CCWD office to be processed and approved in the same manner as other claims.

Section 9. Designation of Depository and Official Newspapers: The Board shall designate the official CCWD depository and official newspapers annually at the first regular Board meeting in January.

ARTICLE VI

OFFICERS

Section 1. Election of Officers: The Board annually will elect from among its members the following officers: President, Vice-President, Secretary and Treasurer. The term of office is one year, commencing on the date of election. Election of Officers will be conducted at a meeting of the Board in the month of June. No member may hold more than one office at a time.

Section 2. Officer Vacancies: If an officer cannot complete his/her/their term of office, the Board will elect from among its members an individual to complete the unexpired portion of the term. The individual designated to complete the unexpired term of another office may not already be serving as an officer of the CCWD. An Officer’s term as officer continues until a successor is elected or the officer resigns from office.

Section 3. Temporary Appointments of Officers: The Board may appoint a Board member as an officer *pro tem* in the event an officer is absent or disabled and action by that officer is required.

Section 4. Duties of Officers:

(a) President. The President will preside at all Board meetings. The President will serve under the supervision and direction of the Board and will see that orders and resolutions of the Board are carried into effect. The President will execute all contracts or instruments requiring an officer's signature, unless otherwise directed by the Board, and will have the general powers and duties usually vested in the office of President of the Board, and will have such other powers and perform such other duties as the Board may from time to time prescribe. As part of the President's duties the President will attend the CCWD's annual audit review meeting, and will serve as a Board delegate to the Minnesota Watersheds.

(b) Vice-President. The Vice-President will discharge the President's duties in the event of the absence or disability of the President. The Vice-President will be a signatory to the instruments and accounts of the District if the President is absent or disabled, to the same extent as the President, or where execution by the Vice-President is explicitly required or authorized. The Vice-President will also serve as a Board delegate to the Minnesota Watersheds.

(c) Treasurer. The Treasurer will be a signatory to the District's accounts and financial records, and will perform such other duties as may from time to time be prescribed by the Board or the President. The Treasurer will also attend the CCWD's annual audit meeting.

(d) Secretary. The Secretary will certify levies, records and proceedings of the District, and will perform such other duties as may from time to time be prescribed by the Board or the President. The Secretary will act as liaison to the CCWD Citizen Advisory Committee (CAC), unless another manager desires to so serve upon agreement by the Board.

The following officers' duties will be performed by the District Administrator under the direction of the Board:

- (a) develop and maintain the District's financial accounts and records;
- (b) arrange for the annual audit of the District's financial records;
- (c) provide the Board with such records as are necessary to describe the financial condition of the District;
- (d) deposit all monies, drafts and checks in the name of and to the credit of the District at such banks and depositories as the Board may approve;
- (e) maintain records of the District, execute agreements and documents as authorized by the Board;

- (f) ensure that minutes of all Board meetings are recorded and made available in a timely manner to the Board, and maintain a file of all approved minutes;
- (g) provide for proper public notice of all public meetings.

Section 5. Authorized Signatories by Managers: All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of CCWD shall be signed by two members of the Board, except that the Board may delegate to the District Administrator the authority to sign checks and authorize disbursements for certain categories of operational or administrative expenditures within the Board-approved budget. Checks may be endorsed through electronic signature.

Section 6. Removal from Office: Any officer may be removed at any time, with or without cause, upon the affirmative votes of a majority of the managers appointed and qualified. This action does not result in removal from the Board, but only from one of the offices listed above.

ARTICLE VII

MEETINGS

Section 1. Regular Meetings: The managers shall hold regular meetings for the purpose of conducting the general business of the CCWD on the second and fourth Monday of each month. The frequency and dates and times of regular meetings may be changed at any time by action of the Board, and will be noticed as provided in Minnesota Statutes section 13D.04 (1).

Section 2. Special Meetings: Special meetings to conduct the business of the CCWD may be held and shall be legally noticed at any other time that the managers may deem necessary. The special meeting will be noticed and held in accordance with Minnesota Statutes section 13D.04 (2).

Section 3. Emergency Meetings: An emergency meeting is a special meeting that may be called by any manager or the District Administrator on 24 hours' notice because of circumstances that, in the judgment of the manager calling the meeting or District Administrator, require immediate Board consideration. Whenever practical a request for such a meeting should be made in writing or electronic mail (email) to the Board President and District Administrator, who will notify all Board members by the most expeditious and effective means possible. The emergency meeting will be noticed and held in accordance with Minnesota Statutes section 13D.04 (3).

Section 3. Call for Meetings: In accordance with Minnesota Statutes section 103D.315 (10) a meeting may be called at any time at the request of any manager. The District Administrator in consultation with the Board President shall establish a date, time and location for the meeting. The District Administrator shall give notice to each manager of the meeting, and provide public notice of the meeting as required by law.

Section 4. Quorum: At all meetings of the managers, a majority of the appointed managers shall constitute a quorum to do business, but a majority of those present may adjourn from time to time. Abstentions count as part of the quorum.

Section 5. Voting. Each manager will have one vote. No manager may appoint a proxy for any vote. Action taken by the Board shall be by a majority vote of all members present, unless otherwise required by law.

Section 6. Conduct of Meetings: The President will preside as chairperson at all meetings of the managers. In the absence of the President, the Vice-President shall preside as the temporary President. The President and temporary President shall have the same privileges.

Section 7. Meeting Format:

(a) At the time appointed for a meeting of the Board, upon reaching a quorum, the President shall call the meeting to order. The managers shall proceed to do business following a set agenda.

(b) The President shall preserve order. The President may make motions, second motions, speak on any question or vote in the same manner as other managers.

(c) Every manager, prior to speaking, shall address the President and shall not proceed until being recognized by the President.

(d) No person other than a manager shall address the Board except with the consent of the President or by a vote of the majority of the managers present.

(e) When the President puts a question to the Board, every manager present will vote, unless for special reasons the manager elects to abstain. The “yeas” and “nays” shall be called on the request of the President or by any manager, in which case the names of the managers voting will be recorded in the minutes.

(f) The President has the authority to set a time limit for matters before the Board, including limiting the time of speakers to ensure that all seeking to address the Board may speak.

(g) Minutes of each Board meeting shall be reduced to writing. At the next regular Board meeting following preparation of the draft minutes, the Board will consider approval of the minutes. Upon Board approval of the minutes as prepared or as edited by the Board, the approved minutes will be filed in the official records at the CCWD offices in accordance with the CCWD’s record retention schedule.

Section 8. Parliamentary Procedure: Board meetings will be governed by the most recent edition of *Robert’s Rules of Order Newly Revised*, except that *Robert’s Rules* may be temporarily suspended upon the affirmative vote of a majority of managers at which a

quorum is present. Proceedings in a manner contrary to *Robert's Rules of Order* without objection shall be deemed suspension by consent of the managers.

Section 9. Meetings by Interactive Technology: Meetings of the Board of Managers may be conducted by interactive technology in those circumstances and in compliance with the requirements set for in Minnesota Statutes sections 13D.02, 13D.021, as may be amended.

Section 10. Conflicts of Interest: CCWD seeks to assure public confidence in the integrity of its proceedings by holding itself to high ethical standards. Ensuring that conflicts of interest do not affect CCWD's work and operations is an essential element of maintaining high ethical standards. If a manager has a conflict of interest in a matter, he, she, they shall state that such an interest exists, which will be noted in the minutes. The manager must abstain from participating in any discussion, offering any motion, or voting on any matter in which the conflict of interest exists. "Conflict of interest" means a material financial interest of the Board manager, a family member or a close associate; a relationship that limits the manager's ability to be objective; or that creates the appearance of impropriety. At the request of the President or by any Board manager in a matter in which a manager has a conflict of interest, a roll call vote shall be taken and recorded in the minutes, as well as the abstention of the manager with the conflict of interest.

ARTICLE VIII

COMMITTEES

The Board may appoint committees and subcommittees for the purpose of assisting the Board in the performance of its duties. Except for a Board member appointed to a committee, no other member of a committee may make motions for consideration or vote on matters put before the Board.

Section 1. Citizen Advisory Committee: In accordance with Minnesota Statutes section 103D.331 the managers shall annually appoint a citizen advisory committee (CAC) to advise and assist the Board on water-related community concerns and issues and assist with the development and implementation of the education and outreach activities of the CCWD. The CAC will meet according to a schedule set annually by the CAC members, and at such other times as may be determined by a majority of the members. All meetings of the CAC are open to the public.

Section 2. Technical Advisory Committee: In accordance with Minnesota Statutes section 103D.337 the Board has established a technical advisory committee (TAC), consisting of representatives of affected statutory and home rule charter cities, the county, and the soil and water conservation district, as well as other governmental entities with jurisdiction in the CCWD. The TAC is convened as necessary and appropriate to advise the Board on regulatory and other technical matters.

ARTICLE IX

ANNUAL REPORT

Section 1. Preparation: The managers shall prepare a yearly report of the financial conditions of the CCWD, the status of projects, the business transacted by the CCWD, other matters affecting the interests of the CCWD, and a discussion of the managers' plans for the succeeding year. Minn. Stat. § 103D.351 (a); Minn. R. 8410.0150, Subp.1 (A)(1),(3).

Section 2. Distribution: Copies of the annual report shall be transmitted to the Minnesota Board of Water and Soil Resources, the Commissioner of Natural Resources and the Director of the Division of Waters and Ecological Services. Minn Stat. § 103D.351 (b); Minn. R. 8410.0150, Subp. 1 (A)(1)

ARTICLE X

ANNUAL AUDIT

Section 1. Preparation: The managers shall have an annual audit completed of the books and accounts of the CCWD. The audit report must be prepared by a private certified public accountant or the State Auditor. Minn. Stat. § 103D.355 (1); Minn. R. 8410.0150, Subp. 1 (A)(2).

Section 2. Submission: The audit report for the preceding fiscal year must be submitted to the Minnesota Board of Water and Soil Resources and the State Auditor's office. Minn. R. 8410.0150, Subp. 1 (A)(2).

ARTICLE XI

WATERSHED MANAGEMENT PLAN

Watershed Management Plan: The managers shall prepare and adopt a watershed management plan designed to achieve the purposes for which the CCWD was established and subsequently legislatively directed. The watershed management plan must give a narrative description of existing water and water related problems within the CCWD, possible solutions to the problems, and the general objectives of the CCWD. The watershed management plan must also conform closely with watershed management plan guidelines as adopted and amended from time to time by the Minnesota Board of Water and Soil Resources. Minn. Stat. §§ 103D.401, 103B.231; Minn. R. 8410.0010 *et seq.*

ARTICLE XII

AMENDMENT TO BYLAWS

Section 1. Procedure: The Board may amend or repeal these Bylaws at any meeting, provided that fourteen days' written notice of the proposed change has been

given to each Board member. Any amendment to these Bylaws must be approved by the vote of a majority of the managers at which a quorum is present.

Section 2. Interpretation: Interpretation of these Bylaws shall rest with the Board of Managers. These Bylaws are for internal use only and neither create nor elucidate the rights of any Board member in a personal capacity or the rights of any third party.

Section 4. Temporary Suspension of Bylaws: These Bylaws may be temporarily suspended by consent of a majority of the managers at which a quorum is present.

Section 3. Consistent with Governing Law: These Bylaws are intended to be consistent with applicable provisions of Minnesota Statutes Chapters 103B and 103D and other governing law. In the event of a conflict, that governing law will control.

ARTICLE XIII

MISCELLANEOUS

Section 1. Fiscal Year: The fiscal year of the CCWD will run from January 1 through December 31 of each year.

Section 2. Statutory/Rule References: All references in these Bylaws to statutes, rules and policies are to the section or sections as they may be amended.

Adopted by the Board of Managers of the Coon Creek Watershed District _____, 2023.

Secretary

Date: _____

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: September 11, 2023
AGENDA NUMBER: 12
ITEM: TH 65 Elected Officials Briefing

AGENDA: Discussion

ACTION REQUESTED

Receive report.

PURPOSE & SCOPE OF ITEM

TH 65 Reconstruction project through Blaine

BACKGROUND

At the August 28 Board meeting the Board was briefed in the TH 65 project.

- Design is at about 30%
- There have been some changes in the works such as to the right-of-way, roundabouts, bridges, wetlands and floodplain.
- Alternative designs are being considered.
- There is a briefing scheduled for elected officials

The Board discussed who would be attending the Public Official Briefing. Board Members Hafner and Lind indicated they would be attending.

ISSUES/CONCERNS

Lind's Observations:

- a) The timeline is getting delayed for a variety of reasons, including MnDOT taking over on the final design/execution end. As citizens were told this project would move forward quicker than it's taking, getting it going asap is a priority.
- b) MnDOT will be making a lot of the final decisions that determine the timelines.
- c) The designs as they stand attempted to consider/plan for future expansion. e.g., the bridges are set to accommodate likely future expansion of the number of lanes, drainage pond sizes are maximized to try to compensate for the increased impervious surface impacts when this happens.
- d) From my perspective, consideration of the water impacts seem a bit lacking based on what was discussed at this meeting. For example, the expansion of the number of lanes will eliminate green space in the middle and the area underneath it was mentioned will effectively become a storm sewer. It is not clear whether it's been considered how this may impact the ability to properly move/treat runoff so that it

doesn't cause flooding or other negative impacts on nearby wetlands and groundwater, or what mitigation approaches are planned.

IMPLICATIONS FOR RESOURCE/ORGANIZATION

- Project will involve crossing or work in the headwaters of 4 public ditches (17, 39, 41, 41-5).
- Wetland impacts are largely exempt from avoidance but must be mitigated. Probably through a combination of road bank and other mitigation.
- Project must meet volume, rate and treatment standards once design is under permit review.

QUESTIONS



Fact Sheet for the Final Rule: Amendments to the Revised Definition of “Waters of the United States”

August 2023



Overview

On August 29, 2023, the U.S. Environmental Protection Agency (EPA) and Department of the Army (the agencies) announced a final rule amending the 2023 definition of “waters of the United States.”¹ The amendments conform with the U.S. Supreme Court’s May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. While EPA’s and Army’s 2023 rule defining “waters of the United States” was not directly before the Supreme Court, the decision in *Sackett* made clear that certain aspects of the 2023 rule are invalid. Therefore, the agencies have amended key components of the regulatory text to conform it to the Supreme Court decision. The final rule provides clarity for protecting our nation’s waters consistent with the Supreme Court’s decision while advancing infrastructure projects, economic opportunities, and agricultural activities.

Changes to the “Waters of the United States” Categories and Definitions²

The agencies’ amendments change the parts of the 2023 definition of “waters of the United States” that are invalid under the *Sackett* decision. For example, the rule removes the significant nexus test from consideration when identifying tributaries and other waters as federally protected. It also revises the adjacency test when identifying federally jurisdictional wetlands, clarifies that interstate wetlands do not fall within the interstate waters category, and clarifies the types of features that can be considered under the “additional waters” category.

Changes that the agencies have made to the January 2023 Rule categories:

Jurisdictional Category	Key Changes to the January 2023 Rule Regulation Text	Regulatory Text Paragraph
Traditional Navigable Waters	No changes	(a)(1)
Territorial Seas	No changes	(a)(1)
Interstate Waters	Removing interstate wetlands from the text of the interstate waters provision	(a)(1)
Impoundments	No changes	(a)(2)
Tributaries	Removing the significant nexus standard	(a)(3)
Adjacent Wetlands	Removing the significant nexus standard	(a)(4)
Additional Waters	Removing the significant nexus standard; removing wetlands and streams from the text of the provision	(a)(5)

¹ The “Revised Definition of ‘Waters of the United States’” rule published in the Federal Register on January 18, 2023.

² These tables are provided for informational purposes; the rule establishes the requirements defining “waters of the United States.”

Changes that the agencies have made to the January 2023 Rule definitions:

Definition	Key Changes to the January 2023 Rule Regulation Text	Regulatory Text Paragraph
Wetlands	No changes	(c)(1)
Adjacent	Revised definition to mean “having a continuous surface connection.”	(c)(2)
High tide line	No changes	(c)(3)
Ordinary high water mark	No changes	(c)(4)
Tidal waters	No changes	(c)(5)
Significantly affect	Deleted definition	(c)(6)

No Changes to the Exclusions from “Waters of the United States”

The amendments to the January 2023 Rule do not change the eight exclusions from the definition of “waters of the United States” that provide clarity, consistency, and certainty. **The exclusions are:**

- **Prior converted cropland**, adopting USDA’s definition and generally excluding wetlands that were converted to cropland prior to December 23, 1985.
- **Waste treatment systems**, including treatment ponds or lagoons that are designed to meet the requirements of the Clean Water Act.
- **Ditches** (including roadside ditches), excavated wholly in and draining only dry land, and that do not carry a relatively permanent flow of water.
- **Artificially irrigated areas**, that would revert to dry land if the irrigation ceased.
- **Artificial lakes or ponds**, created by excavating or diking dry land that are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- **Artificial reflecting pools or swimming pools**, and other small ornamental bodies of water created by excavating or diking dry land.
- **Waterfilled depressions**, created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction operation is abandoned and the resulting body of water meets the definition of “waters of the United States.”
- **Swales and erosional features** (*e.g.*, gullies, small washes), that are characterized by low volume, infrequent, or short duration flow.

Additionally, the agencies’ amended definition of “waters of the United States” does not affect the longstanding activity-based permitting exemptions provided to the agricultural community by the Clean Water Act.

For More Information

Additional information is available on [EPA’s Waters of the United States website](#).



Council of Metropolitan Area
Leagues

Established in 1962 as an ILO
and composed of the
members of local LWVs
in the seven metro counties
Anoka, Carver, Dakota,
Hennepin, Ramsey,
Scott and Washington

CMAL

Board of Directors
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Peg DuBord, Treasurer

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Dick Ottman
Joann Ellis
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Wes Volkenant

LETTER FROM THE CHAIR

Greetings to Metro Area League Members!

First, I would like to thank everyone who attended our 2023 Annual Meeting on May 20. We accomplished much that day, including a decision to undertake a study of watershed districts in the metro area.

We were also treated to a fabulous presentation on the LWV Upper Mississippi River Region (UMMR) Interleague Organization (ILO) by Gretchen Sabel... its Communication Chair.

Thanks to Zoom we were able to hear from Gretchen while she was on a road trip visiting family.

Watershed District Study

The CMAL Board has begun to outline the watershed district study. We have identified a leadership team of Wes Volkenant, Peg DuBord and Carol Barclay, as well as a list of individuals attending the Annual Meeting who volunteered to work on the study.

As the study gets underway, there will be many opportunities for others to volunteer to work on it, including interviewing watershed district officials and/or staff. Watch for more information on an organizational meeting where we will get started!

I am looking forward to this coming year, especially the watershed district study. I thank you for your confidence in my leadership by electing me to a new two-year term. Here is a quote from Gretchen Sabel on May 20: "We all know our zip code, our area code and all should know our watershed." That is exactly what we will be doing!

Warmly,

Karen

Karen Schaffer
CMAL Chair

INFORMATIONAL ITEM # 15

[From Yahoo News - The Morning newsletter from the New York Times](#)

Five Takeaways From Our Investigation Into America's Groundwater Crisis

Christopher Flavelle and Mira Rojanasakul

August 29, 2023 · 4 min read

[1.8k](#)



Agriculture is heavily reliant on groundwater in many parts of the country.

A New York Times investigation has found that America is depleting its invaluable reserves of groundwater at a dangerous rate.

The practice of overpumping water from vast aquifers is already having consequences nationwide. The majority of U.S. drinking-water systems rely on groundwater, as does farming, one of the nation's most important industries.

Despite being essential to American life, the health of the country's aquifers is hard to gauge. The Times spent months collecting data on tens of thousands of wells to conduct one of the most comprehensive examinations of groundwater depletion nationwide.

Here are five takeaways.

Aquifer water levels are falling nationwide. The danger is worse and more widespread than many people realize.

Some 45% of the wells the Times examined showed a statistically significant decline in water levels since 1980. Four in 10 sites reached record-low water levels during the past decade, and last year was the worst yet.

INFORMATIONAL ITEM # 15

[From Yahoo News - The Morning newsletter from the New York Times](#)

“From an objective standpoint, this is a crisis,” said Warigia Bowman, a law professor and water expert at the University of Tulsa. “There will be parts of the U.S. that run out of drinking water.”

The declines threaten the long-term survival of communities that depend on groundwater and lack alternatives.

We know this because we built a database of more than 80,000 wells nationwide.

The available data on America’s aquifers is patchy and dispersed among many different federal, state and local agencies.

So the Times reached out to dozens of those agencies to collect millions of groundwater-level measurements for tens of thousands of sites, some of which have been tracked for a century. The analysis of that data provided a foundation for one of the most thorough examinations to date of the groundwater crisis in the United States.

Overpumping is a threat to America’s status as a food superpower.

Pulling water out of the ground made it possible for America to become an agricultural superpower and one of the world’s largest exporters of corn, soybean, sorghum and cotton. Groundwater depletion is threatening that status.

The change is already happening in parts of Kansas, where 2.6 million acres of land no longer have enough groundwater to support large-scale agriculture. The western part of the state has seen some of the worst declines yet in groundwater levels. Corn yields have plummeted to levels last seen in the 1960s, erasing decades of gains.

Other states risk following a similar path.

It’s not just a problem in the West or for farmers. It’s a tap water crisis, too.

Aquifers are in decline far from the arid West. Arkansas, which produces half the nation’s rice, is pumping groundwater from its main agricultural aquifer more than twice as fast as nature can replace it. In some places, the aquifer has fallen to less than 10% of its capacity.

In Maryland, almost three-quarters of monitoring wells have seen water levels drop since 1980, some by more than 100 feet. Charles County, which includes fast-growing suburbs of Washington, relies on groundwater, but within a decade, that groundwater will no longer meet its needs.

As groundwater gets pumped up, the emptied-out space can collapse under the weight of the rock and soil above it. Once that happens, the aquifer loses the ability to hold water, permanently diminishing groundwater storage.

The Times visited one neighborhood in Utah that had to be permanently abandoned after a fissure split open the ground due to overpumping.

INFORMATIONAL ITEM # 15

[From Yahoo News - The Morning newsletter from the New York Times](#)

Weak regulations allowed the overuse. Now, climate change is leading to even more pumping.

Weak state regulations, combined with a lack of federal oversight and no comprehensive national data, has made it possible for farms, cities and companies to draw down aquifers, the Times found.

Climate change is adding to that pressure.

Rising temperatures often means reduced snowpack, which in turn means less water flowing through rivers — pushing farmers and cities to lean more heavily on groundwater. But those same rising temperatures also mean plants and lawns require more water.

The result could be called a climate trap that threatens to deprive huge areas of the United States of groundwater supplies. The aquifers will only become more important as surface water becomes harder to get.

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INFORMATIONAL ITEM #16

Minneapolis Star Tribune [Business](#)

High mortgage rates aren't stalling Twin Cities area home building

On Thursday, Freddie Mac's weekly survey showed the 30-year fixed-rate mortgage averaged 7.18%.

By [Jim Buchta](#) Star Tribune

September 5, 2023 — 10:17am



Elise Amendola, AP file

In this June 24, 2021 photo, lumber sits outside at a housing construction site in Middleton, Mass.

Higher mortgage rates haven't put a chill on home building this summer.

Builders in the Twin Cities area pulled 571 single-family permits during August, 66% more than last year at this time, according to Housing First Minnesota, a trade group that represents metro area builders.

"New construction continues to attract eager buyers due to lack of supply in the existing market paired with the ability to offer opportunities other sectors of the market can't," said John Quinlivan, 2023 board chair of Housing First Minnesota.

After a slow start to the year, housing construction in the Twin Cities this summer is outpacing last year as builders try to capitalize on a steep decline in for-sale listings of previously owned homes.

Listings for previously owned homes were down 24% during July, but listings for newly built homes were up 7%, according to the latest data available from the Minneapolis Area Realtors association.

August home building in the Twin Cities

The number of single-family homes permitted across the metro during August was up 66% compared with last year.

August	2023	2022	Chg.
Permits	597	364	64%
Units	944	772	22%
Year-to-date	2023	2022	Chg.
Permits	3,415	4,368	-22%
Units	6,652	12,586	-47%
Top activity: August	Permits	City	Permitted units
Rosemount	45	Cambridge	149
Cottage Grove	40	Rosemount	126
Woodbury	39	Lakeville	124
2023 YTD	Permits	City	Permitted units
Woodbury	296	Minneapolis	964
Lakeville	265	Rosemount	662
Blaine	200	Maple Grove	624

Jim Foster, Star Tribune • Source: Housing First Minnesota

And while higher mortgage rates and a shortage of listings are stifling home sales across the board, new home sales are down by a much smaller margin, likely a reflection of greater supply.

Pending sales of existing homes were down 26% during July, while pending sales of new home were down only 8%, according to a rolling 12-month average.

"Interest rates are having impacts across all areas of the housing market," Quinlivan said.

Mortgage rates are now hovering at around 7%, the highest in a couple decades but near historic averages. But after several incremental increases through the past month, mortgage rates slipped slightly going into the Labor Day holiday.

On Thursday, Freddie Mac's weekly survey showed the 30-year fixed-rate mortgage (FRM) averaged 7.18%. That was down from 7.23% during the prior week. A year ago, the average was 5.66%,

"Despite continued high rates, low inventory is keeping house prices steady," Sam Khater, Freddie Mac's chief economist, said in a statement. "Recent volatility makes it difficult to forecast where rates will go next, but we should have a better gauge in September as the Federal Reserve determines their next steps regarding interest rate hikes."

Apartment construction continues to decline with the number of permitted units for multi-family housing — mostly market-rate rentals — down 13%.

The largest project permitted last month was a 148-unit apartment building in Cambridge from BJ Baas Builders. That project made Cambridge the city with the most total units for the month. But with nearly 1,000 units in the pipeline, Minneapolis will have the most new housing so far this year.

Despite the gains in single-family and multi-family construction last month, 6,652 units have earned permits so far this year. That's nearly half as many as last year at the same time.

Jim Buchta has covered real estate for the Star Tribune for several years. He also has covered energy, small business, consumer affairs and travel. jim.buchta@startribune.com [612-673-7376](tel:612-673-7376)