

BOARD MEETING AGENDA

Board Room
Coon Creek Watershed District Offices
Monday, November 27, 2023
5:30 p.m.

Board of Managers:

Jim Hafner, President; Erin Lind, Vice President; Mary Campbell, Treasurer; Dwight McCullough, Member at Large

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.** Swear in New Manager
- 3.** Approval of the Agenda (Additions/Corrections/Deletions)
- 4.** Announcements
- 5.** 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.

- 6.** Approval of Minutes of November 13, 2023
- 7.** Approve Bills for Payment

POLICY ITEMS

None

PERMIT ITEMS

None

DISCUSSION ITEMS

- 8.** Comprehensive Watershed Management Plan Summary
- 9.** Citizen Advisory Committee

INFORMATIONAL ITEMS

- 10.** Open Meeting Law Advisory Opinion 23-005

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, November 13, 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: Erin Lind, Mary Campbell, and Dwight McCullough.

Board Members Absent: President James Hafner

Staff Present: Bobbie Law, Tim Kelly, Jessica Lindemyer, and Michelle Ulrich

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

Stakeholders present: Brent Kirchner, National Sports Center

2. Approval of the Agenda:

Board Member Campbell moved to Approve the Agenda. Seconded by Board Member McCullough. The motion carried with 3 yeas (Board Members Erin Lind, Mary Campbell, and Dwight McCullough.) and no nays.

3. Announcements:

No announcement

4. Open Mic/Public Comment:

No one present for comment. One permittee confirmed he was there for a later item.

CONSENT ITEMS

5. Approval of Minutes of October 23, 2023

6. Administrators Report

7. Advosry Committee Report

6. Approval of Bills:

Claims totaling \$253,717.11 on the following disbursement list will be issued and released upon Board approval.

November 13, 2023		
To	Amount	
A1 Floor & Carpet	1,076.25	
Anoka County	142,874.56	
Centerpoint Energy	62.27	
City of Coon Rapids	407.00	
City of Fridley	2,950.00	Escrow Return
Connexus Energy	207.68	
Coon Rapids Chrysler Jeep Dodge Ram	2,135.00	Escrow Return
ECM Publishers Inc	217.80	
Emmons & Olivier Resources Inc	4,048.75	
Epiphany Pines	1,560.78	Escrow Return
Hogdal Farm Limited Partnership	14,976.00	Escrow Return
Houston Engineering	6,470.50	
Jon Janke	30.00	
Loffler	173.96	
Manor Electric Inc	1,144.27	
Meadow Creek Developers	8,005.80	Escrow Return
Metro I Net	4,498.00	
Michelle J Ulrich PA	4,293.00	
Minuteman Press	559.93	
Nardini Fire Equipment	224.00	
Poop 911	731.40	
Raintree Professional Center	4,301.25	Escrow Return
Respec	11,821.25	
Nieves Riera	2,811.01	Escrow Return
RJM Constuction	2,668.91	Escrow Return
RMB Environmental Labs	3,063.00	
S & R Developers LLC	10,677.65	Escrow Return
True Blue Plumbing LLC	1,855.00	
US Bank	8,792.91	
Chase Vanderbilt	79.06	
Well Groomed Lawns	1,046.00	
Randy Wesp	7,342.50	
Xcel Energy	161.62	
YTS Companies	2,450.00	
	253,717.11	0.00

Board Member Campbell moved to Approve the Consent Agenda Items seconded by Board Member McCullough. The motion carried with 3 yeas (Board Members Erin Lind, Mary Campbell and Dwight McCullough.) and no nays.

POLICY ITEM - None

PERMIT ITEMS

9. National Sports Center (NSC) Fields 9-12

The Purpose of this project is to reconstruct and restore natural turf sports fields and construct a gravel trail.

Staff recommends approval of Permit Application Number P-23-067 with 0 conditions and 1 stipulation, as amended at the meeting.

Conditions:

1. Submittal of a performance escrow in the amount of \$7,000.00.

Stipulations:

1. Submittal of grading as-built to confirm floodplain cut/fill volumes.

Board Member McCullough moved to approve permit application number P-23-067 with 0 conditions and 1 stipulation. Seconded by Board Member Lind. The motion carried with 3 yeas (Board Members Erin Lind, Mary Campbell and Dwight McCullough.) and no nays.

The stakeholder, Brent Kirchner, left the meeting after this item was approved by the Board.

10. Twin Town Demolition

The purpose of this project is to Construct a new commercial building and parking lot.

Staff recommends approval of Permit Application Number P-23-071 with 3 conditions and 0 stipulations, as stated in the Application Review Report dated 11/9/2023.

Conditions:

1. Submittal of a performance escrow in the amount of \$2,800.00.
Soils and Erosion Control (Rule 4.0)
2. Provide proof of NPDES permit application.
3. Update the erosion and sediment control plan to include a note to stabilize soils and soil stockpiles within 24 hours of inactivity.

Stipulations:

None

Board Member Campbell moved to approve permit application number P-23-071 with 3 conditions and 0 stipulations, as stated in the Application Review Report dated 11/09/2023. Seconded by Board Member McCullough. The motion carried with 3 yeas (Board Members Erin Lind, Mary Campbell, and Dwight McCullough.) and no nays.

DISCUSSION ITEMS

11. Council Conference – State of the Watershed

Ms. Lindemyer gave a presentation introducing her idea to have the District host a Council Conference. This would be a District hosted event with many levels of stakeholders invited to attend but focused on local government officials.

Managers discussed what the incentive would be for stakeholders to attend the conference. Mr. Kelly noted that this idea to work collectively was brought forward via the District's technical advisory committee (TAC). He noted the importance of acting collectively to achieve the TMDL reductions by 2045.

Managers discussed the TMDL regulations that have been established by the State of Minnesota.

INFORMATIONAL ITEMS

12. Retirement of Anoka County Administrator Rhonda Sivarajah

Mr. Kelly reported the retirement of Anoka County Administrator Rhonda Sivarajah.

13. Minnesota Watersheds Newsletter

Mr. Kelly noted that all managers should have received this information via email, although he wanted to ensure all were able to view the materials.

14. Comprehensive Watershed Management Plan Extension

Mr. Kelly highlighted that the letter included in the packet outlined the official extension approved by the Board of Water and Soil Resources (BWSR) of the District's 10-year comprehensive watershed management plan.

ADJOURN

Board Member Campbell moved to adjourn at 6:30 p.m. seconded by Board Member McCullough. Motion carried with 3 yeas (Board Members Erin Lind, Mary Campbell, and Dwight McCullough.) and no nays.

President

COON CREEK WATERSHED DISTRICT Request for Board Action

MEETING DATE: November 27, 2023
AGENDA NUMBER: 7
ITEM: Bills to Be Paid

FISCAL IMPACT: Budgeted
POLICY IMPACT: Policy

REQUEST Approve Bills

BACKGROUND

Claims totaling \$74,853.27 on the following disbursement list will be issued and released upon Board approval.

November 27, 2023		
To	Amount	
Abdo LLP	3,500.00	
Centerpoint Energy	157.60	
City of Coon Rapids	3,650.00	Escrow Return
City of Fridley	9,877.90	
Classic Construction Inc	468.72	Escrow Return
Drain King	550.00	
Larson Engineering of MN	2,165.00	Escrow Return
RMB Environmental Labs	1,197.00	
Schalo Construction Inc	1,542.58	Escrow Return
Mark Smith	3,900.00	Escrow Return
Stantec	40,290.71	
Tyler Thompson	370.00	
Randy Wesp	4,250.00	
Xcel Energy	90.01	
YTS Companies	2,843.75	
	74,853.27	0.00

delete before upload	PeId	Div	CheckID	RefDt	Ref	Desc	DistAmt	GIKey	GIObj	JlGr	JlKey	JlObj	Units	UnitPrice	Recv Addr Cd	DutyCd	Payment Fiscal Year
VENDOR	vendor #			Invoice date	Invoice #	Description											
ABDO LLP	547704	CCWD	CC	10/31/2023	479269	PYRL CONSULT/IMPL SEPT-OCT 23	3,500.00	8699560112	63052				1	3,500.00	RO	GEN	CHK 2023
CENTERPOINT ENERGY	556202	CCWD	CC	11/16/2023	10982621-1123	ACCT 10982621-4 CCWD	157.60	8699560112	62225				1	157.60	RO	GEN	CHK 2023
CITY OF COON RAPIDS	530864	CCWD	CC	11/27/2023	PAN 23-022	ESCROW REF- CR STREET RECON 23-1	3,650.00	8600000041	25412				1	3,650.00	RO	GEN	CHK 2023
CITY OF FRIDLEY	530869	CCWD	CC	11/17/2023	WQCS FINAL	WQCS 2023 FINAL FRIDLEY	9,877.90	8699560512	61549				1	9,877.90	RO	GEN	CHK 2023
CLASSIC CONSTRUCTION INC	533343	CCWD	CC	11/27/2023	PAN 19-055	ESCROW REF- A&C METALS	468.72	8600000041	25412				1	468.72	RO	GEN	CHK 2023
DRAIN KING INC	531503	CCWD	CC	11/13/2023	520420	PO CCWD ISS 23-024 ORPHAN POND CLING	550.00	8699560412	61549				1	550.00	RO	GEN	CHK 2023
LARSON ENGINEERING OF MN	500054	CCWD	CC	11/27/2023	PAN 21-133	ESCROW REF- AC SHERIFF PKG LOT EXPAN	2,165.00	8600000041	25412				1	2,165.00	RO	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	528886	CCWD	CC	11/09/2023	B011122	WOB011122 STREAM MONITORING	1,032.00	8699560512	61549				1	1,032.00	RO	GEN	CHK 2023
RMB ENVIRONMENTAL LAB INC	528886	CCWD	CC	11/16/2023	B011162	WOB011162 STREAM MONITORING	165.00	8699560512	61549				1	165.00	RO	GEN	CHK 2023
SCHALO CONSTRUCTION INC	535320	CCWD	CC	11/27/2023	PAN 32-117	ESCROW REF- 2065 125TH LN NW	1,542.58	8600000041	25412				1	1,542.58	RO	GEN	CHK 2023
MARK SMITH	535321	CCWD	CC	11/27/2023	PAN 19-154	ESCROW REF- CATCHERS CRK W STREET & UTIL	3,900.00	8600000041	25412				1	3,900.00	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	10/31/2023	5150279	PROJ 227705670 WCA 10/23	1,978.25	8699560212	63246				1	1,978.25	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	11/09/2023	5154911	PROJ 227705669 PERMITS 10/23	19,998.68	8699560212	63246				1	19,998.68	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	11/09/2023	5154909	PROJ 227705667 GENL ENGINEERING 10/23	1,215.50	8699560312	63246				1	1,215.50	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	11/09/2023	5154908	PROJ 227705655 ECIESF 10/23	1,738.28	8699560512	63595				1	1,738.28	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	11/09/2023	5154910	PROJ 227705668 PLAN 10/23	1,402.50	8699560312	63246				1	1,402.50	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	11/09/2023	5154910	PROJ 227705668 LCC CULV REPL 10/23	1,724.50	8699560412	63246				1	1,724.50	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	11/09/2023	5154910	PROJ 227705668 CD39 ANVOLL CRK 10/23	11,999.25	8699560112	63246	86122203		63246	1	11,999.25	RO	GEN	CHK 2023
STANTEC CONSULTING SERVICES	544057	CCWD	CC	11/09/2023	5154912	PROJ 227705673 PCSIESF 10/23	233.75	8699560512	63595				1	233.75	RO	GEN	CHK 2023
TYLER THOMPSON	535362	CCWD	CC	11/21/2023	REIMB NOV	REIMB NOV 23 YTS WORK PD PERSON AL CCARD	370.00	8699560412	61549				1	370.00	RO	GEN	CHK 2023
RANDY WESP	500790	CCWD	CC	11/13/2023	517	PAN 23-001 EXCAVATING ECBIESF	4,250.00	8699560512	63595				1	4,250.00	RO	GEN	CHK 2023
XCEL ENERGY	538277	CCWD	CC	11/13/2023	533140307	51-0013973606-9 11/23	90.01	8699560112	62226				1	90.01	RO	GEN	CHK 2023
YTS COMPANIES LLC	524140	CCWD	CC	10/31/2023	52405	22 CO R&M PAN 22-005 D44 FORESTRY	2,843.75	8699560412	61251				1	2,843.75	RO	GEN	CHK 2023
							74,853.27							74,853.27			



COON CREEK
WATERSHED DISTRICT

2024-2033
Comprehensive Plan



Outline

1. Authorization
2. Three Levels of Management
3. Strategic Plan
4. Operational Plan
5. Discuss Problems, Issues and Concerns



Authorization

- The Coon Creek Watershed District is a special purpose unit of government authorized under MS 103D
- MS 103A.211 Directs us to
 - consider water resources as a whole
 - Administer them systematically for the public good
- MS 103B.231 and MR 8410 require us to plan and manage comprehensively

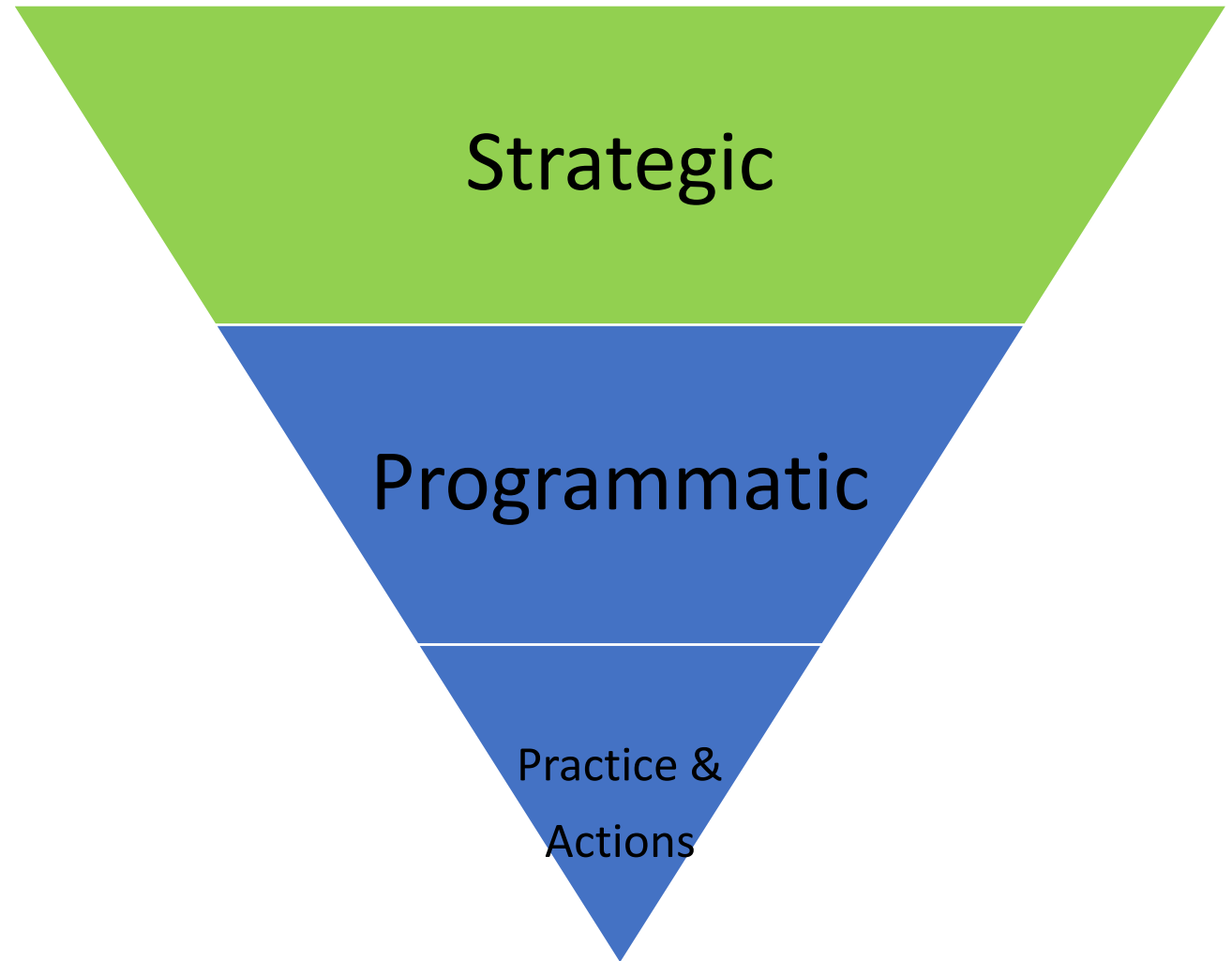


3 Levels of Management



Strategic Management

1. Operating Environment Trends
2. Central Water Management Problem
3. Approach: Multi-Domain Management
4. Ways: Joint Tasks & The Whole-of-Government
5. Means: Essential Tasks
6. Strategic Goals



Strategic Situation and Environment

We are in poor condition

We are required to reduce pollutant loads on 13 impaired waters by 2045

Reducing pollutant loads by 2045 has an estimated cost of >\$100 million

The Next Ten Years will be characterized by

Water Quality: efforts and Debates

Ground Water Concerns

Reacting to localized disasters

In an environment Characterized by

- Contested Norms
- Persistent Disorder

Operations will Largely Occur in the "Gray-Zone" (The area between self-sustaining natural systems and capital-intensive efforts)



Operating Environment

Problems:

- Water Quality: efforts and Debates
- Ground Water Concerns
- Reacting to localized disasters

Hydro-Political Trends:

- Increase in interjurisdictional conflict
- Institutional & economic fragility
- Attempts to weaken water management efforts &/or reverse progress

Economic Trends:

- Increased resource scarcity
- Increased conflict over resources and marginal lands

Technological Trends:

- Rapid advances in water monitoring and management technology
- High Tech won't ensure success or clarify problems – Increased fog

External Trends:

- Pandemics
- Increased volatility in precipitation
- Labor, expertise shortages
- Change and constrain state & local politics

Management Trends

- Operating environment Characterized by
 - Contested Norms
 - Persistent Disorder
- Increase in threats to public health & safety
- Increase in gray-zone issues and protracted problems in contested environments



The Central Water Management Problem

How do we sufficiently fund, and staff the needed water management efforts while effectively dealing with today's problems and achieve the 2045 deadline for achieving Total Maximum Daily Loads reductions



Strategic Approach: Multi-Domain Management

Intent:

To address state & federal goals and be responsive to changes in the operating environment:

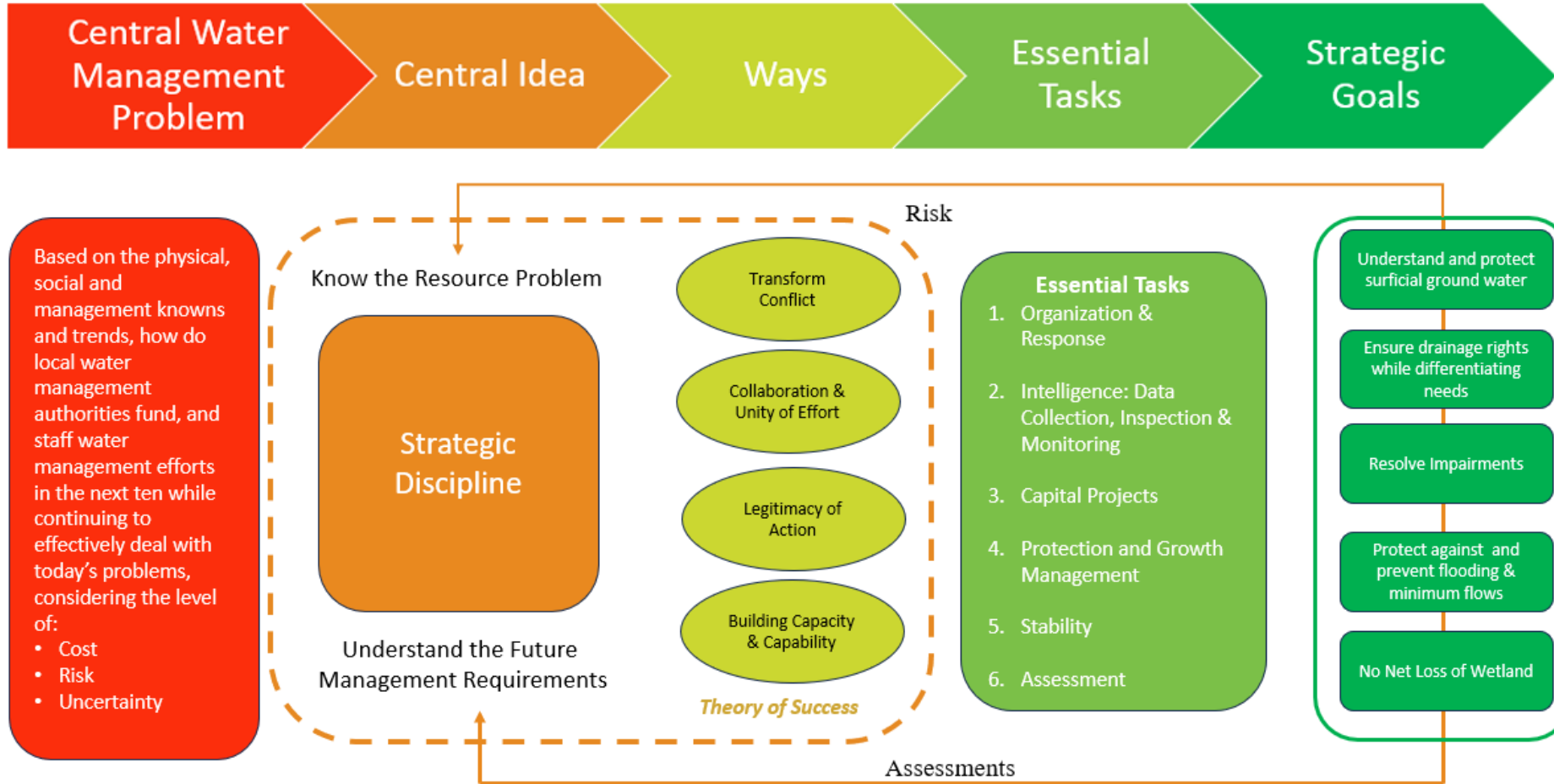
1. Conducting the full spectrum of projects and activities:
 - Shaping activities (Information, engagement, monitoring, Inspections)
 - Operate, Maintain & Restore
 - Protect (Review, Regulation, & Enforcement)
 - Stability/ /sustain (Healthy, Safe and Prosperous public)
2. Converging capability across organizations and resource concerns

Domains

	Funding	Material	Staffing
Ground Water			
Public Drainage			
Water Quality			
Water Quantity			
Wetlands			



Implementing Multi-Domain Management



Effective – Sustainable – Resilient – Agile and Responsive – Operationally Integrated



Central Idea: Strategic Discipline

- The annual prioritization and calibration of collective programs, projects, activities and budgets
 - Know the problem
 - Understand the future management requirements
1. Common understanding of the collective operating environment
 2. Deep awareness and understanding of problems, capabilities, equity, trends in water
 3. Strategic assessments of risks and decisions
 4. Programing
 5. Building Organizational Capacity and capability
 6. Integrated approach to risk management
 7. Joint assessments and balanced resource decisions



Way: Whole of Government

Requirements:

1. Common Understanding
2. Focus on program evolution
3. Recognize we work in the Gray-Zone (area between paved and pristine)

Actions:

1. Determine baseline conditions for collaboration to become integration
2. Joint In-service training before Joint work assignments
3. Develop interagency lines of effort

Focus:

1. Transforming conflict over time, money and long term goals to learning and adapting
2. Collaboration and unity of effort
3. Maintain Legitimacy of effort
4. Building partner capacity



Joint Tasks

1. Strengthen resource protection
2. Enhance deterrence – discourage uses adverse to water management goals
3. Budget to succeed – Ensure that the money, material and know-how are available
4. Integrate staff and combined efforts
5. Leverage opportunities to address problems, issues and concerns
6. Use Diplomacy/Cross agency Presentations that allow leaders to interact from positions of strength
7. Strengthen relationships with partners/collaborators & cooperators
8. Refocus our water management ideas and systems to achieve TMDLs and Multi-Domain Management
9. Build Resilient Staff: Attract and retain capable staff
10. Integrate capabilities rapidly



Essential Operating Tasks

1. Organize and Intervene: Position programs and work units to respond
2. Intelligence: On-going Inspection, Monitoring, Modeling and Research
3. Capital Projects: Maintain, Repair, Restore, Mitigate
4. Protection and Growth Management
5. Information Operations:
6. Cultivate Stability and Sustainability: Ensure public health, safety and welfare; facilitate infrastructure; Restore natural capacity and capability



Joint Tasks and Objectives

1. **Groundwater**: To cooperatively manage surficial groundwater underlying the Coon Creek Watershed and promote long-term maintenance or restoration of groundwater-dependent ecosystems.
2. **Public Drainage**: To provide sustainable drainage in a fiscally responsible manner for administration, protection, utilization, and enjoyment of the waters and related resources of the watershed consistent with the Comprehensive Watershed Management Plan.
3. **Water Quality**: To protect and improve the physical, chemical, and biological quality of the water resource consistent with State and Federal water quality goals.
4. **Water Quantity**: To restore and preserve desirable watershed conditions that will prevent or minimize flooding and minimum flows.
5. **Wetlands**: To pursue the no net loss of the quantity, quality and biological integrity of the District wetlands



Assessments & Risks

Assessments

Done collaboratively every year

Objectives:

1. Know the Resource Problem
2. Understand the future requirements

Purpose: To guide ongoing adjustments in

- Priorities
- Objectives/Methods

Risks

For plan to work, we must:

- Take a watershed wide integrated approach to risk across multiple time horizons
- Transfer risk away from water quality and ground water
- Be more risk tolerant



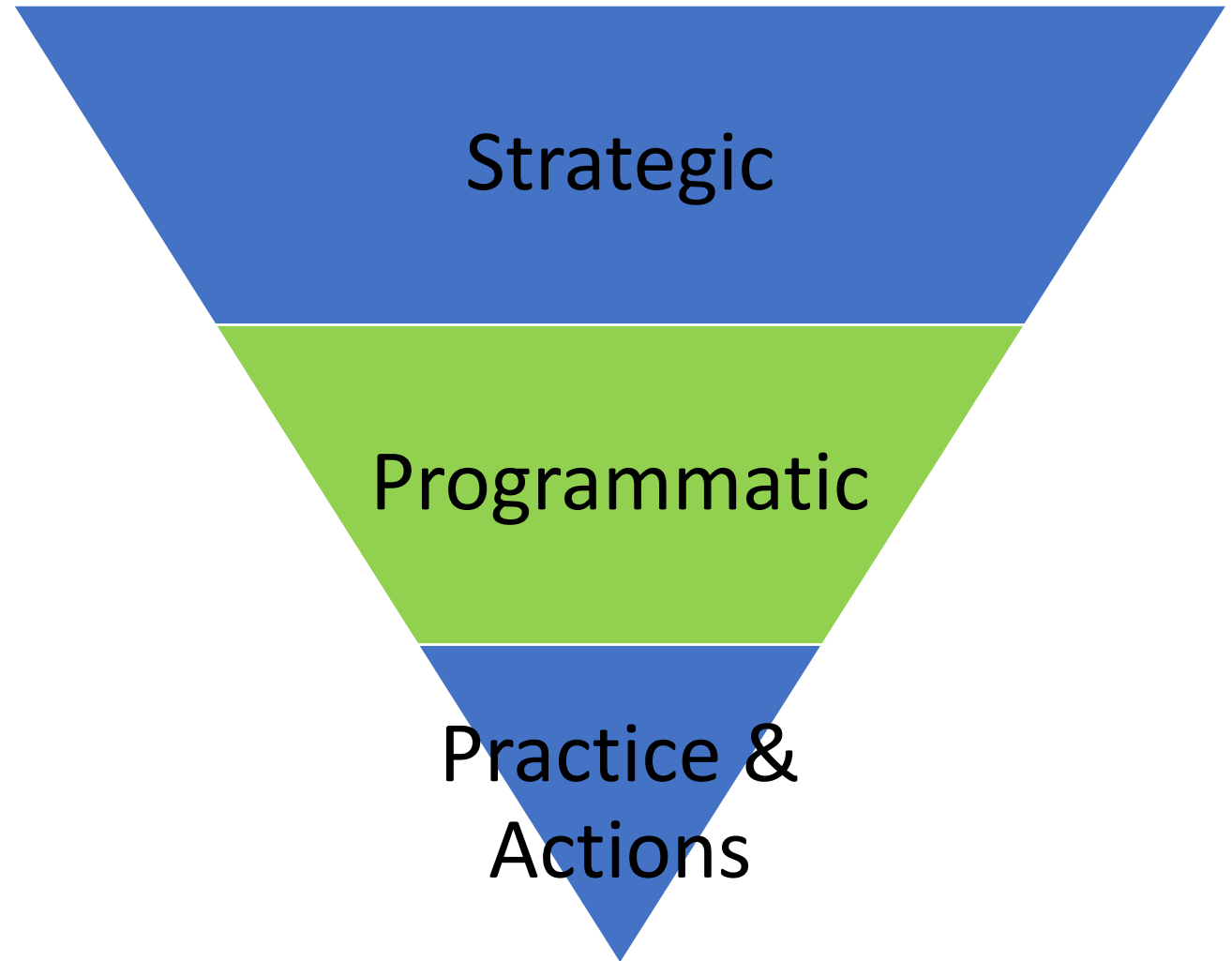
Conclusions

- We are at an inflection point of a very different decade
- We must adapt to pursue Federal and State goals
- We must approach the state and Federal agency with the need to
 1. Extend the TMDL deadline beyond 2045
 2. Make considerably more money available to restore and replace natural and hard infrastructure
 3. Differentiate or reclassify impaired water based on the principals of use attainability
- Adaptation must be centered on
 - Common understanding of problems and changes
 - Unified action consistent with Federal and state goals as they relate to this watershed or subwatershed
- Success will depend on
 - Innovation
 - Discipline
 - Each other



Operations: Program Management

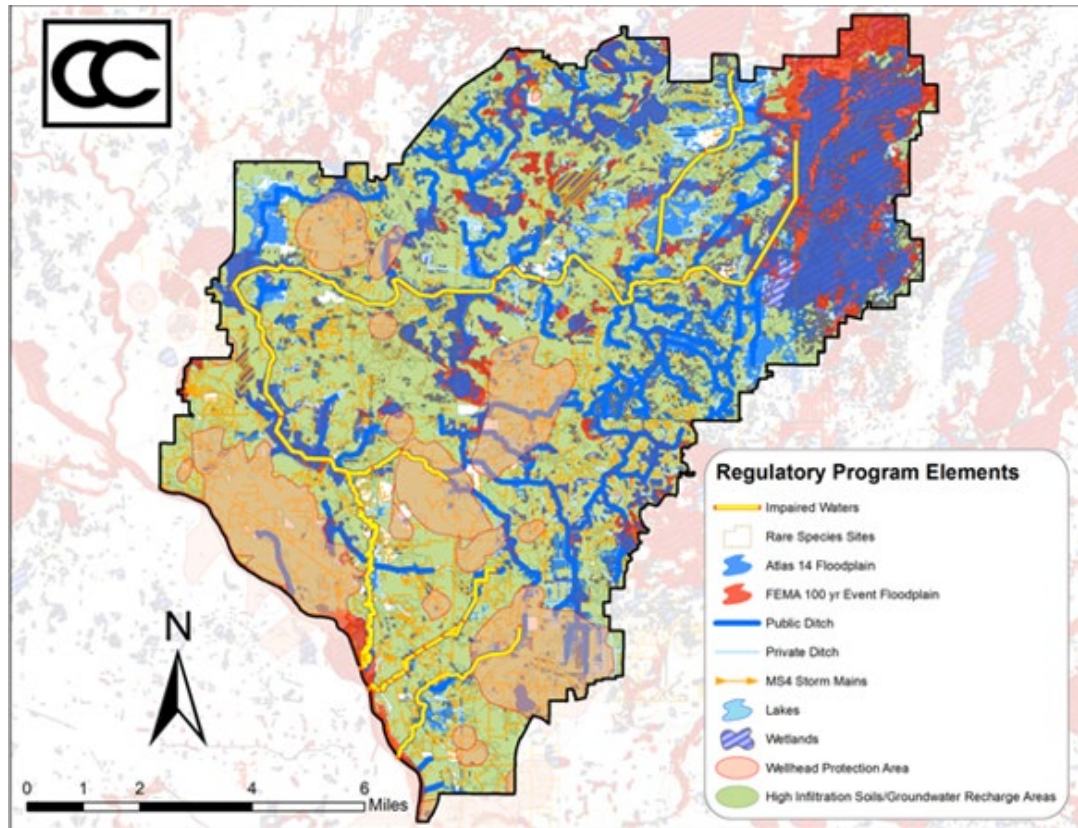
1. Management Situation
2. Goals and Objectives
3. Implementation & Execution
4. Sustainment
5. Collaboration & Communication



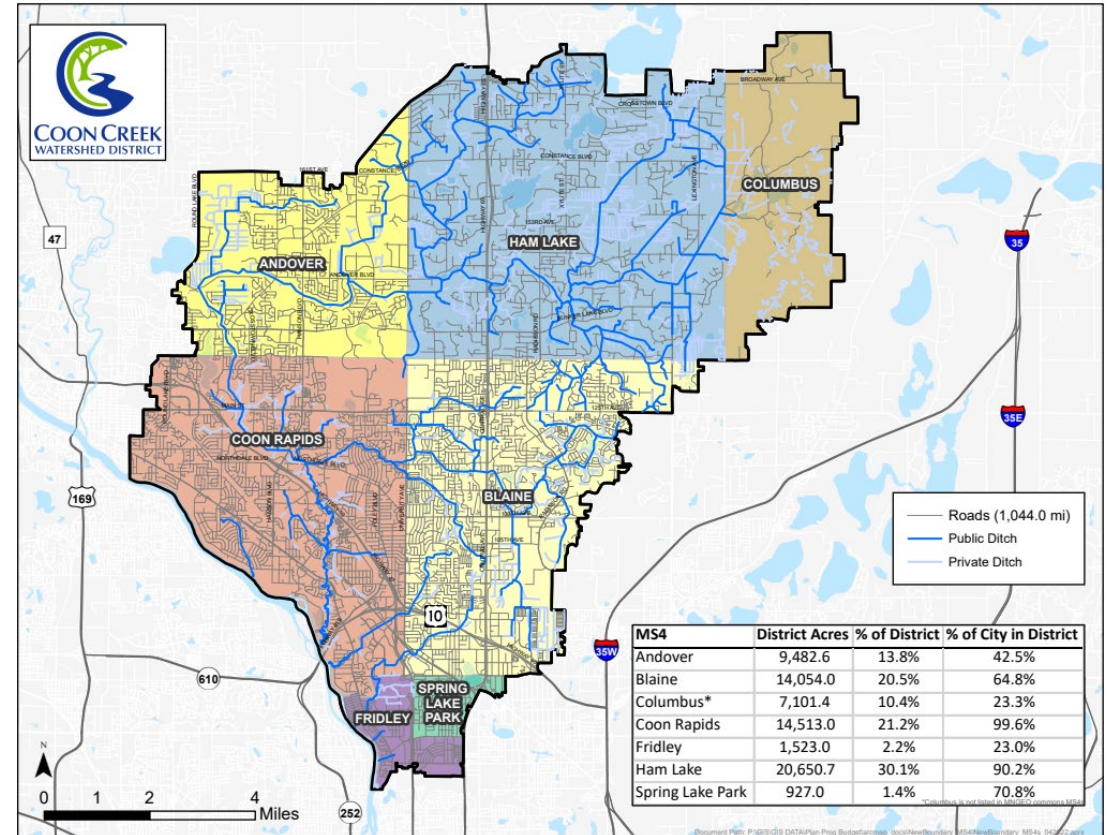
Management Situation



Area of Interest



Area of Operation



Problems, Issues & Concerns

	Ground Water	Drainage	Water Quality	Water Quantity	Wetlands
Surficial Ground Water X Surface Water Interactions	X	X	X	X	x
Water Quality Impairments • Chloride	X		X		X
Random, Small Scale Damaging Storms	X	X	X	X	X



Who is Working with Us:

Collaborators and Cooperators

Level of Government	Number of Agencies	Focus	Activities within the Watershed
Cooperative Efforts			
Federal	3	<ul style="list-style-type: none"> Clean Water Wetlands Scientific Information 	11
State	3	<ul style="list-style-type: none"> Local Water Management Organizations Conserve & manage state natural resources. Protect and Improve the environment. 	16
Regional	1	Economic growth	3
Collaborative Efforts			
Local – Cities, County	8	Serve the public and provide local services.	5
Special Districts	1	Conserve local natural resources	5
Complimentary Efforts			
Lake Associations	2	Protect, Preserve and Maintain Lakes	6
Homeowner Associations	2	Maintenance of storm water assets and water resources	2
TOTALS	20		48



2033 Goal



2033 Operational Goal

To foster a watershed that exhibits:

1. Moderate geomorphic, hydrologic, and biotic integrity relative to its natural potential condition.
2. Unstable drainage network in only portions of the watershed
3. Physical, chemical, and biological conditions that suggest that soil, riparian, and aquatic systems, while still at risk, exhibit signs of being marginally recovered in supporting beneficial uses.



Implementation / Execution



Strategic Approach: Multi-Domain Management

Intent: To address state & federal goals while being responsive to changes in the operating environment by:

1. Conducting the full spectrum of projects and activities through:
 - Shaping activities (Information, engagement, monitoring, Inspections)
 - Provision of Services & Uses (Operation, Maintenance & Restoration)
 - Protection (Review, Regulation, & Enforcement)
 - Stability/Civil Support (Healthy, Safe and Prosperous public)
2. Converging capability across organizations and resource concerns

Measure of Success:

1. The exercise of strategic Discipline
2. The continuous assessment and adaptation to changing circumstances
3. Degree of Cooperation, then collaboration, then Integration of resources



Our Intent

1. To address the central water management problem within the framework of the existing state and federal laws
2. To shift the biogeochemical integrity of the watershed from a poor to a moderate condition by 2033



Key Tasks

1. Exercise strategic discipline.
2. To orchestrate a whole government approach to ensure common understanding of problems, constraints and restraints
3. To maintain legitimacy of intent in the eyes of the public; local, state, and federal policymakers and agencies.
4. To fuse the capabilities of local water management entities to change, or maintain the physical, social, and/or political-economic conditions of the watershed.
5. Continue to build organizational capability and capacity in comprehensive water resource management technology and leadership.



Success in 2033 means

- The only portions of the watershed exhibit signs of biogeochemical instability.
- Physical, chemical, and biological conditions of impaired streams suggest that soil, riparian, and aquatic systems while marginally recovered, remain at risk.
- Intergovernmental collaboration of water management efforts are increasingly integrated and rooted in defined water problems, issues and concerns of the watershed.



Approach: Whole-of Government

Integrated Collaboration

Next step in collaboration

Focus on common problems

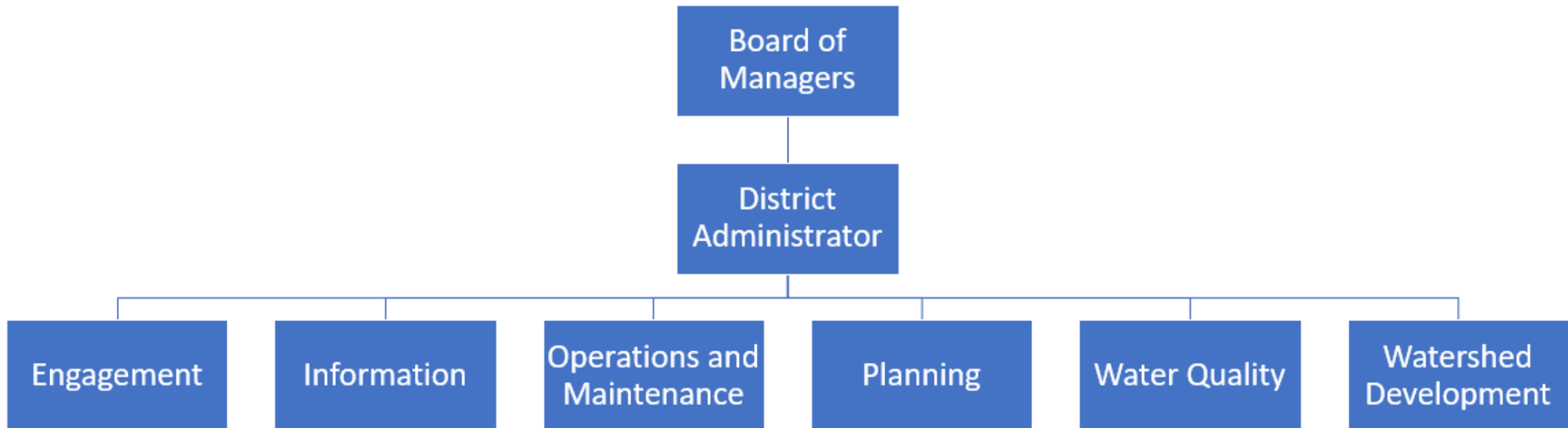
Combine or fuse organizational capabilities & resources

Actions to take:

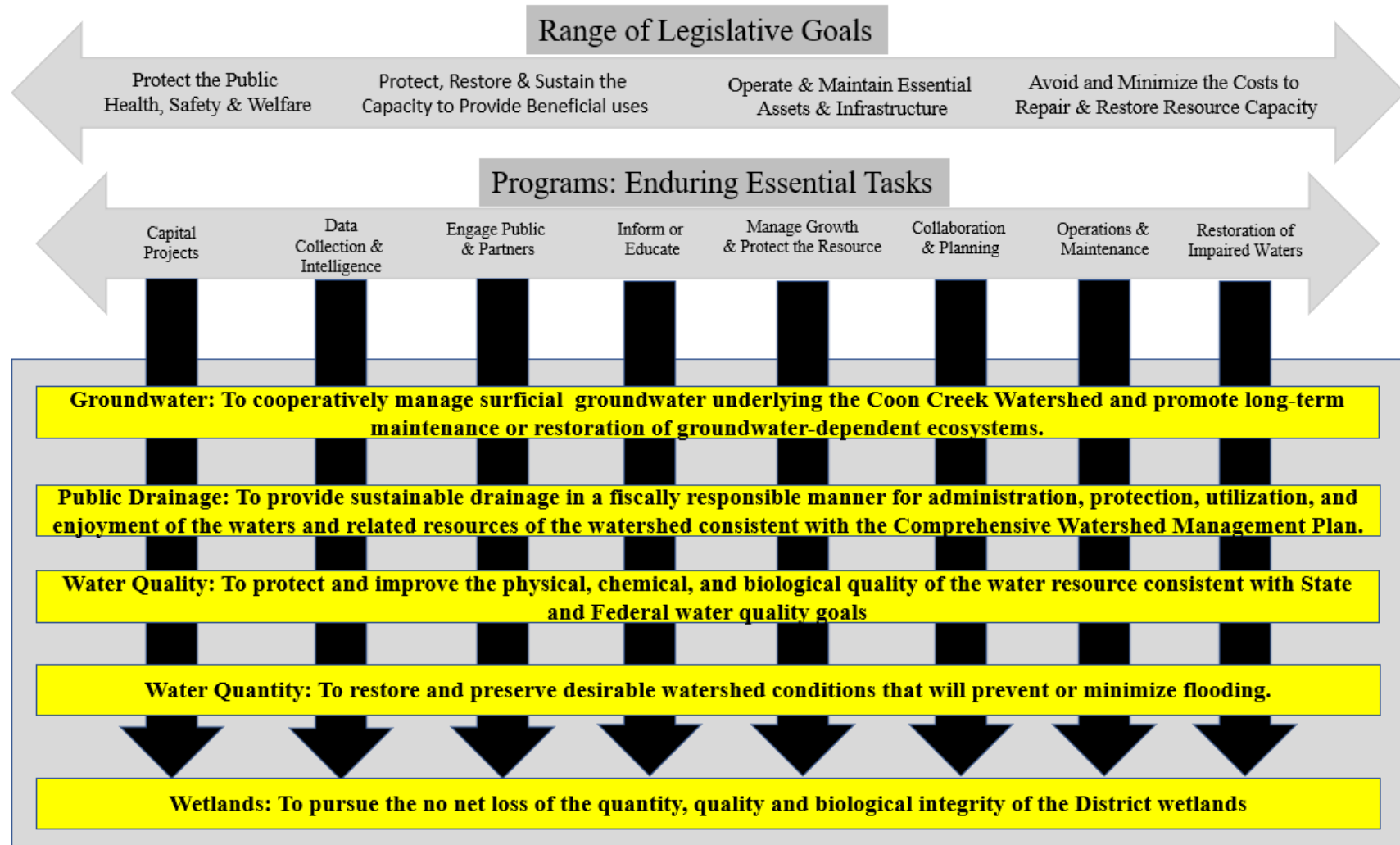
1. Determine baseline conditions for collaboration
2. Provide joint training on joint problems
3. Develop interagency lines of effort



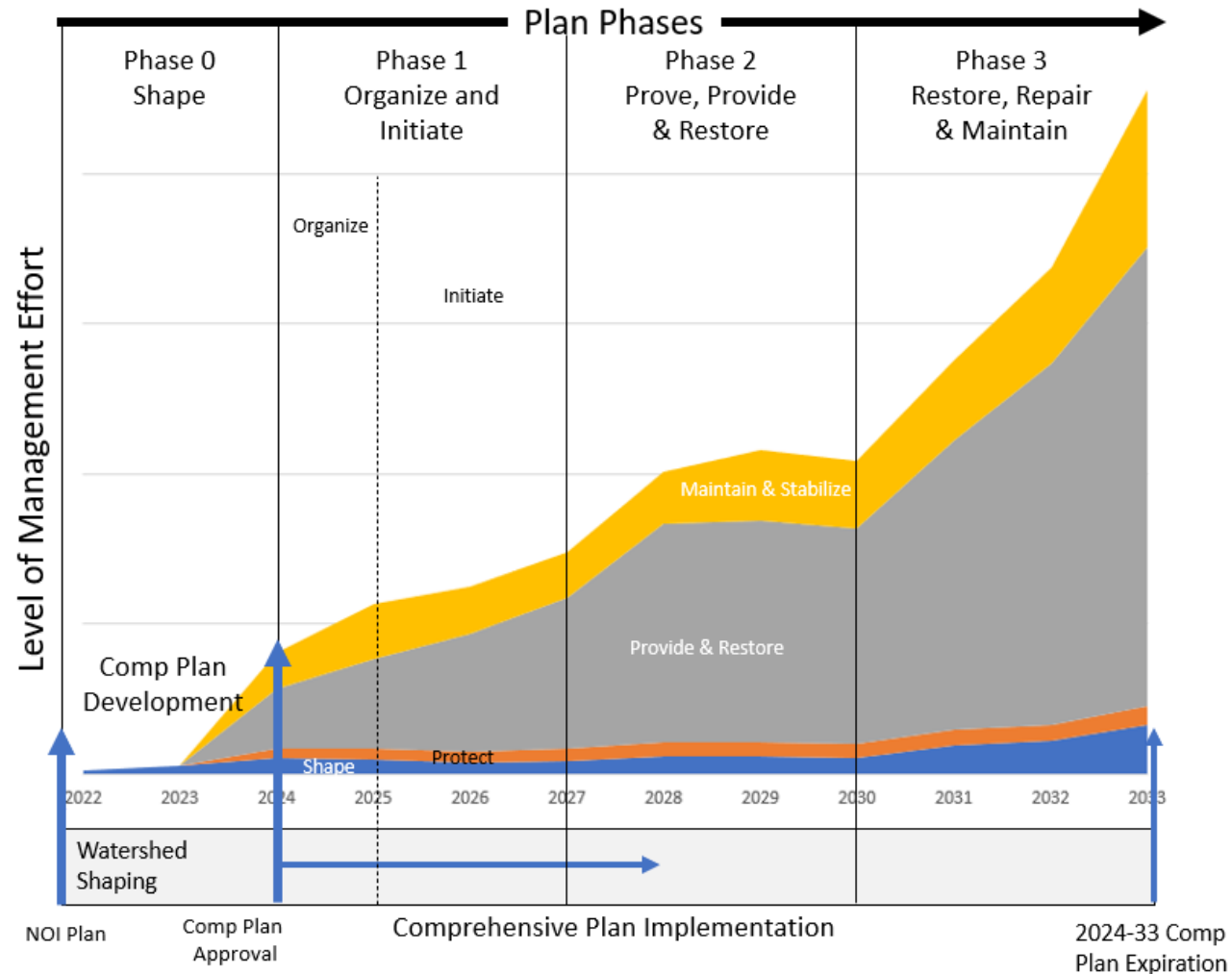
Organization



Organization and Intervention



Level of Effort over Next 10 Years



Shaping



Intelligence: Inspection, Monitoring & Research

Objectives: To find out

1. **Legislative, agency or legal initiatives** affecting funding, responsibilities, authorities or staffing.
2. **Flooding:** changes and trends in precipitation, conveyance, storage, infiltration, or evaporation.
3. **Water Quality:** Condition and trends of physical, chemical or biological factors or the stressors affecting impaired waters.
4. **Surficial Groundwater:** Elevations and trends in the hyporheic zone

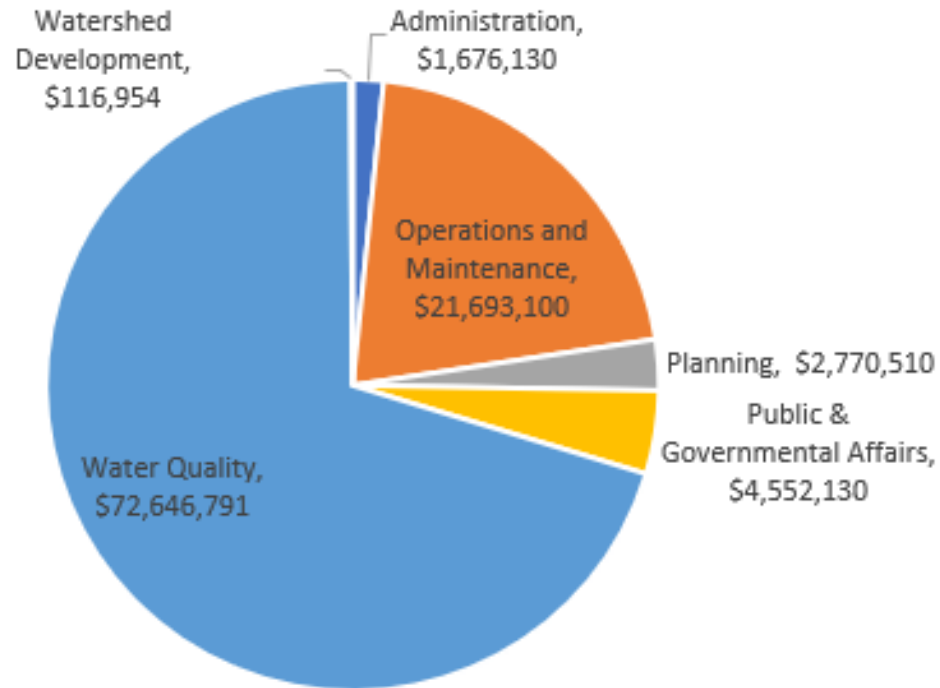
Activities

1. **Inspections** provide early detection to prevent or minimize outbreaks of AIS, construction or delineation errors or practices, assessment of asset condition, including illicit discharges.
2. Annual **monitoring** and information collection activities
3. **Operational Information and Data**
 - a. Routine Condition Monitoring
 - b. Performance Monitoring
 - c. Diagnostic monitoring/ Special Investigations
4. **Processing and Dissemination** of Collected Data and Information
5. **Integration** of Operational Information



Capital Projects: \$103 million

Expenditures



Schedule



Growth Management and Protection

Regulatory Approach

Performance Based

Sensitive Lands

Priorities for Protection

- Drinking Water
- Drainage interference
- Floodplain management
- Water quality
- Wetlands

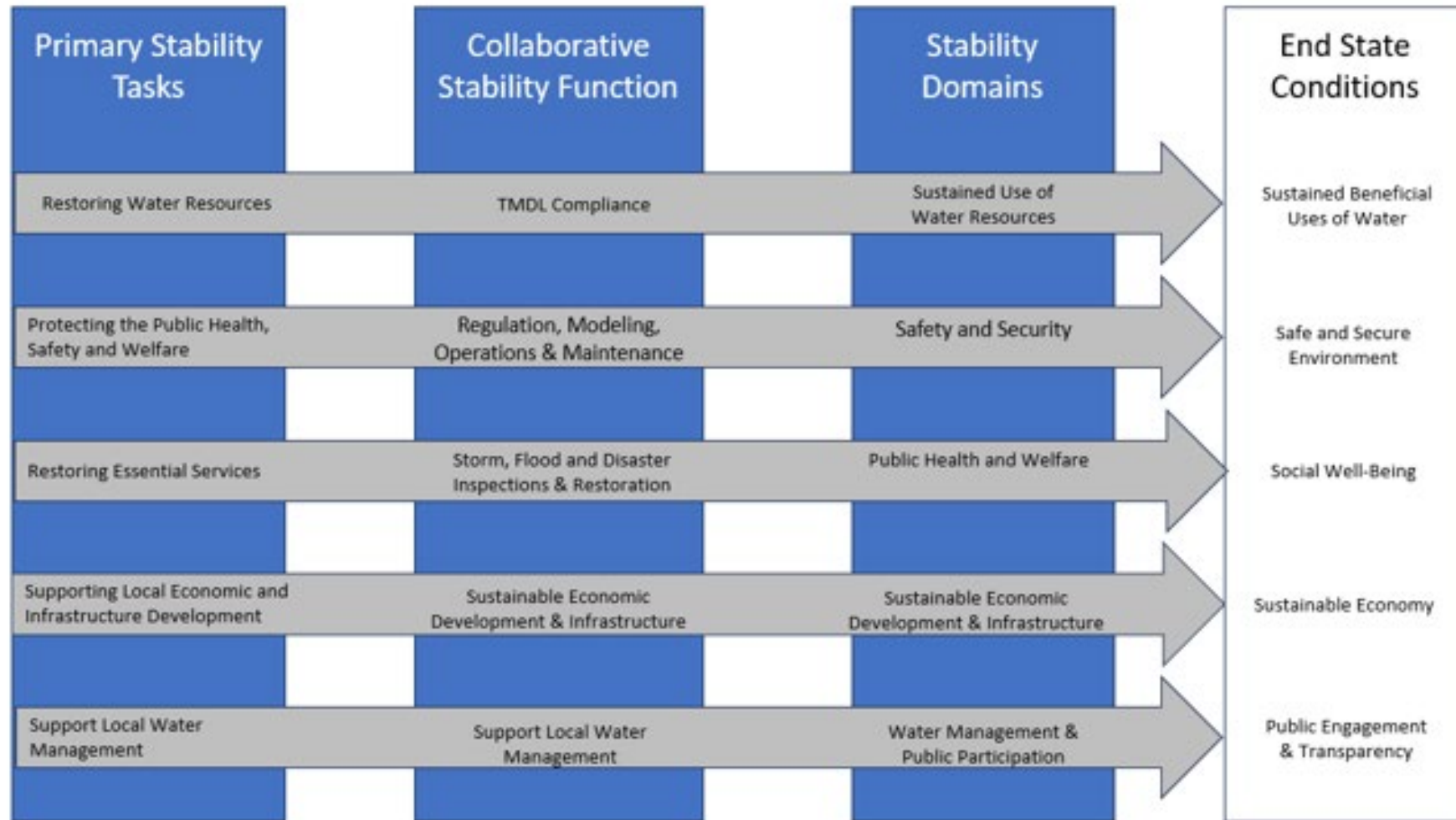


Information: Who, What & When

Audience	• Short Term: Annually	• Mid Term: Three Budgets	• Long Term: >3 Budgets
MS4s Pub & Pvt Water Mgt Organs	<ul style="list-style-type: none"> • Management Situation • Operations • Comp Plan Assessment & Progress 	<ul style="list-style-type: none"> • Targeting • Funding • Plan Progress & Update 	<ul style="list-style-type: none"> • Plan Progress • Comp & Local Plan Synch
Citizens Elected Officials	<ul style="list-style-type: none"> • Proposed Projects • Proposed Budget • Project/Permit Status • Problem/Issue Status • Comp Plan Assessment & Progress • Proposed Rule Changes 		<ul style="list-style-type: none"> • Comprehensive Plans • Capital Project Plans
Select State Agencies	<ul style="list-style-type: none"> • Comp Plan Assessment & Progress • Financial Condition 		<ul style="list-style-type: none"> • Comprehensive Plans • Capital Project Plans



Stability and Sustainability Tasks



Sustainment

Administration, Supporting and Sustaining the Effort



Planning, Programming, Budgeting and Execution

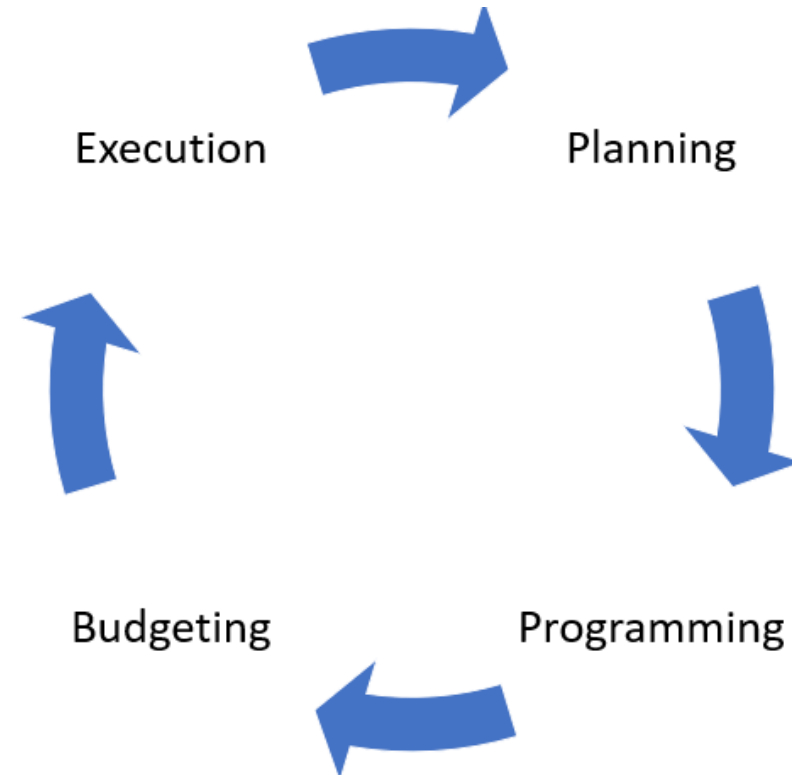
Goal

To implement the comprehensive plan and adapt operations to the current circumstances

End State

The result is a constrained annual budget used to conduct activities based on the multi-year Comprehensive plan and that meets the long-term state and federal water management goals.

Annual Cycle & Tasks

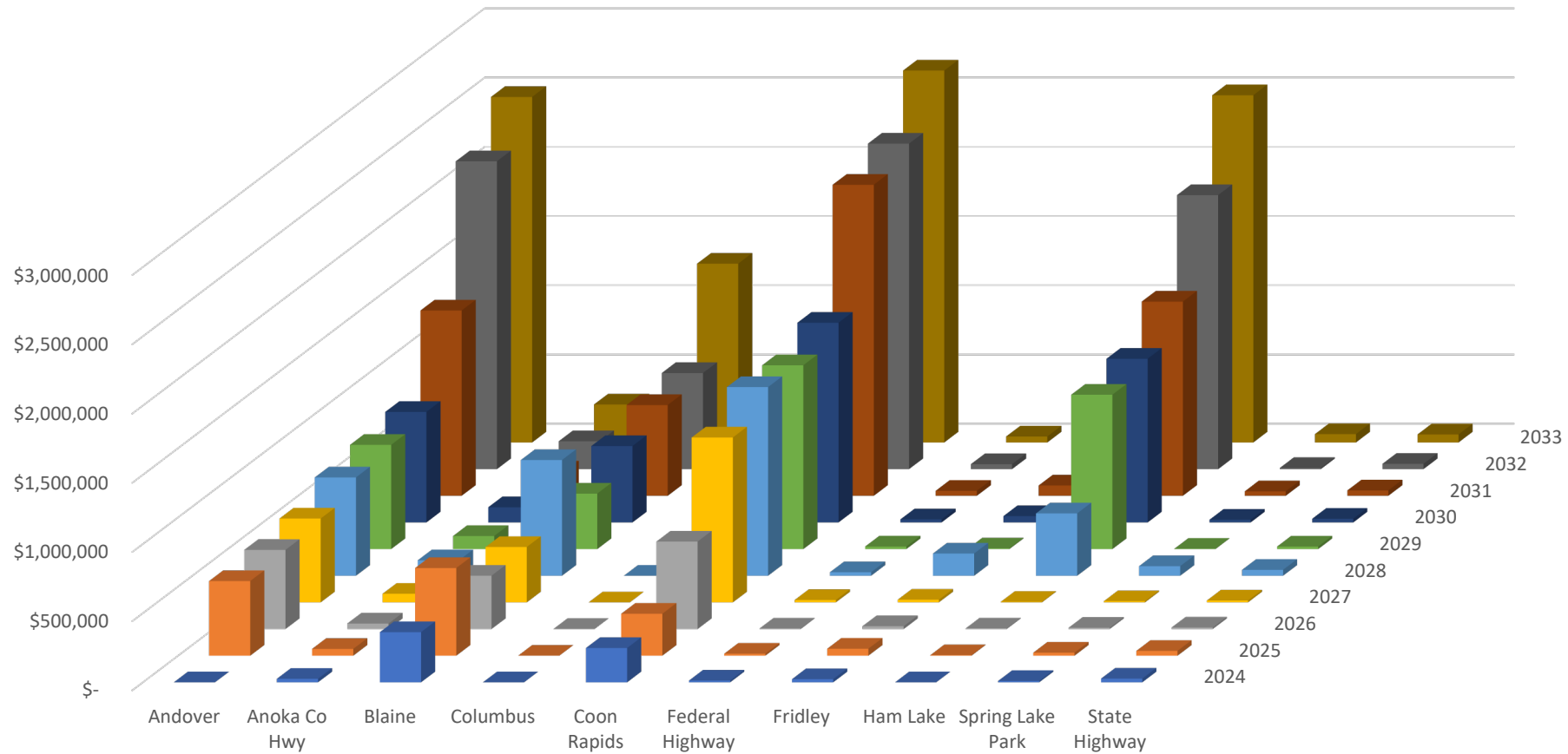


Funding

	CCWD Levy	Competitive Grants	Fund Balances	Intergovernmental	Non-competitive Grants	Special Assessment	Total
2024	\$2,372,546	\$500,000	\$0	\$708,408	\$147,050	\$0	\$3,728,004
2025	\$2,762,035	\$500,000	\$0	\$1,649,743	\$417,050	\$0	\$5,328,829
2026	\$3,528,933	\$500,000	\$0	\$1,675,508	\$147,050	\$0	\$5,851,491
2027	\$3,991,016	\$500,000	\$0	\$2,322,745	\$147,050	\$0	\$6,960,810
2028	\$5,197,018	\$500,000	\$0	\$3,769,559	\$147,050	\$0	\$9,613,627
2029	\$5,669,670	\$500,000	\$0	\$3,736,203	\$417,050	\$0	\$10,322,923
2030	\$5,073,566	\$500,000	\$0	\$4,199,143	\$147,050	\$0	\$9,919,759
2031	\$6,591,132	\$500,000	\$0	\$5,998,896	\$147,050	\$0	\$13,237,079
2032	\$8,106,855	\$500,000	\$0	\$7,548,963	\$147,050	\$0	\$16,302,868
2033	\$11,535,435	\$500,000	\$0	\$9,737,742	\$417,050	\$0	\$22,190,227
Total	\$54,828,205	\$5,000,000	\$0	\$41,346,910	\$2,280,500	\$0	\$103,455,616



Estimated Intergovernmental Revenue



Plan Administration

Minor Amendments: In-House

- Formatting
- Change in SOP
- Goal clarification
- Adding data
- Expansion of public process
- Program adjustments

Major Amendments: State Review

- Significant/Required changes
- Changes in management situation or priorities
- Changes to Capital Improvement Plan
- Changes to rule



Collaboration & Communication



Coordination & Local Water Planning

Intent

To maximize resources, prevent wasted effort, and foster trust in local water management

End State Success

Promotion of a comprehensive approach in the pursuit of water management objectives.

Increased Investment

Improved decision making,

Increased coordination between agencies and departments,

Improved alignment with organizational goals.

Actions

To maximize resources, prevent wasted effort, and foster trust in local water management

- Develop local water plans
- Develop Sub-watershed Plans
- Pursuit of Joint Strategic Tasks
- Maintain clear coordination and communication channels
 - Cities & MS4s
 - Lake Associations
 - ACD and Other Special Districts
- Maintain support for capital projects
- Create and maintain shared understanding of problem, mission and goals
- Use technology to facilitate communication & collaboration
- Hold regular meetings
- Maintain legitimacy and trust



Technical Advisory Committee: Meet Once per Month

Collaborator	Primary Contact	Secondary Contact
Andover	Dave Berkowitz	Jason Law
Anoka Conservation District	Chris Lord	Jamie Schurbon
Anoka County Highway	Jerry Auge	Michelle Pritchard
Blaine	Megan Hedstrom	Dan Schulender
Columbus	Elizabeth Mursko	Larry Boher
Coon Creek Watershed District	Tim Kelly	Jon Janke, Eileen Weigel
Coon Rapids	Tim Himmer	Mark Hanson
Fridley	Jim Kosluchar	Rachel Workin
Ham Lake	Dave Krugler	Tom collins
Spring Lake Park	Dan Bucholts	Phil Gravel



Citizen Advisory Committee: Meet Once per Month

Member	Representing
Barbara Goodboe-Bisschoff	Spring Lake Park City Council
Paddy Jones	Agriculture and Land Owner Interests
Gary Nereson	Lake Associations
Jim Lindahl	Anoka Conservation District
Joe MacPherson	Anoka County



Communications & Reports

Reports

Comprehensive Plans
Local Water Plans
Storm Water Pollution
Prevention Plans
Annual TMDL Reports
Annual Assessment & Report
Annual Budget

Meetings

Monthly Advisory Committee
Meeting
Subwatershed/TMDL-Flood
Mitigation Work Groups
Preconstruction Meetings
Project and Permit Review
Team Meetings
Daily Coordination



Practice & Actions

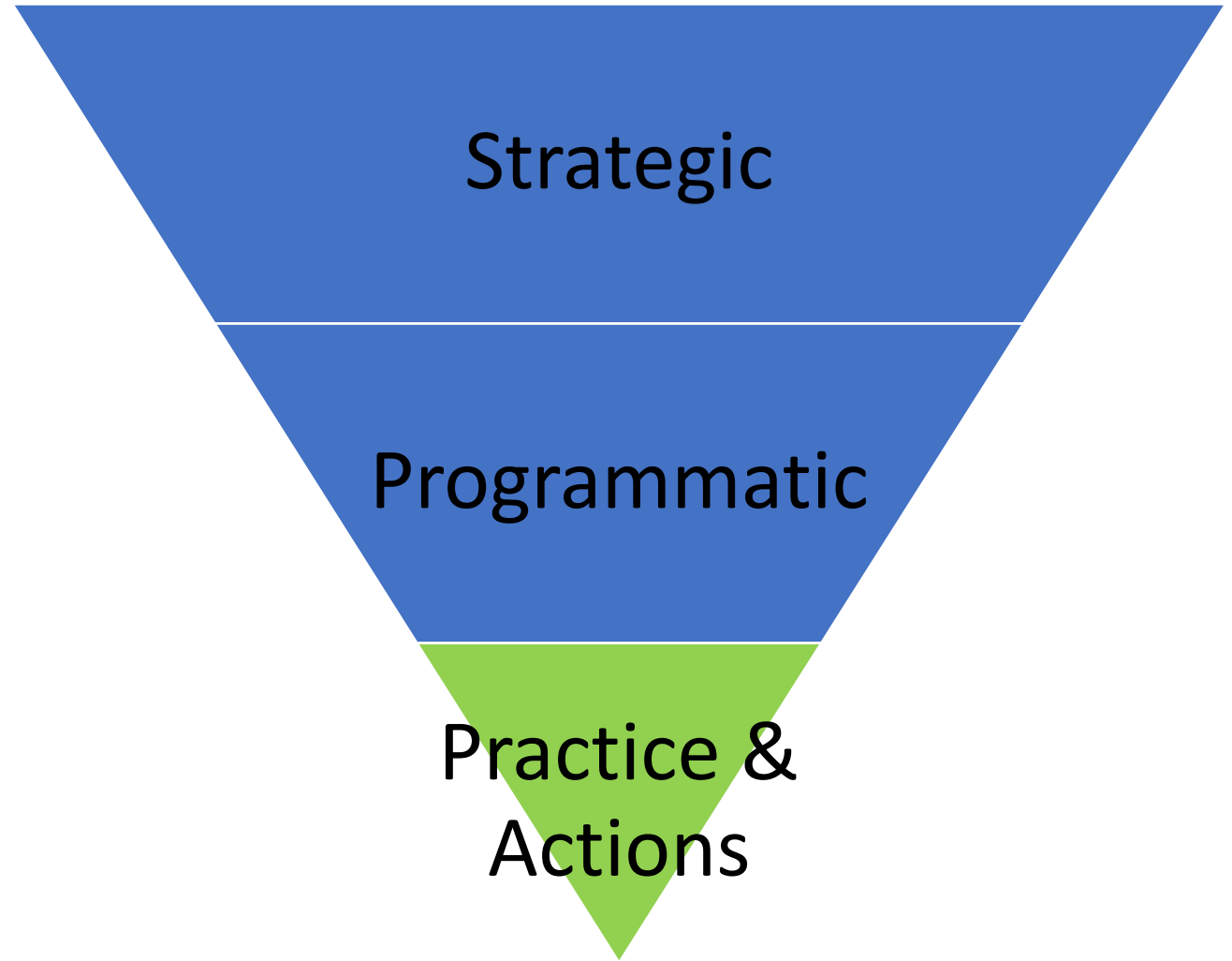
Ground Water

Public Drainage

Water Quality

Water Quantity

Wetlands



Ground Water

Management Situation: We appear to have declining surficial ground water quality and levels that are adversely affecting surface water levels and quality

Intent:

To restore and sustain surficial groundwater will require the District and all affected agencies:

- To gather and make available information on shallow groundwater resources within the watershed on a more frequent and complete basis.
- To use that information for informed decisions during local and state planning and development and implementation of water management projects.
- To consider the effects on groundwater resources from all proposed activities on and uses of lands within the watershed and to avoid, minimize, or mitigate adverse effects to the extent practical or as required by law.

By 2033, we should have slowed the quantitative and qualitative decline of the unconfined aquifer and have a clearer vision of the requirements to fully restore and sustain the surficial aquifer

Approach: 3 Phases

1. Establish shallow wells and monitor for 5 years to assess condition & trend
2. Assess data with stakeholders to determine value and intent of continued intervention
3. Either:
 1. Revise rules & standards to effectively restore and protect surficial groundwater quantity and quality.
 2. Withdraw wells and continue with legal obligations



Public Drainage

Management Situation:

We manage 133 miles of “Public” drainage ditch built between 1888 and 1919. The system now serves multiple demands and is expected to provide and produce a variety services, some of which are conflicting.

Intent:

To provide sustainable drainage in a fiscally responsible manner
To provide sustainable drainage, the District will need to:

- Operate and maintain a system that both achieves the desired conditions for holders of drainage rights and do so within the environmental capabilities of the land.
- Provide an appropriate range of conservation and utility-based opportunities to minimize conflicts among uses within the watershed.
- Manage the public drainage system to address public safety and efficiency of land operations in an environmentally responsible manner and, where needed, to restore ditch segments within the limits of current and anticipated funding levels.
- Coordinate water planning and analysis within the watershed with Federal, State, county, and other local governmental entities and to allow the public to participate in the restoration of stream segments for recreational use.
- Minimize public cost and impact by minimizing the sections of ditch requiring regular maintenance and repair to achieve the above purposes.

In the end there will be a tapestry of management efforts throughout the drainage system whose approach will range in service from the paved to the pristine.

Approach:

Focus is on maintaining drainage to those properties that are dependent on drainage for economic function.

Priority Actions Are:

1. Maintain District role as Drainage Authority under MS 103E
2. Inspection of 20% of entire ditch system annually
3. Process any requests for improvements in size or depth through 103E improvement process
4. Protect existing drainage rights through
 1. Regulation of runoff rate and volume from land use changes
 2. Routine and Non-Routine Maintenance
5. Restore biological, chemical and physical functions to impaired or damaged reaches to the extent it does not interfere with established drainage rights
6. Ensure stability and sustainability of natural and economic uses through
 1. Scheduled/Budgeted Maintenance
 2. Unscheduled/Non-Routine Maintenance



Water Quality

Management Situation:

The watershed includes 8 stream and 3 lakes whose water quality is “impaired”. These impairments are to be rectified by 2045. The watershed also includes 15 Aquatic Invasive Species which the District leads and/or assists in the prevention, detection and treatment or eradication

Intent:

To protect and improve the physical, chemical, and biological quality of the District’s water resources consistent with State and Federal water quality standards. To protect and restore water quality, the District will need to:

1. Collect and share data on the condition and trends and their primary sources of pollutants and stressors
2. Coordinate with local, regional, state, and federal partners and cooperators to plan for and fund water quality improvement initiatives
3. Use monitoring results and best available data to identify, prioritize, and target applicable implementation strategies
4. Implement resulting projects and practices that protect public health, safety, and welfare, address the root causes of impairments, and support use and enjoyment of water resources by the community.
5. Minimize public cost and impact by evaluating the feasibility and probability of success at meeting established targets prior to investments; identify areas where natural or other fixed constraints limit attainment of state and federal standards
6. Regularly evaluate performance of water quality improvement projects and track progress towards achieving targets to inform course corrections when needed
7. Find and advocate for creative solutions to balance water quality protection and restoration needs with economic growth and drainage demands.

By 2033, significant progress should be made in addressing impairments, on track for meeting water quality standards by the established CCWD TMDL target year of 2045 and state deadline of 2050 (MS 114D.20 subd. 2). Reaches where standards are not attainable due to natural or fiscal constraints will be identified; alternative targets and schedules will be outlined along with supporting evidence.

Approach:

The District will use an adaptive management approach where decision-making is based on the best available sound science and available resources.

Process is:

- Iterative
- Adaptive
- Relies on maintaining a robust, up-to-date asset inventory coupled with extensive modeling
- Involves an asset management framework to track and prioritize inspection and maintenance activities that influence stormwater volumes, rates, and pollutant concentrations.

Key Actions

1. Intelligence: Regular monitoring and inspection
2. Capital projects: Prioritized, targeted and measurable construction and restoration
3. Coordination with Operations and Maintenance efforts
4. Lake and subwatershed planning
5. Public and governmental affairs: Information, Involvement and outreach
6. Coordination with local water plans



Water Quantity

Management Situation

Watershed hydrology is highly altered and combined with changes in precipitation occurrence the district is experiencing both flooding and minimum flows. Both are required to be addressed and mitigated

Intent

To restore and preserve desirable watershed conditions that will prevent or minimize flooding and minimum flows. To accomplish this will require the District to:

- Adapt to increased volatility in precipitation, temperatures, and flow regimes
- Address aging and resiliency of infrastructure
- Modify or dampen the effects of altered Hydrology
- Update and keep current status and condition of floodplain information

By 2033, significant progress should be made to maintain hydrologic balance to prevent property damage and protect water quality

Approach

The District will pursue this goal through the following actions:

- Continually monitor precipitation and antecedent conditions relative to potential flood or low flows.
- Monitor closely DNR issuances concerning minimum flows
- Maintain and regularly update an accurate and reliable hydrology model for the watershed that assesses critical events, and 1% probability flows for risk management
- Conduct channel maintenance to prevent property or crop damage from flood flows or low flows
- Ensure adequate retention or detention to prevent the cumulative effects of flow volumes on drainage or flood occurrences.
- Assist cities and citizens with information to prevent, minimize and mitigate damage from flood or low flows.



Wetlands

Management Situation

Over 30% of the watershed potentially qualifies as Jurisdictional Wetland. The District is the Local Governmental Unit, recognized by the State of Minnesota to administer the State Wetland Conservation Act

Intent

To pursue the no net loss of the quantity, quality, and biological integrity of the District wetlands will require the District to:

- Administer the state rules implementing the Wetland Conservation Act (MR 8410)
- Accurately assess landscape and hydrologic processes integral to wetland conservation
- Facilitate wetland mitigation, replacement, and banking.
- Remain acutely aware of changes in water sources, landscape, and the hydrodynamics of wetland resources within our jurisdiction.
- Monitoring of hydrologic conditions and trends
- Notifying the state and take steps to prevent or mitigate major landscape, hydrologic or climate trends if possible.

Success will also depend on the District's administration of the Wetland Conservation Act Rules. It will be measured through acreage comparisons between recent and future wetland inventories conducted by the state or Federal government.

Approach:

The related tasks and systems that support wetlands and critical to achieving the goal involve

- Conducting and supporting wetland delineation training
- Providing pre-delineation information such as water depth and precipitation
- Provide wetland hydrology monitoring data
- Conduct pre-application meetings for actions that may involve filling, draining or adversely impacting wetland.
- Review wetland delineations with TEP
- Coordinate wetland delineations and reviews with cities, BWSR, DNR and Corps of Engineers when warranted
- Review alternatives and sequencing analysis
- Require impact mitigation consistent with the law



COON CREEK WATERSHED DISTRICT

Request for Board Action

MEETING DATE: December 11, 2023
AGENDA NUMBER: 9
ITEM: Citizen Advisory Committee

AGENDA: Discussion

ACTION REQUESTED

Receive

PURPOSE & SCOPE

The purpose of this item is for the Board to review committee re-appointments, a new member application, and discuss potential updates to the CAC policy with the intent to appoint the 2024 Citizen Advisory Committee members at the next meeting on December 11, 2023.

BACKGROUND

Minnesota Statute 103D.331 states that the Board of Managers “must annually appoint an advisory committee to advise and assist the managers on all matters affecting the interests of the watershed district and make recommendations to the managers on all contemplated projects and improvements in the watershed district.”

At the October 10, 2011, meeting the Board adopted policy 1.8.1-Citizen Advisory Committee (CAC) and approved a plan to advertise and select Citizens for this CAC.

At the December 14, 2020, meeting the Board adopted revisions to policy 1.8.1-Citizen Advisory Committee (CAC). These revisions included:

- Committee size limited to 9 members: 7 citizens and 2 Agency representatives
- All interested applicants must apply by November 15th to be considered for service in following year
- Recruiting efforts should focus on recruiting one member of a sporting organization and one member of a farm or agricultural organization
- All appointments are for one year and are to be renewed in December or January

At the January 9, 2023, meeting, the Board re-appointed six citizen members to the CAC: Barbara Goodboe-Bisschoff, Roger Johnson, Paddy Jones, Bill Kurdziel, Erin Lind, and Gary Nereson. Two members, Jim Lindahl and Joe MacPherson, continued to serve as representatives of the Anoka County Conservation District and the Anoka County Board of Commissioners as outlined under CAC Policy Section 2.2b and 2.2c.

On August 28, 2023, Erin Lind took her oath of office as a member of the CCWD Board of Managers. At which time she was no longer a member of the CAC.

The 2023 Citizen Advisory Committee will end with 7 members (5 citizen + 2 agency)

1. Barbara Goodboe-Bisschoff, Spring-Lake Park City Council representative
2. Roger Johnson, Coon Rapids
3. Bill Kurdziel, Coon Rapids (Crooked Lake resident)
4. Paddy Jones, Ham Lake
5. Gary Nereson, Andover, Crooked Lake Area Association representative
6. Anoka Conservation District representative – Jim Lindahl
7. Anoka County representative – Joe MacPherson

By the policy deadline of November 15th, three CAC members had indicated an interest and ability in continuing to serve in 2024. Two CAC Members, Roger Johnson and Bill Kurdziel, indicated that they would not be seeking reappointment to the committee for 2024. One new application for CAC membership was received from Jason Margl.

Backgrounds for the existing members seeking re-appointment, the new member application, and the full CAC policy is attached to this report.

ISSUES/CONCERNS

With two members not seeking re-appointment and only one new applicant, assuming the Board appoints Mr. Margl, the committee will be down to 4 citizen members and 2 agency members for a total membership of six for 2024.

Section 2.2d CAC policy states that total membership of the committee must be a minimum of five members.

At the November 8th CAC meeting, members reviewed and discussed the CAC policy as it relates to the membership cap (Section 2.1) and the application timeline (Section 6.2). There was a general consensus that the policy language on these items is still sufficient. The CAC had no recommended changes for the Board to consider regarding these items at this time. However, this discussion took place before Mr. Johnson and Mr. Kurdziel made their decision known to not seek re-appointment.

With the current total membership for 2024 anticipated at six members, there is a high potential that the departure of one or more members during the upcoming year may put the Committee below its minimum required size.

The Board may wish to consider adjusting the application timeline to allow for recruitment and appointment throughout the year so as to allow interested and qualified individuals to join the committee prior to January 2025.

IMPLICATIONS FOR RESOURCE/ORGANIZATION

The District's population is continuously growing and diversifying. Significant changes in membership, such as we are seeing right now, can provide opportunities for the committee to grow in diversity and representation; expanding the committee's advisory abilities and reflecting the changes in the District's population. Changes to the existing CAC policy, particularly as it relates to membership size and the application timeline, may help recruit new members who will bring additional representation and insight to the committee.

CONCLUSION

Three of the five existing citizen members are seeking re-appointment and one new citizen has applied. Combined with the two agency members, the 2024 CAC has a potential membership size of six which is one member more than the policy minimum of five.

Changes to the CAC policy may be helpful in recruiting new members who represent the District's growing and diversifying population.

QUESTIONS

Background Summary of Existing CAC Members Seeking Reappointment for 2024			
Name	City	Background/ Interests	Represent/ Occupation
Barbara Goodboe-Bisschoff	Spring Lake Park	Worked for law firms, had real estate license; Avid gardener, Miss. River habitat resto volunteer	SLP Council member
Paddy Jones	Ham Lake	Election judge; Wants to give back to community; Protect clean water	Semi-retired programmer analyst
Gary Nereson	Andover	Water quality, management, leadership experience	Retired business owner; Crooked Lake Area Association representative



Citizen Advisory Committee Member Application Part 1

Date

Type New Re-application

Name

Residency address

City, State, Zip

Email

Phone

Mailing address (if different from residency)

Occupation

Qualifications (education or background related specifically to civic, professional, volunteer, or governmental boards or commissions)

Are you available to attend monthly meetings & take an active role in working with the Coon Creek Watershed District Board of Managers?

Yes No

Member Category

City/County Official

Citizen

Farmer

Outdoor organization

Other:

Reasons for wanting to serve:

List any financial interests or associations you have that may present a conflict of interest

Please read and complete Part 2 of this application, Member Expectations and Data Practices Advisory. After completing Part 2, please return the signed form by either:

Mailing a physical copy to
Coon Creek Watershed District
13632 Van Buren St NE
Ham Lake, MN 55304

OR

Scanning or photographing a copy and
emailing it to info@cooncreekwd.org with
"CAC Member Application" in the email subject
line



Citizen Advisory Committee

Member Application Part 2

Member Expectations

This is a volunteer position with no reimbursement, except possibly for conference attendance.

The Coon Creek Watershed District (CCWD) expects CAC members to:

- Attend a new member orientation
- Make a serious commitment to actively participate in CAC work
- Notify the staff liaison if unable to attend meetings
- Prepare for meetings and reviews
- Become familiar with the CCWD Mission and CAC role
- Understand the roles and relationships of the CAC and the CCWD staff and Board of Managers
- Get to know other CAC members to build a working relationship
- Reflect the perspectives of the watershed's diverse constituency in discussions and decision-making
- Serve the CCWD in a professional and non-partisan manner
- Support the majority decision on issues decided by the CAC and the CCWD Board of Managers at meetings and when representing CCWD at other forums, even if personal opinions are different
- Refrain from making public comments and statements that would misrepresent or negatively represent the CCWD, its decisions or policies including written or verbal comments to the media, on blogs, websites, or other forums where it is foreseeable that the comments will become known to the public

Data Practices Advisory

The following information requested above is classified as private data under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13 (MGDPA): your address, telephone numbers, and email address. Other information you provide in response to questions asked will be public data and so your responses should be limited to your education, training, employment, volunteer work, and any other aspects of your background and interests you do not consider to be private. If you are appointed to the Citizen Advisory Committee your address, telephone numbers, and email address will become public data.

Private data are data that generally may not be released to the public. The information classified as private data is requested so that the appointing authority can confirm your eligibility to serve on the Citizen Advisory Committee and contact you about your application. You are not legally required to provide this information; however, if you don't do so, the appointing authority may not be able to confirm your eligibility or communicate with you in a timely way.

The private data will be maintained by the Coon Creek Watershed District in accordance with the MGDPA and will be accessible to those within the Coon Creek Watershed District who reasonably require access in order to administer the appointment process.

I certify that the information on this application is correct and that I understand the Expectations and Data Practices Advisory listed above:

Jason Margl

Signature

Date

COON CREEK WATERSHED DISTRICT

POLICY & PROCEDURES MANUAL

Policy # 1.8.1

Pages: 1 of 5

Program: Public & Government Relations

Policy Name: CITIZEN ADVISORY COMMITTEE

POLICY

The Coon Creek Watershed District shall have a Citizen Advisory Committee (CAC) to advise and assist the Managers on all matters affecting the interests of the Watershed District and make recommendations to the Managers on all contemplated projects and improvements within the District.

INTENT

To establish a Citizen Advisory Committee; provide for membership, eligibility requirements, and removal, filling of vacancies and committee powers and duties.

SOURCE

Minnesota Statutes section 103D.331, Citizen Advisory Committee.

BACKGROUND

The District CAC was established in 1988 in response to a complaint to the Water Resources Board (preceded BWSR) and in response to District activities involving ditch repairs and special assessments. The CAC remained active through 1991 and stopped meeting in 1992 due to lack of interest.

In 1998, the District attempted to once again reconstitute the CAC by requesting that a city council member from each of the five cities be the principal contact with the District. The District heard from three cities and in 2005 no longer heard from any of the cities.

PROCEDURES

1) Purpose of Committee

To advise and assist the Managers on all matters affecting the interests of the Watershed District and make recommendations to the Managers on all contemplated projects and improvements within the District.

2) Membership

Members of the Citizen Advisory Committee are appointed by and serve at the pleasure of the Board of Managers.

- 1) **Committee Size:** The total size of the Committee shall be limited to nine (9) members. Seven of those members must be residents of the watershed district and does not include the representatives of the either Anoka County or the Soil and Water Conservation District. The intent in limiting the size of the advisory

- committee is increase the committees' effectiveness in fulfilling its statutory purpose
- 2) **Committee Makeup and Composition:** Consistent with Minnesota Statutes section 103D.331, Subd. (2)(a), the makeup of the Citizen Advisory Committee shall be as follows:
 - a) Up to seven (7) Citizen Members. Citizen Members must be district residents. Recruitment must be targeted, and preference must be given, to ensure, if practicable, that the Citizen membership includes one (1) member of a sporting organization, and one (1) member of a farm or agricultural organization.
 - b) If practicable, one (1) Representative from the Anoka County Conservation District Board of Supervisors. This member does not need to be a district resident.
 - c) If practicable, one (1) Representative from Anoka County Board of Commissioners, or designee. This member does not need to be a district resident.
 - d) Total membership of CAC must be minimum of five (5) members.
 - 3) **Discretion of Board to Appoint Other Interested/Technical Persons:** Consistent with Minnesota Statutes section 103D.331, Subd. (2)(b), the Board of Managers may appoint other interested and technical persons who may or may not reside with the Watershed District to serve at the pleasure of the Managers. Interested and technical persons who are not District residents may either own or work for businesses located with the Watershed District or contribute special knowledge or expertise to the mission of the Watershed District.

One Manager and the District Administrator, or staff person appointed by the Administrator, shall act as liaisons to the Citizen Advisory Committee as described in sections 13 and 14 of this Policy.

3) Meetings

The Coon Creek Citizen Advisory Committee will meet on the second Wednesday of each month, convening at 5:00 p.m. – 6:30p.m., except in the month of December when there will not be a regularly scheduled meeting.

4) Role and Responsibilities

The Committee shall act in an advisory capacity to the Coon Creek Watershed District Board of Managers.

- 1) The Committee may hold public meetings and
- 2) Shall make such studies, analyses, and reports as requested by the Board of Managers
- 3) May review, advise, and make recommendations to the Board of Managers

Citizen Advisory Committee members will be asked to review, advise, and make recommendations on short and long term

- 1) Surface water planning
- 2) Policy and operational issues
- 3) Annual Budget
- 4) Project Financing
- 5) Major development proposals, and land use changes directly relating to water and related land resource management
- 6) Proposed projects to be conducted by the District
- 7) Water and related land resource rules and resolutions
- 8) District policies relating to land and water management

5) Recruitment

The Coon Creek Watershed District shall use all practical means to solicit applications for membership on the Citizen Advisory Committee. These shall include but are not limited to:

- 1) Word of Mouth
- 2) Advertising in the:
 - a) Official Paper of the District
 - b) District website
 - c) Websites of municipalities within the Watershed District

Primary recruitment efforts must be targeted to ensure, if practicable, one member of a sporting organization, and one member of a farm organization. Secondary recruitment efforts should target membership so that it evenly represents the geography of the Watershed, if practicable.

6) Application

- 1) Application Form: Interested parties will be asked to fill out an application that includes the following information.
 - a) Occupation
 - b) Availability
 - c) Experience/Qualifications & civic activities
 - d) Motivation/Reason for serving
- 2) Application Period:
 - a) General Application: Applications to serve on the Advisory will be accepted year-round but must be received by November 15 to be considered for the following year.

7) Desired Qualifications

Prospective and active members of the Citizen Advisory Committee should be:

- 1) Interested in at least one of the following:
 - a) Water Resource Protection/ Management,
 - b) Public Education/Outreach,
 - c) Water Resource Planning
 - d) Budget Planning

- 2) Able to serve as a liaison between the District and their geographic area or area of interest.
- 3) Able to effectively work and communicate with others.

8) Evaluation and Selection Criteria

Applications will be reviewed by staff and reported to the Board of Managers based upon the following:

- 1) Applicant's ability to complete the assigned responsibilities
- 2) Obvious conflicts of interest
- 3) Applicant's background/experiences/interests that add value, new perspective or diverse experience to the CAC
- 4) Applicant's ability to provide a perspective that reflects the watershed constituency, and the watershed district's mission
- 5) Applicant's involvement in civic, professional, community or volunteer groups
- 6) Applicant's ability to work cooperatively with other CAC members and the Board of Managers.

9) Appointment

Applications are reviewed by the CCWD Administrator for qualification and are approved by the Coon Creek Watershed District Board of Managers. Appointments are for one (1) year and may be renewed annually in December or January.

10) Removal & Vacancy on Advisory Committees

Members of the Committee may be removed by the Board of Managers for any reason deemed sufficient by a majority of the Board of Managers. Should a representative of the Anoka County Conservation District Board or the designee of the Anoka County Board of Commissioners resign or be removed, the Watershed District shall request, in writing, to those Boards to appoint a new representative. Failure of an organization to appoint a representative to the Committee does not preclude future participation.

11) Removal

The eventual 'Removal' of a CAC member is a distinct possibility. Below is one policy statement and method for achieving this.

A Citizen Advisor serves at the will and pleasure of the CCWD Board of Managers and may be removed at the discretion of the CCWD Board of Managers

- 1) Being a Citizen Advisor is an At-will appointment
- 2) Removal may occur when a Citizen Advisor fails to meet the criteria for representing the geographic area to which the member was appointed.
- 3) Removal may occur when a Citizen Advisor has engaged in conduct detrimental to the accomplishment of CAC responsibilities and/or CCWD mission, or engaged in conduct contrary to the CAC Code of Conduct.

The CCWD staff shall notify a member if they are removed from the CAC. The position will then be considered vacant and open to be filled.

12) Expense Reimbursement

Minnesota Statutes section 103D.331 (3) provides that the Managers may reimburse CAC members for actual traveling and other necessary expenses incurred in the performance of their duties.

13) Board Liaison

The Board will appoint a Board member to serve as a liaison to the CAC. The principal role of the Board Liaison is to facilitate the flow of information between the CAC and the CCWD Board of Managers.

14) Staff Liaison

The District Administrator or the appointed staff liaison will serve as the principal staff members, in that order, who serve as a liaison to the CAC. The principal role of the Staff Liaison is to facilitate the flow of information between the Committee, the CCWD Board of Managers and the CCWD staff. Other general staff responsibilities include:

- 1) Orient new Committee members
- 2) Distribute Committee notices and agendas
- 3) Provide recommendations from the Committee to the CCWD Board of Managers
- 4) Support and motivate the Committee to participate in other Watershed activities

AUTHORIZATION

Adopted: October 10, 2011

Revised: January 18, 2017

Revised: December 14, 2020

APPROVED

District Administrator, December 14 2020

Citizen Advisory Committee Code of Conduct

- This is a volunteer position with no reimbursement, except possibly for conference attendance.

- The Coon Creek Watershed District (CCWD) expects CAC members to:
 - Attend a new member orientation
 - Make a serious commitment to actively participate in CAC work Notify the staff liaison if unable to attend meetings Prepare for meetings and reviews
 - Become familiar with the CCWD Mission and CAC role
 - Understand the roles and relationships of the CAC and the CCWD staff and Board of Managers
 - Get to know other CAC members to build a working relationships
 - Reflect the perspectives of the watershed's diverse constituency in discussions and decision-making
 - Serve the CCWD in a professional and non-partisan manner.
 - Support the majority decision on issues decided by the CAC and the CCWD Board of Managers at meetings and when representing CCWD at other forums, even if personal opinions are different
 - Refrain from making public comments and statements that would misrepresent or negatively represent the CCWD, its decisions or policies including written or verbal comments to the media, on blogs, websites, or other forums where it is foreseeable that the comments will become known to the public



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Advisory Opinion 23-005

November 14, 2023; Woodbury City Council

November 14, 2023 | [Open Meeting Law](#), [Closed meetings](#)

This is an opinion of the Commissioner of Administration issued pursuant to Minnesota Statutes, section 13.072 (2022). It is based on the facts and information available to the Commissioner as described below.

Facts and Procedural History:

William Brown requested an advisory opinion regarding the Woodbury City Council's (Council) conduct under the Open Meeting Law (OML), Minnesota Statutes, Chapter 13D. The Council provided comments in response to the advisory opinion request.

A summary of facts is as follows:

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[35332&detailPage=/admin/data-practices/opinions/library/opinions-library.jsp\).](#)

On September 6, 2023, the Council held a regular meeting. In his comments, Brown stated that during this regular meeting the Council went into closed session “to discuss potential litigation strategy regarding the contract with ISD 833 to provide School Resource Officer services with the City Attorney.”

Brown provided details from ISD 833, indicating that there was no threatened litigation at the time of the September 6, 2023 meeting. He notes that on September 5, 2023, the City and Superintendent discussed the contract at issue. Brown stated that the Superintendent did not threaten litigation, but “wanted to know what [the City of Woodbury] [was] doing as it impacted SROs in 2 of her schools.”

In its comments, the Council stated,

Woodbury reviewed its SRO contract with District 833 and quickly ascertained that as of August 2023, even if Woodbury were to immediately provide notice of its intent and desire to stop the SRO services, as a practical matter that contractual notice would not take effect and the City had no direct legal entitlement to cancel its SRO services under the contract until December 31, 2024. As a result, the City did not have a practical means of pulling its SROs out of the ISD 833 high schools absent either: (1) mutual agreement and consent from ISD 833, or (2) by engaging in a purposeful and known breach of contract. City staff was understandably concerned that ISD 833 would not mutually agree to the cancellation of SRO services and that pulling of SROs may well result in breach of contract litigation with ISD 833, so as a result, City staff preemptively placed a potential closed session discussion on the City Council’s agenda.

The Council indicated that in closed session, it “opted to temporarily suspend its SRO activities under contract with ISD 833 until such time there could be greater legal clarity or a legislative amendment.” The Council subsequently informed the school district of its decision to suspend the contract.

The Council noted that after additional guidance from the Attorney General’s Office and the League of Minnesota Cities, the Council has since “directed that the City Staff should reactivate its SROs and send them back into the ISD 833 high schools.”

Issue:

Based on the opinion request, the Commissioner agreed to address the following issue:

Did the Woodbury City Council comply with the Open Meeting Law when it went into closed session on September 6, 2023, on the basis of attorney-client privilege pursuant to Minnesota Statutes, section 13D.05, subdivision 3(b)?

Discussion:

The OML requires meetings of public bodies to be open to the public, with limited exceptions. One exception to this general rule is that public bodies may close a meeting based on attorney-client privilege. (Minnesota Statutes, section 13D.05, subd. 3(b).)

The Minnesota Supreme Court established the test for the appropriate application of the attorney-client privilege exception:

To determine whether the attorney-client privilege exception to the Open Meeting Law applies, we balance the purposes served by the attorney-client privilege against those served by the Open Meeting Law. The exception applies when this balancing dictates the need for absolute confidentiality.

Prior Lake American v. Mader, 642 N.W.2d 729, 732 (Minn. 2002) (*Prior Lake American*). (See also *Minneapolis Star and Tribune v. the Housing and Redevelopment Authority*, 251 N.W.2d 620 (Minn. 1976) (*HRA*).)

The Supreme Court held that the statutory exception in section 13D.05, subd. 3(b), was consistent with its holding in *HRA*. See *Prior Lake American*. The Court considered the issue of whether the exception would apply in situations where the public body had received a potential threat of litigation. In holding that the public body violated the OML, the Court wrote, “[b]alancing the policies behind the attorney-client privilege and the Open Meeting Law, it is clear to us that when a public body is deciding a matter within its jurisdiction, the threat that litigation might be a consequence of deciding the matter one way or another does not, by itself, justify closing the meeting.” *Prior Lake American* at 741.

The Court also held that because the exception applies only when absolute confidentiality is required, “the scope of the privilege is narrower for public bodies than it is for private clients.” *Prior Lake American* at 737. Further, the Court stated that the attorney-client privilege exception, “is to be employed or invoked cautiously and seldom in situations other than in relation to threatened or pending litigation.” And that this exception, “would almost never extend to the mere request for general legal advice or opinion by a public body in its capacity as a public agency.” *HRA* at 626.

Additionally, the Commissioner has issued several advisory opinions on this exception. (See Advisory Opinions 99-003 (<http://mn.gov/admin/data-practices/opinions/library/opinions-library.jsp?id=36-267583>), 14-005 (<http://mn.gov/admin/data-practices/opinions/library/opinions-library.jsp?id=36-267821>), 14-015 (<http://mn.gov/admin/data-practices/opinions/library/opinions-library.jsp?id=36-267684>), 14-017 (<http://mn.gov/admin/data-practices/opinions/library/opinions-library.jsp?id=36-267295>), and 16-003 (<http://mn.gov/admin/data-practices/opinions/library/opinions-library.jsp?id=36-266933>)). In Advisory Opinion 14-017 (<http://mn.gov/admin/data-practices/opinions/library/opinions-library.jsp?id=36-267295>), the Commissioner noted, “the privilege does not automatically apply when a public body is threatened with or engaged in active litigation; conversely, the privilege is not always prohibited prior to pending or threatened litigation ... the Supreme Court's limitations on the privilege, taken together with the obligation to construe the OML in favor of the public, set a high standard for public bodies.”

Here, the Council had a contract with the school district. The Council intended to discuss the contract and decide whether to break it. The Council indicated that the school district wanted the City to continue compliance with the contract. In its comments, the Council argued, “[t]his factual scenario rose to the level of a ‘threat of litigation.’ This issue was not some mere enactment of controversial code or denial of a land use application that might result in disputes in the future, rather it involved a direct and present factual scenario in which action on the part of the City Council could immediately open the City up to legal claims against it for breach of an existing contract.”

The Commissioner understands that the Council's discussion of the contract could result in possible litigation against the City at a later date. However, at the time of the discussion there was no threatened or pending litigation. As the Supreme Court held in *Prior Lake American*, when a public body is deciding a matter within its jurisdiction, the threat that litigation might be a consequence of deciding the matter one way or another does not, by itself, justify closing the meeting. Therefore, the public's right to hear the discussion about the contract outweighed the need for absolute confidentiality, and the Council did not comply with the OML when it went into closed session to discuss the contract.

The Commissioner notes that the Council also considered more than legal advice from its attorney during the closed session. The Council decided to suspend the contract in closed session, and subsequently informed the school district of its decision. When public bodies rely on the narrow attorney-client privilege exception to go into closed session, it should return to open session to engage in votes or discussion that fall outside this authority.

Opinion:

Based on the facts and information provided, the Commissioner's opinion on the issue is as follows:

The Woodbury City Council did not comply with the OML when it went into closed session on September 6, 2023, on the basis of attorney-client privilege, pursuant to Minnesota Statutes, sections 13D.05, subdivision 3(b).

Signed:

Tamar Gronvall
Commissioner

November 14, 2023

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Advisory Opinion 23-005

November 14, 2023; Woodbury City Council

11/14/2023 12:00:00 PM

This is an opinion of the Commissioner of Administration issued pursuant to Minnesota Statutes, section 13.072 (2022). It is based on the facts and information available to the Commissioner as described below.

Facts and Procedural History:

William Brown requested an advisory opinion regarding the Woodbury City Council's (Council) conduct under the Open Meeting Law (OML), Minnesota Statutes, Chapter 13D. The Council provided comments in response to the advisory opinion request.

A summary of facts is as follows:

On September 6, 2023, the Council held a regular meeting. In his comments, Brown stated that during this regular meeting the Council went into closed session "to discuss potential litigation strategy regarding the contract with ISD 833 to provide School Resource Officer services with the City Attorney."

Brown provided details from ISD 833, indicating that there was no threatened litigation at the time of the September 6, 2023 meeting. He notes that on September 5, 2023, the City and Superintendent discussed the contract at issue. Brown stated that the Superintendent did not threaten litigation, but "wanted to know what [the City of Woodbury] [was] doing as it impacted SROs in 2 of her schools."

In its comments, the Council stated,

Woodbury reviewed its SRO contract with District 833 and quickly ascertained that as of August 2023, even if Woodbury were to immediately provide notice of its intent and desire to stop the SRO services, as a practical matter that contractual notice would not take effect and the City had no direct legal entitlement to cancel its SRO services under the contract until December 31, 2024. As a result, the City did not have a practical means of pulling its SROs out of the ISD 833 high schools absent either: (1) mutual agreement and consent from ISD 833, or (2) by engaging in a purposeful and known breach of contract. City staff was understandably concerned that ISD 833 would not mutually agree to the cancellation of SRO services and that pulling of SROs may well result in breach of contract litigation with ISD 833, so as a result, City staff preemptively placed a potential closed session discussion on the City Council's agenda.

The Council indicated that in closed session, it “opted to temporarily suspend its SRO activities under contract with ISD 833 until such time there could be greater legal clarity or a legislative amendment.” The Council subsequently informed the school district of its decision to suspend the contract.

The Council noted that after additional guidance from the Attorney General’s Office and the League of Minnesota Cities, the Council has since “directed that the City Staff should reactivate its SROs and send them back into the ISD 833 high schools.”

Issue:

Based on the opinion request, the Commissioner agreed to address the following issue:

Did the Woodbury City Council comply with the Open Meeting Law when it went into closed session on September 6, 2023, on the basis of attorney-client privilege pursuant to Minnesota Statutes, section 13D.05, subdivision 3(b)?

Discussion:

The OML requires meetings of public bodies to be open to the public, with limited exceptions. One exception to this general rule is that public bodies may close a meeting based on attorney-client privilege. (Minnesota Statutes, section 13D.05, subd. 3(b).)

The Minnesota Supreme Court established the test for the appropriate application of the attorney-client privilege exception:

To determine whether the attorney-client privilege exception to the Open Meeting Law applies, we balance the purposes served by the attorney-client privilege against those served by the Open Meeting Law. The exception applies when this balancing dictates the need for absolute confidentiality.

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The Supreme Court held that the statutory exception in section 13D.05, subd. 3(b), was consistent with its holding in *HRA*. See *Prior Lake American*. The Court considered the issue of whether the exception would apply in situations where the public body had received a potential threat of litigation. In holding that the public body violated the OML, the Court wrote, “[b]alancing the policies behind the attorney-client privilege and the Open Meeting Law, it is clear to us that when a public body is deciding a matter within its jurisdiction, the threat that litigation might be a consequence of deciding the matter one way or another does not, by itself, justify closing the meeting.” *Prior Lake American* at 741.

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Opinion:

Based on the facts and information provided, the Commissioner's opinion on the issue is as follows:

The Woodbury City Council did not comply with the OML when it went into closed session on September 6, 2023, on the basis of attorney-client privilege, pursuant to Minnesota Statutes, sections 13D.05, subdivision 3(b).

Signed:

Tamar Gronvall
Commissioner

November 14, 2023
Open Meeting Law

Closed meetings

Attorney-client privilege