AGENDA

COON CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

October 27th, 2025
5:30 PM

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

CONSENT ITEMS

5. Approval of Minutes
6. Bills/Accounts Payable

POLICY ITEMS

7. Adopt Resolution for Minnesota Watersheds and 2026 Legislative Initiatives
8. Ditch 59 Repair Cooperators Agreement

PERMIT ITEMS

9. Hidden Forest Park Improvements

DISCUSSION ITEMS

10. Review of Administrator Roles and Responsibilities
11. Revised Administrator Transition Plan
12. Ditch 39 Inspection Report

INFORMATIONAL ITEMS

13. MCEA Rulemaking Petition

ADJOURN

COON CREEK WATERSHED DISTRICT

BOARD MEETING AGENDA

Board Room
Coon Creek Watershed District Offices
Monday, October 27, 2025
5:30 p.m.

Board of Managers:
Jim Hafner, President; Erin Lind, Vice President; Jason Lund, Secretary; Mary Campbell, Treasurer; Dwight McCullough, Member at Large

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

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

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

CONSENT ITEMS

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

5. **Approval of Minutes of October 13, 2025**
6. **Approve Bills for Payment**

POLICY ITEMS

7. **Improving Mitigation Under the MN ESA**
8. **Ditch 59 Repair Cooperators Agreement**

PERMIT ITEMS

9. **Hidden Forest Park Improvements**

DISCUSSION ITEMS

10. **Review of Administrator Roles and Responsibilities**
11. **Revised Administrator Transition Plan**
12. **Ditch 39 Inspection Report**

INFORMATIONAL ITEMS

13. **MCEA Rulemaking Petition**

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, October 13, 2025, 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, Jim Hafner, Erin Lind, Jason Lund, and Dwight McCullough.
Staff Present: Tim Kelly, Corinne Elfelt, Jon Janke, Justine Dauphinais, Erin Margl, Hattie Hillukka and Michelle Ulrich
Attendees via Zoom: Tyler Thompson, Jennie Lattin and Erik Bye
Guest: Darron Lazan

2. Approval of the Agenda

Board Member McCullough moved to add permit items #10 CenterPoint – Elwell Farms Connection, #12 Northtown Villas, and permit item #13 - TH 65 Local Access Road Improvement Project, to the Consent Items. Seconded by Board Member Campbell. The motion carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

Board Member Campbell moved to approve the amended agenda. Seconded by Board Member Lind. The motion carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

3. Announcements

4. Open Mic/Public Comment

No one was present for comment.

CONSENT ITEMS

5. Approval of Minutes of September 22, 2025
6. Receive Administrator's Report
7. Advisory Committee Report
8. Bills/Accounts Payable

Claims totaling $296,095.01 on the following disbursement list will be issued and released upon Board approval.

Vendor	Amount
V0005--LEAGUE OF MINNESOTA CITIES	2,242.00
V0008--US BANK	17,739.01
V0010--A1 FLOOR AND CARPET CARE INC	1,119.30
V0026--CITY OF COON RAPIDS	13,000.00
V0054--MICHELLE J ULRICH PA	4,582.50
V0071--SUNRAM CONSTRUCTION INC	116,184.59
V0111--WELL GROOMED LAWNS INC	700.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	642.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	843.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	248.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	140.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	144.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	165.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	144.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	269.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	140.00
V0195--STANTEC CONSULTING SERVICES INC	1,887.00
V0195--STANTEC CONSULTING SERVICES INC	3,274.40
V0195--STANTEC CONSULTING SERVICES INC	17,122.50
V0195--STANTEC CONSULTING SERVICES INC	60,186.80
V0195--STANTEC CONSULTING SERVICES INC	766.50
V0217--COORDINATED BUSINESS SYSTEMS LTD	19,130.00
V0217--COORDINATED BUSINESS SYSTEMS LTD	214.46
V0221--ABDO LLP	1,085.00
V0221--ABDO LLP	5,466.67
V0242--METRO I NET	6,753.00
V0296--FRESHWATER SCIENTIFIC SERVICES	1,380.00
V0310--DOUGLAS-KERR UNDERGROUND LLC	4,850.00
V0352--HEALTH EQUITY INC	803.06
V0352--HEALTH EQUITY INC	33.35
V0352--HEALTH EQUITY INC	500.00
V0362--PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	8,535.87
V0363--MINNESOTA STATE RETIREMENT SYSTEM	1,370.00
V0411--COOL AIR MECHANICAL INC	3,300.00
V0412--LARIAT COMPANIES	1,134.00
	296,095.01

The following permit items were moved to the Consent Agenda.

10. CenterPoint – Elwell Farms Connection, P-25-034

The purpose of this project is the installation of gas service lines along Lexington Ave NE between 133rd Ln NE & 136th Ave NE, along 136th Ave NE, and Elwell Farms Development in Ham Lake, Minnesota.

CenterPoint Energy is proposing the installation of new gas services to the Elwell Farms development. The work will be done via open trench and directional

boring techniques. The project will cross below County Ditches 59-10 and 44-7. The project will disturb 0.16 acres. The area drains toward County Ditch 44. The relevant water resource concerns are soils and erosion control and ditch crossing which corresponds to District Rules 4 and 7.

Based on the findings and exhibits as presented in the Staff report, the Staff recommendation was to approve with one (1) condition and one (1) stipulation.

Conditions:

Rule 2.7 – Procedural Requirements

1. Submittal of a performance escrow in the amount of $2,080.00.

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 the ditch and top of the utility line.

12. Northtown Villas, P-25-028

The purpose of this project is the construction of a new residential development with associated stormwater management features located west of 3rd St NE; south of 90th Ln NE, 9002 University Ave NE, Blaine, Minnesota.

The applicant is proposing the construction of a new residential development and associated stormwater treatment features. The project proposes to remove infiltration trench #1, infiltration trench #2, and infiltration cell #5 that were constructed under P23-029. These three systems provided 740 cubic feet of water quality volume. The water quality volume that is lost by removing these three systems is provided in the proposed pond. It will disturb 2.2 acres and create 0.55 acres of new/regulated impervious surface. The site drains to Springbrook Creek. The relevant water resource concerns are stormwater management and soils and erosion control which correspond to District Rules 3 and 4.

Based on the findings and exhibits as presented in the Staff report, the Staff recommendation was to approve with two (2) conditions and three (3) stipulations.

Conditions:

Rule 2.7 – Procedural Requirements

1. Submittal of a performance escrow in the amount of $3,100.00.

Rule 3.0 – Stormwater Management

2. Due to the HSG A soils on site and the fluctuation in seasonal groundwater levels, it is recommended to line the wet pond with an impermeable liner to ensure a permanent pool is maintained.

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

1. Submittal of as-builts for the stormwater management practices and associated structures listed in Tables 2 and 3, including volume, critical elevations and proof of installation for hydrodynamic separators.
2. The applicant must apply for coverage under the Minnesota Pollution Control Agency's (MPCA's) Construction Stormwater Permit (Permit No: MNR100001).
3. If dewatering is required, provide DNR dewatering permit prior to construction. If a DNR permit is not required, provide well-field location, rates, discharge location, schedule and quantities prior to construction.

13. TH 65 Local Access Road Improvement Project, P-25-021

The purpose of this project is the reconstruction of 3.2 miles of TH 65, addition of a new frontage road, reconstruction of adjacent local road segments and associated stormwater treatment features located at Highway 65 between 97th Avenue and CR14, Blaine, Minnesota.

MnDOT is proposing the reconstruction of 3.2 miles of TH 65 from approximately 99th Avenue and 117th Ave in Blaine. Additional work includes interchange modifications at 99th Avenue, 105th Avenue, 109th Avenue and 117th Avenue, the addition of a new west Frontage Road, and reconstruction of segments of local roads adjacent to the corridor are proposed. Additionally, new trails are proposed throughout the corridor. The project will disturb 127.6 acres and create 63.7 acres of regulated impervious. The project will drain to County Ditch 41, County Ditch 39 and Springbrook Creek. The relevant water resource concerns are stormwater management, soils and erosion control, wetlands, floodplain

impact, and drainage. These correspond to District Rules 3, 4, 5, 6, and 7. Rule 8 is technically triggered, but the project is not a type which would require buffer establishment.

Based on the findings and exhibits as presented in the Staff report, the Staff recommendation was to approve with four (4) conditions and five (5) stipulations.

Conditions to be Met Before Permit Issuance:

Rule 2.7 – Procedural Requirements

1. Submittal of a performance escrow in the amount of $65,800.00.

Rule 4.0 – Soils and Erosion Control

2. Update the SWPPP to stabilize soils and soil stockpiles within 24 hours of inactivity.
3. Completely surround the infiltration basins with perimeter control to prevent compaction during construction.

Rule 5.0 – Wetlands

4. Provide LGU approval of the wetland replacement plan.

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

1. Submittal of as-builts for the stormwater management practices and associated structures listed in Tables 2 and 3, including volume, critical elevations and proof of installation for hydrodynamic separators.
2. The applicant must apply for coverage under the Minnesota Pollution Control Agency's (MPCA's) Construction Stormwater Permit (Permit No: MNR100001)
3. Completion of post construction infiltration tests on the 97th basin, 109th basin, 114th basin, Cloud South basin, Cloud North basin, and Paul Pkwy basin by filling the basin to a minimum depth of 6 inches with water and monitoring the time necessary to drain, or multiple double ring infiltration tests to ASTM standards. The Coon Creek Watershed District shall be notified prior to the test to witness the results.
4. Submittal of as-built (invert, pipe material, pipe size) for culvert installation within County Ditch 41.
5. If dewatering is required, provide DNR dewatering permit prior to construction. If a DNR permit is not required, provide well-field location,

rates, discharge location, schedule and quantities prior to construction.

Board Member Lund moved to approve the Consent Agenda Items. Seconded by Board Member McCullough. The motion carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

POLICY ITEMS

9. Water Quality Cost Share Grant Award

Justine Dauphinias, Water Quality Coordinator, presented this item. The purpose of the District's grant program is to ensure progress towards achieving required pollutant reductions and addressing identified stressors to aquatic life by administering cost share program for water quality improvement and protection projects.

This item specifically addresses applications received after reopening a request for proposals on September 24, 2025.

The Technical Advisory Committee (TAC) participated in initial program development and provides feedback on any proposed revisions to program guidelines. Applicants often request pre-application meetings to discuss identified projects. A pre-application meeting was held with City of Andover staff for the proposal submitted this round.

Year-to-date in 2025, eight applications have been awarded totaling $222,592.50 with a remaining balance of $67,407.50. An RFP was re-opened on September 24, 2025, with applications accepted on a rolling basis to be scored and awarded in batches at regularly scheduled Board meetings through 2025 or until all budgeted funds are awarded.

Since September 24, 2025, one application was received:

Title (Applicant)	**Request**	**Description**
General Projects & Practices		
2026 Street Reconstruction Water Quality Improvements (Andover)	$39,475	Construction of three new sump structures including installation of dissipator/skimmers as part of planned 2026 road reconstruction work, providing treatment (80% TSS removal) to 30 acres draining to Ditch 37/Coon Creek that is currently untreated.
TOTAL	**$39,475 (of $67,407.50 available)**	

Title (Applicant)	Elig-ible?	Average Score (out of 30)	Water Quality Benefits & Notes	Funding Recommendation (of requested amount)
General Projects & Practices				
2026 Street Reconstruction Water Quality Improvements (Andover)	Y	22.4	-TSS and TP load reductions in Coon Cr (joint CCWD TMDL WLAs) -The road reconstruction work as proposed does not trigger CCWD stormwater management rules and therefore any water quality treatment is above and beyond	$39,475 (of $39,475)
TOTAL Recommended Awards				**$39,475**

Historically, more cost share funds have been requested than available, leaving a funding shortfall. Presently, if the $39,475 in cost share awards recommended by Staff are approved, there would be $27,932.50 in remaining 2025 funds (9.6% of initial $290,000.

Based on the findings and exhibits as presented in the staff report, the staff recommendation is to award cost-share funds to identified project in accordance with Staff recommendations.

Board Member Lund moved to award cost-share funds to identified project in accordance with staff recommendations. Seconded by Board Member Campbell. The motion carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

PERMIT ITEMS

11. Kohler Farms, P-25-020

The purpose of this project is a 42-lot subdivision of single-family homes with associated stormwater management features located at Lexington Ave NE, Ham Lake, Minnesota.

The applicant is proposing the construction of a new 42 lot subdivision in the City of Ham Lake. The project will disturb 65.95 acres and create 10.98 acres of new/regulated impervious surface. The area drains to County Ditch 44. The relevant water resource concerns are stormwater management, soils and erosion control, wetlands, and floodplain which correspond to District Rules 3, 4, 5 and 6.

Based on the findings and exhibits as presented in the Staff report, the Staff recommendation was to approve with six (6) conditions and three (3) stipulations.

Conditions to be Met Before Permit Issuance:

Rule 2.7 – Procedural Requirements

2. Submittal of a performance escrow in the amount of $34,975.00.

Rule 3.0 – Stormwater Management

3. The stage-storage curve for Pond P-12 in the Post-Development HydroCAD model needs to be updated to reflect the current grading of Pond P12.
4. The invert elevation of outlet device #2 for Pond P-6 in the Post-Development HydroCAD model is inconsistent with the control structure detail. Please update invert elevation to be 898.0.
5. Post-development discharge rates exceed pre-development rates for the western discharge point to 159th Ave NE. Written approval from the City will be required for the increase in discharge rates.

Rule 4.0 – Soils and Erosion Control

6. Update the erosion and sediment control plan to include the following:
    a. Provide a detail for the proposed inlet protection.
    b. Include a note to stabilize soil and soil stockpiles within 24 hours of inactivity.
    c. Provide a double row of perimeter control around wetlands PB7A, PB7B, and PB7C.

Rule 5.0 – Wetlands

7. Provide plan sufficient to avoid the draining of wetland 1 or provide a 3-year groundwater monitoring plan to determine if wetland 1 has been impacted as required by the WCA NOD.

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:

2. Submittal of as-builts for the stormwater management practices and associated structures listed in Tables 2 and 3, including volume, critical elevations and proof of installation for hydrodynamic separators.
3. The applicant must apply for coverage under the Minnesota Pollution Control Agency's (MPCA's) Construction Stormwater Permit (Permit No: MNR100001).
4. If dewatering is required, provide DNR dewatering permit prior to construction. If a DNR permit is not required, provide well-field location, rates, discharge location, schedule and quantities prior to construction.

Board Member Campbell moved to approve permit item # 11 Kohler Farms, P-25-020. Seconded by Board Member McCullough. The motion carried with five (5) yeas (Board Members Campbell. Hafner, Lind, Lund, and McCullough) and no nays.

PERMIT ITEMS – *(moved to Consent Agenda)*

10. CenterPoint – Elwell Farms connection
12. Northtown Villas
13. TH 65 Local Access Road Improvement Project

DISCUSSION ITEMS

14. Administrator Transition Plan

Tim Kelly, District Administrator, presented the Staff Report. The purpose of this item was to review Administrator Tim Kelly's transition plan and to identify duties and how they will be delegated to Staff.

Some of the key points discussed were determining applicable Staff and Mr. Kelly's role in the work tasks identified in Mr. Kelly's transition plan. Secondly, consider appointing Jon Janke, current Director of Operations, as the Interim Administrator until the position is filled. Another point was delegating Board Member's Hafner and Campbell the task of posting the open position and interviewing Staff and public candidates. Lastly, Mr. Kelly will discuss updates on the transition with the Board at each of the remaining 2025 Board Meetings.

Board Member Lund moved to appoint Mr. Janke as the Interim Administrator with a date to be determined. Seconded by Board Member Campbell. The motion

carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

Board Member Lund moved to receive the transition plan and discuss. Seconded by Board Member Lind. The motion carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

Board Member Campbell moved to designate two (2) Board Members, Member Hafner and herself serving as a subcommittee to proceed with the Administrator recruitment process and present candidates to the Board for review. Seconded by Board Member McCullough. The motion carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

INFORMATIONAL ITEMS

15. Minnesota Watersheds Annual Conference

It has been announced this year's conference will be December 2-5, 2025, at Grand View Lodge in Nisswa, MN and registration is now open.

The purpose of this item is to discuss which Board members and staff are attending certain portions of the 2025 Minnesota Watersheds conference and to consider registration, lodging, and transportation.

It was decided that Board Members Hafner and Campbell will attend the conference and Board Member Lund will act as a back up. At this time there are approximately 4 staff members attending as well as Mr. Kelly.

16. Anoka County sues MnDOT over $6.2M Reallocation of Funding

Anoka County has initiated a lawsuit against the State of Minnesota Department of Transportation regarding the Legislature's diversion of transportation funds to a Rum River pedestrian bridge project, which funds the County argues were originally allocated to Anoka County and have been diverted without its approval. The County claims such reallocation of funds is a violation of the State Constitution prohibiting the Legislature from enacting special laws related to local governments without their approval.

ADJOURN

Board Member Campbell moved to adjourn at 6:24pm. Seconded by Board Member Lund. The motion carried with five (5) yeas (Board Members Campbell, Hafner, Lind, Lund, and McCullough) and no nays.

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President

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: October 27, 2025
AGENDA NUMBER: 6
ITEM: Bills to Be Paid

FISCAL IMPACT: Budgeted
POLICY IMPACT: Policy

REQUEST
Approve bills

BACKGROUND
Claims totaling $69,260.24 on the following disbursement list will be issued and released upon Board approval.

Vendor	Amount
V0110--RESPEC COMPANY LLC	9,927.50
V0133--PACE ANALYTICAL SERVICES LLC	4,328.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	1,485.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	72.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	165.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	140.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	248.00
V0138--RMB ENVIRONMENTAL LABORATORIES INC	114.00
V0197--VANDERBILT, CHASE	35.42
V0221--ABDO LLP	1,320.00
V0340--AVAIL ACADEMY-BLAINE	250.00
V0348--BLUE CROSS BLUE SHIELD OF MN	22,786.17
V0350--FIRST UNUM LIFE INSURANCE COMPANY	1,210.45
V0351--DELTA DENTAL OF MN	1,668.24
V0352--HEALTH EQUITY INC	803.06
V0352--HEALTH EQUITY INC	803.06
V0360--PAYLOCITY	538.99
V0362--PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	8,221.43
V0362--PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	8,221.43
V0363--MINNESOTA STATE RETIREMENT SYSTEM	1,310.00
V0363--MINNESOTA STATE RETIREMENT SYSTEM	1,460.00
V0413--CJ'S CHEMDRY	1,329.99
V0414--MARVEL SPRAGUE & MELISSA BRENTESON	2,822.50
	69,260.24

Company name:	Coon Creek Watershed District									
Created on:	10/23/2025									
	Vendor name	Bill number	Date	Fund name	Department name	Account	Capital Project ID	Grant ID	Transaction amount	Memo
0973570-001 NOV										
	FIRST UNUM LIFE INSURANCE COMPANY	0973570-001 NOV	10/20/2025	General Fund	Administration	21050			480.39	NOV 2025 INS STD
	FIRST UNUM LIFE INSURANCE COMPANY	0973570-001 NOV	10/20/2025	General Fund	Administration	21050			389.85	NOV 2025 INS LTD
	FIRST UNUM LIFE INSURANCE COMPANY	0973570-001 NOV	10/20/2025	General Fund	Administration	60715			141.17	NOV 2025 INS ADM LIFE
	FIRST UNUM LIFE INSURANCE COMPANY	0973570-001 NOV	10/20/2025	General Fund	Administration	21050			118.13	NOV 2025 INS LIFE
	FIRST UNUM LIFE INSURANCE COMPANY	0973570-001 NOV	10/20/2025	General Fund	Operations & Maintenance	60715			33.66	NOV 2025 INS OM LIFE
	FIRST UNUM LIFE INSURANCE COMPANY	0973570-001 NOV	10/20/2025	General Fund	Water Quality	60715			30.46	NOV 2025 INS WQ LIFE
	FIRST UNUM LIFE INSURANCE COMPANY	0973570-001 NOV	10/20/2025	General Fund	Watershed Development	60715			16.79	NOV 2025 INS WD LIFE
Sum for 0973570-001 NOV									1,210.45	
10102025										
	MINNESOTA STATE RETIREMENT SYSTEM	10102025	10/15/2025	General Fund	Operations & Maintenance	60718			100.00	10102025 MSRS PYRL OM
	MINNESOTA STATE RETIREMENT SYSTEM	10102025	10/15/2025	General Fund	Planning	60718			200.00	10102025 MSRS PYRL PLAN
	MINNESOTA STATE RETIREMENT SYSTEM	10102025	10/15/2025	General Fund	Public & Governmental Affairs	60718			25.00	10102025 MSRS PYRL PGR
	MINNESOTA STATE RETIREMENT SYSTEM	10102025	10/15/2025	General Fund	Water Quality	60718			385.00	10102025 MSRS PYRL WQ
	MINNESOTA STATE RETIREMENT SYSTEM	10102025	10/15/2025	General Fund	Administration	60718			600.00	10102025 MSRS PYRL ADM
Sum for 10102025									1,310.00	
10242025										
	MINNESOTA STATE RETIREMENT SYSTEM	10242025	10/24/2025	General Fund	Public & Governmental Affairs	60718			25.00	10242025 MSRS PYRL PGR
	MINNESOTA STATE RETIREMENT SYSTEM	10242025	10/24/2025	General Fund	Operations & Maintenance	60718			100.00	10242025 MSRS PYRL OM
	MINNESOTA STATE RETIREMENT SYSTEM	10242025	10/24/2025	General Fund	Administration	60718			600.00	10242025 MSRS PYRL ADM
	MINNESOTA STATE RETIREMENT SYSTEM	10242025	10/24/2025	General Fund	Water Quality	60718			385.00	10242025 MSRS PYRL WQ
	MINNESOTA STATE RETIREMENT SYSTEM	10242025	10/24/2025	General Fund	Planning	60718			200.00	10242025 MSRS PYRL PLAN
	MINNESOTA STATE RETIREMENT SYSTEM	10242025	10/24/2025	General Fund	Watershed Development	60718			150.00	10242025 MSRS PYRL WD
Sum for 10242025									1,460.00	
25 EMP REIMB										
	VANDERBILT, CHASE	25 EMP REIMB	10/20/2025	General Fund	Administration	61476			35.42	REIMB PARKING FEES WRC-AIS SHOWCASE
Sum for 25 EMP REIMB									35.42	
2.51002E+11										
	BLUE CROSS BLUE SHIELD OF MN	251002235248	10/16/2025	General Fund	Water Quality	60722			5.38	NOV 2025 VISION INS
	BLUE CROSS BLUE SHIELD OF MN	251002235248	10/16/2025	General Fund	Administration	60722			35.68	NOV 2025 VISION INS
	BLUE CROSS BLUE SHIELD OF MN	251002235248	10/16/2025	General Fund	Watershed Development	60722			20.90	NOV 2025 VISION INS
	BLUE CROSS BLUE SHIELD OF MN	251002235248	10/16/2025	General Fund	Administration	21050			22,688.49	NOV 2025 HEALTH INS
	BLUE CROSS BLUE SHIELD OF MN	251002235248	10/16/2025	General Fund	Planning	60722			15.52	NOV 2025 VISION INS
	BLUE CROSS BLUE SHIELD OF MN	251002235248	10/16/2025	General Fund	Operations & Maintenance	60722			20.20	NOV 2025 VISION INS
Sum for 251002235248									22,786.17	
25100502139										
	PACE ANALYTICAL SERVICES LLC	25100502139	10/20/2025	General Fund	Water Quality	61549	PROJ-24-520		4,328.00	STORMWATER FILTER MEDIA CEC'S
Sum for 25100502139									4,328.00	
513009										
	ABDO LLP	513009	10/13/2025	General Fund	Administration	63052			1,320.00	ACCT 300036. SI AP AUTOMATION SUBSCRIPTION
Sum for 513009									1,320.00	
8074										
	CJS CHEMDRY	8074	10/17/2025	General Fund	Administration	61105			1,329.99	CARPET CLEANING OCT 25
Sum for 8074									1,329.99	
898QM0E										
	HEALTHEQUITY INC	898QM0E	10/24/2025	General Fund	Operations & Maintenance	60713			136.53	OCT 24 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	898QM0E	10/24/2025	General Fund	Planning	60713			136.00	OCT 24 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	898QM0E	10/24/2025	General Fund	Watershed Development	60713			75.00	OCT 24 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	898QM0E	10/24/2025	General Fund	Public & Governmental Affairs	60713			69.00	OCT 24 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	898QM0E	10/24/2025	General Fund	Water Quality	60713			136.53	OCT 24 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	898QM0E	10/24/2025	General Fund	Administration	60713			250.00	OCT 24 EE HSA DEDUCTIONS
Sum for 898QM0E									803.06	
B018488										
	RMB ENVIRONMENTAL LABORATORIES INC	B018488	7/31/2025	General Fund	Water Quality	61549	PROJ-25-504		1,485.00	WOB018488 MONITORING
Sum for B018488									1,485.00	
B019666										
	RMB ENVIRONMENTAL LABORATORIES INC	B019666	9/18/2025	General Fund	Water Quality	61549	PROJ-25-504		72.00	WOB019666 MONITORING
Sum for B019666									72.00	
B019891										
	RMB ENVIRONMENTAL LABORATORIES INC	B019891	10/15/2025	General Fund	Water Quality	61549	PROJ-25-504		165.00	WOB019891 MONITORING
Sum for B019891									165.00	
B019892										
	RMB ENVIRONMENTAL LABORATORIES INC	B019892	10/15/2025	General Fund	Water Quality	61549	PROJ-25-503		140.00	WOB019892 MONITORING
Sum for B019892									140.00	
B019893										
	RMB ENVIRONMENTAL LABORATORIES INC	B019893	10/15/2025	General Fund	Water Quality	61549	PROJ-25-504		248.00	WOB019893 MONITORING
Sum for B019893									248.00	
B019898										
	RMB ENVIRONMENTAL LABORATORIES INC	B019898	10/20/2025	General Fund	Water Quality	61549	PROJ-25-504		114.00	WOB019898 MONITORING
Sum for B019898									114.00	
CNS0001975668										
	DELTA DENTAL OF MN	CNS0001975668	10/22/2025	General Fund	Administration	21050			1,668.24	T04578 DENTAL INS NOV 25
Sum for CNS0001975668									1,668.24	
INV09250469										
	RESPEC COMPANY LLC	INV09250469	10/13/2025	General Fund	Administration	63010			9,927.50	PROJ D2735.24013 GIS SERVICES SEPT 25
Sum for INV09250469									9,927.50	
INV3215609										
	PAYLOCITY	INV3215609	10/20/2025	General Fund	Administration	63052			538.99	IMPL FEES HCM SOLUTION OCT 2025
Sum for INV3215609									538.99	
PAN 25-002										
	MARVEL SPRAGUE & MELISSA BRENTESON	PAN 25-002	10/27/2025	General Fund	Watershed Development	53191			802.50	PAN 25-002 REVIEW REF-SPRAGUE DRIVEWAY
	MARVEL SPRAGUE & MELISSA BRENTESON	PAN 25-002	10/27/2025	Escrow Fund	Administration	24210			2,020.00	PAN 25-002 ESCROW REF-SPRAGUE DRIVEWAY
Sum for PAN 25-002									2,822.50	
SOMPER000820141										
	PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	SOMPER000820141	10/14/2025	General Fund	Administration	21050			8,221.43	10102025 PERA PYRL
Sum for SOMPER000820141									8,221.43	
SOMPER000822001										
	PUBLIC EMPLOYEES RETIREMENT ASSOCIATION	SOMPER000822001	10/24/2025	General Fund	Administration	21050			8,221.43	10242025 PERA PYRL
Sum for SOMPER000822001									8,221.43	
UHG9KDT										
	HEALTHEQUITY INC	UHG9KDT	10/14/2025	General Fund	Operations & Maintenance	60713			136.53	OCT 10 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	UHG9KDT	10/14/2025	General Fund	Watershed Development	60713			75.00	OCT 10 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	UHG9KDT	10/14/2025	General Fund	Public & Governmental Affairs	60713			69.00	OCT 10 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	UHG9KDT	10/14/2025	General Fund	Planning	60713			136.00	OCT 10 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	UHG9KDT	10/14/2025	General Fund	Administration	60713			250.00	OCT 10 EE HSA DEDUCTIONS
	HEALTHEQUITY INC	UHG9KDT	10/14/2025	General Fund	Water Quality	60713			136.53	OCT 10 EE HSA DEDUCTIONS
Sum for UHG9KDT									803.06	
WEG25-02										
	AVAIL ACADEMY-BLAINE	WEG25-02	10/16/2025	General Fund	Public & Governmental Affairs	61549	PROJ-25-604		250.00	WE GRANT 25-02 WETLAND SANCTUARY TOUR
Sum for WEG25-02									250.00	
Sum Total									69,260.24	

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE:	October 27, 2025
AGENDA NUMBER:	7
ITEM:	Reaffirm and Adopt Resolution for Minnesota Watersheds and 2026 Legislative Initiatives
AGENDA:	Policy

ACTION REQUESTED
Review and Adopt attached resolution for the Minesota Watersheds Organizations

PURPOSE & SCOPE OF ITEM
Encourage amendments to the State's Endangered Species Act that broadens conservation and mitigation options

BACKGROUND
In the fall of 2024, the Board was briefed on the delay of a water quality project critical to meeting our TMDL responsibilities caused by variations in the permitting processes of both MDNR and MPCA.

In December 2024 the District was contacted by Sen Kreun concerning delays in state permitting.

District staff worked with Minnesota Watersheds staff throughout last legislative session meeting with DNR and PCA on the need to address this issue. In May 2025, the consensus among watershed district was that legislation was needed to provide certainty and to reduce financial risks to applicants.

At the May 12, 2025, Board meeting, the Board reviewed and adopted 2 resolutions related to action for increasing MDNR and MPCA permit efficiency, requiring state agencies to consider existing and prior approved plans, encouraging practical and timely state agency input and action for increasing DNR and PCA permit efficiency and requiring state agencies to develop specific practical and reasonable criteria for determining permit application completeness.

At the June 9th meeting the Board reviewed a resolution seeking amendment to State Endangered Species Act. Jan Voit, MAWD Executive Director, reviewed the resolution, provided feedback and noted that there would be an opportunity to submit additional resolutions at the end of October.

Based on feedback from the Board and MAWD members, rough draft legislation was drafted and distributed to the MAWD legislative workgroup at the end of July.

September 3, Staff met with Anoka County Highways to discussion the County's position and potential legislative actions on the issue of permitting and mitigation the Threatened and endangered species.

On September 25 MAWD reviewed the rough draft legislation and indicated that they felt taking language that only addressed the permitting process ack to the agencies to seek state agency support was the direction they wanted to go.

On October 14, Voit contacted the District Administrator indicating that resolutions for consideration outside of the normal MAWD process needed to be submitted by Friday October17 for Distribution the following Monday and review by the MAWD Board October 27. Staff met with Jim Hafner on Wednesday October 15 briefed him and were encouraged to update the resolution and submit it to MAWD in order to maintain momentum on the issue of permitting and working through issues involving Threatened and Endangered species.

Background that led to the submission of this resolution:
The Minnesota Department of Natural Resources is directed by statute to "preserve important existing natural habitats of rare and endangered plants, wildlife and fish, provide for the wise use of our remaining areas of natural habitats, take necessary protective measures where appropriate, and to not issue a "takings" permit until all alternatives have been evaluated (M.S. 84.095; MS 116D.02).

The DNR tends to rely on only two of the three primary types of mitigation.

1. Permittee responsible mitigation where the permittee carries out all mitigation efforts required by the takings permit and retains legal liability for conforming to the permit standards.
2. In-lieu fee compensation, in which the permittee pays a fee, and in exchange is relieved of any liability for ensuring that mitigation measures are completed and successful.

(Note: Third type involves development of species recovery plans and banking)

Despite the importance of mitigation, the DNR does not have a uniform approach or statewide mitigation policy to guide permitting and mitigation decisions at the local level resulting in inconsistent mitigation outcomes even for the same species, which cost time and is expensive for the applicant, rather than continue to make mitigation more predictable and transparent.

With the state's water quality mandates, flood risk reduction needs and increasing demand to be fiscally efficient and effective, the need to improve mitigation while continuing to encourage the recovery of listed threatened and endangered species is vital. Most of the projects that led to the permit efficiency initiative, resolution and draft legislation endorsed by the MW Board, have involved endangered or threatened species and have been delayed in part because of DNRs limited options.

Efforts to solve the problem:
The need for DNR to identify critical habitats and procedures to ensure the conservation of listed species, encourage their recovery, increase certainty for everyone involved during land use actions that involve these species as well as develop additional tools to preserve and/or restore critical habitats was discussed generally during the January, February and March 2025, Coon Creek Watershed District and Minnesota Watersheds staff met with the MDNR commissioners, Division Directors and lead program staff.

Those meetings have yet to produce any practical or feasible alternatives or clear or practical paths to conserving these species or reducing the risk and uncertainty in pursuing public projects or the waste of public funds.

Is legislative action the best means of addressing the matter? If yes, what is the purpose or intent of your proposal? If not, what advocacy steps could be taken with state or local government officials?

Legislation is needed to effectively address the problem and concerns

The purpose is to facilitate improvements in mitigation efforts and to confront future challenges arising from infrastructure development and the mandate to restore impaired waters.

Our intent is to develop a third reduce the risk and uncertainty in both the preservation of endangered and threatened species and the restoration of natural infrastructure and impaired waters. To do this we must engage the DNR with the legislature's knowledge to

1. Develop and implement species recovery plans based on no net loss
2. Use species recovery goals to inform mitigation measures.
3. Change the conversation involving approved local restoration projects to joint problem solving
4. Authorize and encourage DNR to engage in local management and cooperative agreements.
5. Refine the disclosure and documentation of projects in state reviewed and approved plans, studies and strategies that require approval by the state, and
6. Provide for conservation banks that provide the ecological functions and services expressed as credits that are preserved and managed in perpetuity for particular species and used to offset impacts occurring elsewhere.

RESOLUTION

IMPROVING MITIGATION UNDER THE MINNESOTA ENDANGERED SPECIES ACT

WHEREAS, the Minnesota Environmental Policy Act (M.S. 116D.02) and the Threatened and Endangered Species (M.S. 84.095) requires the Minnesota Department of Natural Resources to:

- Preserve important existing natural habitats of rare and endangered species of plants, wildlife and fish
- Provide for the wise use of our remaining areas of natural habitat
- Protect Threatened and Endangered Species
- Not issue a takings permit until "all alternatives, including trapping and transplantation, have been evaluated

(M.S. 116D.02 Subd. 2 (10) & M.S. 84.095 Subd. 7 (c))

WHEREAS, The future status of a species, after it is listed, is often dictated by DNR permits and authorizations for activities that affect the listed species, and

WHEREAS, At the crux of permit review is how the proposed impacts might be avoided, minimized, and/or offset, making mitigation one of the most important factors in determining the effectiveness of the Minnesota Endangered Species Act and whether we save or lose species, and

WHEREAS, The Minnesota Department of natural Resources relies on only two of the three primary types of mitigation; (1) Permittee responsible mitigation where the permittee carries out all mitigation efforts required by the takings permit and retains legal liability for conforming to the permit standards; and (2) In-lieu fee compensation, in which the permittee pays a fee, and in exchange is relieved of any liability for ensuring that mitigation measures are completed and successful. and,

WHEREAS, despite the importance of mitigation, the DNR does not have a uniform approach or statewide mitigation policy to guide permitting and mitigation decisions at the local level resulting in inconsistent mitigation outcomes and resulting in timely and expensive processes for applicants rather than make the review and mitigation process more predictable and transparent. and

WHEREAS, With population and economic growth, the state's water quality and impaired waters mandates as well as the increasing need to be fiscally efficient and effective, the need exists to improve mitigation while listed threatened and endangered species recover. and,

WHEREAS, These needed improvements in the process will be particularly important given the need to restore the quality of the state's impaired waters as well as repair and replace the state and local roads, bridges and other infrastructure and

WHEREAS, Many of these mandated and needed activities could impact endangered species and their habitats, better approaches to review and mitigate impacts are needed to minimize the friction between our conservation goals for fish and wildlife and our water restoration goals as well as reduce the costs of studies and planning.

THEREFORE, BE IT RESOLVED THAT,
Minnesota Watersheds should pursue legislation that addresses the need to improve threatened and endangered species mitigation by addressing past gaps and future challenges arising from approved water quality restoration projects, and

BE IT FURTHER RESOLVED THAT
Minnesota Statute 84.0895 should be amended to require the Commissioner of Natural Resources to develop and implement recovery plans for the conservation and survival of state listed endangered and threatened species.

BE IT FURTHER RESOLVED THAT
The Commissioner shall implement a system in cooperation with the local natural resource authorities to monitor effectively for not less than 5 years the status of all species which have recovered to the point at which measures provided pursuant to the state endangered species act are no longer necessary and which, in accordance with the provisions of the Act have been removed from the state list

BE IT FURTHER RESOLVED THAT
The Commissioner shall cooperate to the maximum extent practicable with local land and water management authorities. Such cooperation in implementing the endangered species act shall allow the Commissioner to:

a) Enter into management agreements with any local land managing unit of government for the administration and management of an area established for the conservation of endangered or threatened species.
b) Enter into cooperative agreements which establishes and maintains an adequate and active program for the conservation of endangered and threatened species.
c) Conduct periodic review of locally administered programs at no greater frequency than annual intervals

BE IT FURTHER RESOLVED THAT
Minnesota Statutes 84.0895 Subd 7 which outlines general exceptions should be amended by adding (f) the commissioner must give approval under this subdivision to water management projects that are part of a state approved:

a) Comprehensive Watershed Management Plans and capital improvement plans under MS 103B or MS 103D;
b) Watershed Restoration and Protection Strategies (WRAPS);
c) Load reduction studies,

d) Impairment monitoring and other studies, particularly studies involving impairments for fish and aquatic life by:

BE IT FURTHER RESOLVED THAT
Minnesota Statutes 84.0895 should be amended to provide for "conservation banking" defined by a site or suite of sites that provide the ecological functions and services expressed as credits that are conserved and managed in perpetuity for a species and used expressly to offset impacts occurring elsewhere to the same species

RECOMMENDATION
Discuss results of October 27 MAW Board meeting
Take appropriate follow-up action

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE:	October 27, 2025
AGENDA NUMBER:	8
ITEM:	Cooperator Agreement with City of Ham Lake for D59 Repair

AGENDA: Policy

ACTION REQUESTED
Execute Cooperator Agreement with City of Ham Lake for a joint repair project on Anoka County Ditch 59.

PURPOSE & SCOPE OF THE ITEM
To enter into the attached agreement with the City of Ham Lake to cost share a repair project on Anoka County Ditch 59 in the total amount of $21,295.00 ($11,295.00 District-paid, $10,000 City-paid).

BACKGROUND
Through CCWD routine ditch inspections and a City of Ham Lake engineering bridge inspection, excessive sediment accumulation near the Waconia St NE crossing, upstream and downstream has been documented (2012, 2017, 2022, 2025 reports). The City of Ham Lake Engineer reached out to District staff to evaluate the potential for a joint repair project on this section of Ditch 59.

After joint inspection by District and the City of Ham Lake Engineer, the District Engineer, Stantec Engineering, was tasked with preparing a Technical Memo to evaluate current conditions of the channel and crossing for flood flow, investigate the possible source of sediment, and to identify repair considerations. The Technical Memo identified maintenance recommendations for the Ditch 59 channel, the Waconia St NE box culverts crossing, and further survey and monitoring efforts to track future sedimentation and inform future maintenance to ensure ditch hydraulic capacity.

The rate and amount of sediment accumulation in this section of Ditch 59 leads Stantec to recommend immediate repair by means of sediment removal within the ditch channel and Waconia St NE culvert crossing to ensure proper hydraulics for flood flows within the ditch.

COORDINATION
The District obtained a project repair quote for 2025 implementation from Randy Wesp Excavating in the amount of $21,295.00. This repair would excavate sediment accumulation within the Ditch 59 channel, upstream and downstream of the Waconia St NE crossing, excavate and haul sediment accumulation within the Waconia St NE culvert, and for installation of a stream vane to better direct future ditch flow through the culverts to reduce future sediment accumulation.

The District proposed cost-sharing the repair with the City to pay for sediment removal within the culvert crossing, and the District would fund repair of Ditch 59, upstream and downstream of the crossing. The City agreed to this and proposed a formal agreement be made between the District and City to assign roles, responsibilities, and funding. The City approved and adopted this Cooperator Agreement at their October 6th, 2025, City Council meeting.

ISSUES/CONCERNS

Funding: Of the total repair quotation of $21,295.00, the City of Ham Lake would be responsible for no more than $10,000 of the project cost, and the District would be responsible for the remaining cost of $11,295.00. The District would fund the project through the 2025 Operations and Maintenance Non-Routine funding budget.

Public communication: A dedicated project webpage will be created and hosted on the District website to provide project background and updates. A public informational meeting will be held prior to construction. The project will be constructed wholly on city-owned and/or county-owned land, but there are eight residential lots adjacent to the proposed project extent that will be contacted directly early in the planning phase.

IMPLICATIONS

Executing this agreement will require the District to manage the repair project and pay at least $11,295.00 towards the repair cost. These funds are already budgeted for 2025, and District staff are prepared to manage the repair.

PRIOR DECISIONS

1. September 23, 2024: Approval of the 2025 budget, including the District's Operations and Maintenance non-routine maintenance budget, allocated to fund immediate-need repair projects.

OPTIONS

1. Execute the Cooperator Agreement with the City of Ham Lake

2. Table action until next meeting with statement of reason and need

CONCLUSIONS

Executing the attached Cooperator Agreement fulfills Operations and Maintenance's role of non-routine maintenance within the public drainage system while partnering with a member city for cost-sharing.

RECOMMENDATION

Execute Cooperator Agreement with City of Ham Lake for a joint repair project on Anoka County Ditch 59.

ACTION/IMPLEMENTATION STEPS

Board President Hafner to sign attached Cooperators Agreement.

DITCH REPAIR COOPERATIVE AGREEMENT
BETWEEN CITY OF HAM LAKE
AND THE COON CREEK WATESHED DISTRICT

THIS AGREEMENT is made by and between the City of Ham Lake (the "City") a political subdivision of the state of Minnesota, and the Coon Creek Watershed District (the "District"), a metropolitan Watershed District and political subdivision of the State of Minnesota.

WHEREAS, Anoka County Ditch 59, located at the Waconia St NW crossing, 14215 Waconia St NE, Ham Lake, has experienced ongoing sedimentation of the crossing and ditch channel; and

WHEREAS, the City and the District share a common interest in flood protection and prevention within the Coon Creek Watershed District and City of Ham Lake; and

WHEREAS, the City and the District wish to enter into a Cooperative Agreement to provide for the contracting and financing for the services related to repair of the ditch and ditch crossing (hereinafter "Repair"); and

WHEREAS, the District has established a scope of work and solicited an estimate of costs for the Repair, which is attached as Exhibit A and incorporated herein; and

WHEREAS, the City will reimburse the District, for the repair cost of the Waconia St NE crossing, up to but not to exceed $10,000; and,

WHEREAS, the District and the City believe it is in the best interests of the District and the City to collaborate and complete the Ditch 59 Repair for the benefit of the public.

NOW, THEREFORE, IT IS HEREBY AGREED:

SECTION 1. PURPOSE

The purpose of this Agreement is to allocate duties for the contracting and funding of construction services required for the Ditch 59 Repair.

SECTION 2. ROLES AND RESPONSIBILITIES

A. **CONSTRUCTION CONTRACT.** The parties agree that the District will enter into and manage the Repair services contract after both the City and District review the received quote and agree on the terms for the Repair. The District will require the Contractor to name the City and the District as additional insureds under the Repair contract. The City will require that the Contractor defend, indemnify, protect and hold harmless the City and the District, their agents, officers and employees, from all claims or actions arising from performance of the Bank Stabilization work conducted by the Contractor.

B. **MANAGEMENT AND PERMITTING.** The District will assist with any permitting required for the Repair. The District will manage the Repair of Ditch 59 with assistance from the City.

C. **FINANCIAL CONTRIBUTION.** The City shall reimburse the District for the costs of the Repair services satisfactorily provided, as set forth in the Construction Contractors Proposal. The parties acknowledge that Exhibit A represents a *cost estimate* and that the City is responsible to reimburse the District for the actual expenses related to the Repair work, within the scope of the Contractors Proposal not to exceed ten thousand dollars **($10,000)**. Any repair expenses above $10,000 will be the responsibility of the District. Reimbursement shall be made within 30 days after satisfactory completion of all work as agreed upon by both parties and invoiced by the District to the City.

SECTION 3. MISCELLANEOUS PROVISIONS.

A. TERM OF AGREEMENT. This Agreement shall commence upon the date of receipt of all necessary signatures and shall terminate upon completion and reimbursement of the Repair project, which is anticipated to be completed by December 31, 2025. Either party may terminate this agreement, with or without cause, upon 30 days' written notice to the other party. However, if either party terminates this Agreement prior to completion of the Repair project, the Repair Contractor shall be entitled to payment for any work performed by Repair Contractor as of the date of the termination.

B. DISBURSEMENT OF FUNDS. Contracts let and purchases made under this Agreement shall conform to the requirements applicable to contracts and purchases of the District.

C. THIRD PARTY BENEFICIARIES. This Agreement shall not inure to the benefit of, or create any right or cause of action in or on behalf of, any person or entity other than the District and the City, and their successors or assigns.

D. AMENDMENT. No amendment to any provision of this Agreement is valid unless in writing and signed by an authorized representative of each party.

E. LIABILITY

1. Responsibility for Own Acts and Omissions.

Each party agrees that it will be responsible for its own acts and omissions and any liability resulting there from to the extent authorized by law. No party shall be responsible for the acts of the other party or the results thereof.

2. No Waiver.

Notwithstanding the foregoing, the terms of this Agreement are not to be construed as, nor operate as, waivers of a party's statutory or common law immunities or limitations on liability, including, but not limited to, Minn. Stat.

Chap. 466. Further, the party's obligations set forth in this Section and otherwise in this Agreement, are expressly limited by the provisions of Minn. Stat. Chap. 466, Minn. Stat. § 471.59, and any other applicable law or regulation providing limitations, defenses or immunities to the District.

F. GOVERNMENT DATA

1. The parties agree that all data either party creates, receives, stores, uses, maintains or disseminates in performing under the terms of this Agreement is subject to the requirements of Minnesota Statutes Chapter 13 (the Minnesota Government Data Practices Act), and the parties will comply with the provisions of Minnesota Statutes Chapter 13.

COON CREEK WATERSHED DISTRICT **CITY OF HAM LAKE**

By: _____
Jim Hafner, President, Board of Managers
Coon Creek Watershed District

By: _____
Brian Kirkham, Mayor
City of Ham Lake

Dated: _____

Dated: _____

By: _____
Tim Kelly, Administrator
Coon Creek Watershed District

By: _____
Denise Webster, City Administrator
City of Ham Lake

Dated: _____

Dated: _____

Exhibit A: Ditch 59 Waconia St NE Repair Estimate

Estimate 252 RANDY WESP EXCAVATING LLC

Company Name:	Coon Creek Watershed
Project Title:	D59 Waconia St Repair Issue 25-076
Project Description:	Ditch and Streambank repair, Maintenance or Reconstruction
Attention:	Tyler Thompson 763-258-7659
Address:	13632 Van Buren St NE
City, State Zip Code:	Ham Lake, MN 55304
Date:	9/24/25

Description	Quantity	Unit Price	Cost
Mobilization & Demobilization (EA)	3	$500.00	$1,500.00
Tree/Brush Removal (LS)	1	$4,000.00	$4,000.00
Box Culvert Sediment Removal & Haul (CY)	104	$96.15	$10,000.00
Upstream Sediment Removal & Haul (CY)	63	$28.76	$1,812.00
Downstream Sediment Removal & Haul (CY)	62	$28.76	$1,783.00
Stream Vane (MNDOT Class II) (Ton)	8	$150.00	$1,200.00
MNDOT Seed Mix 34-261 & Category 25 Erosion Control Blanket (SF)	1000	$1.00	$1,000.00
		Total	**$21,295.00**

Randy Wesp
17619 Tulip St. NW,
Andover, MN 55304
763-516-6050 drwesp@gmail.com

COON CREEK WATERSHED DISTRICT

Permit Application Review Report
Date: 10/22/2025

Board Meeting Date: 10/27/2025
Agenda Item:

Applicant/Landowner:
City of Ham Lake
Attn: Denise Webster
15544 Central Avenue
Ham Lake, MN55304

Project Name: Hidden Forest Park Improvement

Project PAN: P-25-035

Project Purpose: grading for future park improvements

Project Location: Hidden Forest East Park, 4447 143rd Ave NE, Ham Lake

Site Size: size of parcel - 27.12 acres; size of disturbed area - 7.87 acres; size of regulated impervious surface - 0 acres

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

Recommendation: Approve with 2 Conditions and 2 Stipulations

Description: The City of Ham Lake is proposing the grading and removal of undesirable soils for future improvements to a new City Park. The project will disturb 7.87 acres and create no regulated impervious surface. The area drains to County Ditch 44. The relevant water resource concerns are soils and erosion control, floodplain, and buffers which correspond to District Rules 4, 6 and 8. See attached Figure 1: Project Location and Figure 2: Site Plan.

Conditions to be Met Before Permit Issuance:

Rule 2.7 – Procedural Requirements

1. Submittal of a performance escrow in the amount of $5,935.00.

Rule 4.0 – Soils and Erosion Control

2. Update the soils and erosion control plan to include the following:
    a. A note to stabilize soils and soil stockpiles within 24 hours of inactivity.
    b. Provide a stabilized construction entrance.
    c. A note to sweep streets at the end of each workday.

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 grading as-builts for the project to confirm adequate floodplain compensatory storage has been provided.

2. The applicant must apply for coverage under the Minnesota Pollution Control Agency's (MPCA's) Construction Stormwater Permit (Permit No: MNR100001)

Exhibits:

Exhibit Type	Exhibit Author	Signature Date	Received Date
Parking Lot Exhibit	RFC Engineering	10/02/2025	10/07/2025
Project Narrative	RFC Engineering	undated	10/07/2025

Findings

Fees and Escrows (Rule 2.7):
The applicant is a government agency and is therefore exempt from an application fee or a review and inspection fee deposit. The applicant will be required to submit a performance escrow in the amount of $5,935.00. This corresponds to a base escrow of $2,000, plus an additional $500/acre of disturbance (7.87 acres of land disturbance proposed).

Stormwater Management (Rule 3.0):
The proposed project does not create a cumulative total of 10,000 sf or more of new or fully reconstructed impervious surface, or 5,000 sf or more of new or fully reconstructed impervious surface for non-residential or multifamily residential within one mile of and draining to an impaired water. The proposed project is not a public linear project where the sum of the new and fully reconstructed impervious surface is equal to one or more acres. Stormwater Management standards do not apply.

Soils and Erosion Control (Rule 4.0)
Rule 4.0 applies to the proposed project because it includes land disturbing activities of 1 acre or more.

The proposed project drains to County Ditch 44. The soils affected by the project include Rifle and Isanti and have a soil erodibility factor of 0.15 or greater. Disturbed areas are not proposed to be stabilized within 24 hours, as required. The proposed erosion and sediment control plan includes perimeter control. The erosion control plan does not meet District requirements because soils and soil stockpiles are not proposed to be stabilized within 24 hours of inactivity, a stabilized construction entrance is not proposed, and streets are not proposed to be swept at the end of each workday. The site does require an NPDES permit. See attached Figure 2: Erosion Control Plan.

Wetlands (Rule 5.0)
Wetlands exist on site, but no impacts are proposed. Rule 5.0 does not apply.

Wetlands were delineated under PAN 20-169. The boundary and type application was reviewed and approved. The Notice of Decision was issued on 06/15/2021.

Floodplain (Rule 6.0)
Rule 6.0 applies to the proposed project because it includes land disturbing activities within the boundary of the 100-year flood elevation as mapped and modeled by the District.

The regulatory floodplain elevation is 894.1 ft NAVD 88. The applicant will be excavating approximately 7,530 cubic yards of muck material and placing approximately 6,865 cubic yards of new material. This results in an increase of 665 cubic yards of flood storage.

Drainage, Bridges, Culverts, and Utility Crossings (Rule 7.0)
The proposed project does not include land disturbing activities which construct, improve, repair, or alter the hydraulic characteristics of a bridge profile control or culvert structure on a creek, public ditch, or major watercourse. The proposed project does not include land disturbing activities which involve a pipeline or utility crossing of a creek, public ditch, or major watercourse.

The proposed project does not include land disturbing activities which construct, improve, repair or

alter the hydraulic characteristics of a conveyance system that extends across two or more parcels of record not under common ownership and has a drainage area of 200 acres or greater. Rule 7.0 does not apply.

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

A continuous buffer is proposed on the plans. Because the resource is a Public Ditch, the average buffer width must be 16.5 ft, with a minimum width of 16.5 ft. The buffer requirement is met.

Variances (Rule 10.2)
The proposed project is not requesting a variance from the District's rules, regulations, and policies. Rule 10.2 does not apply.

Figure 1: Project Location

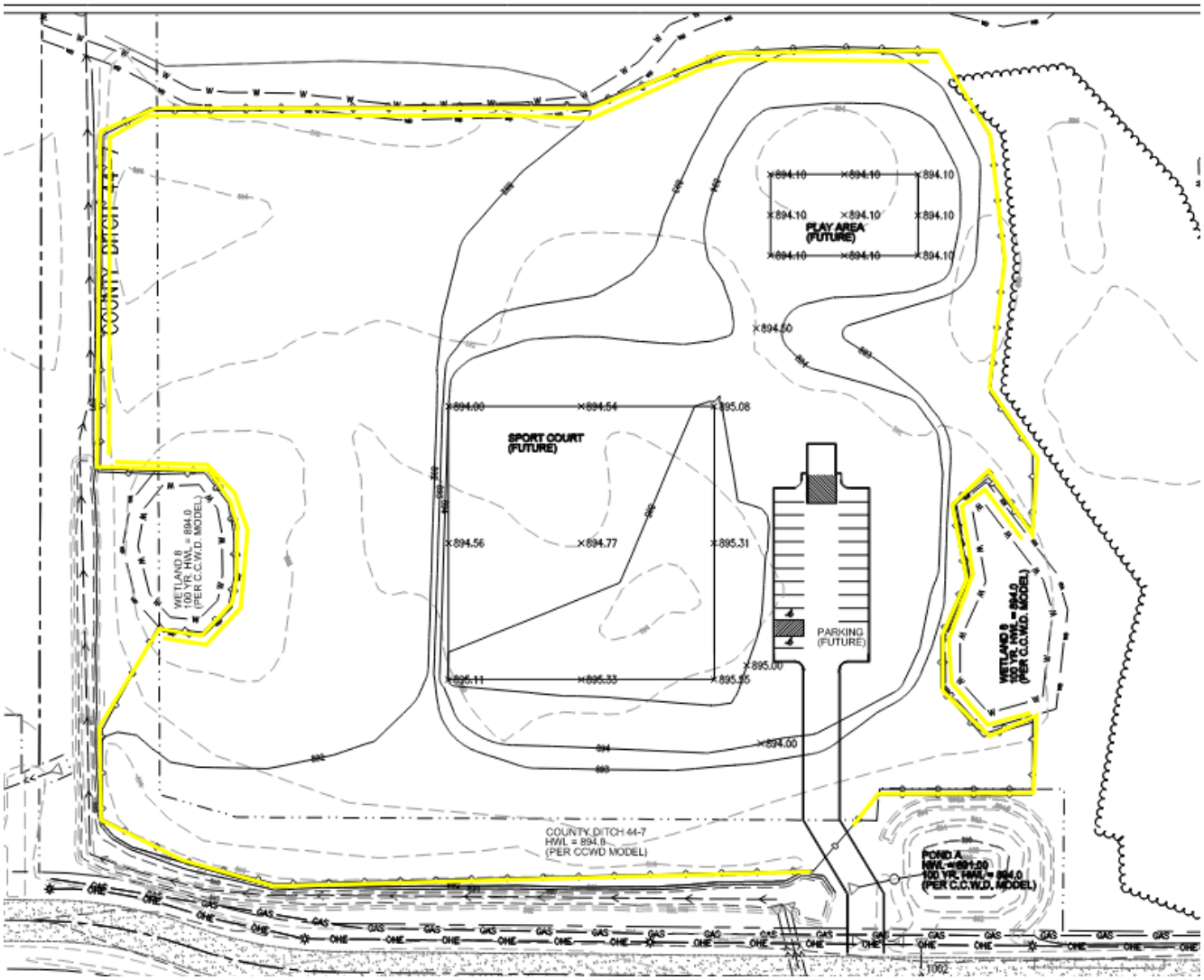


Figure 2: Site Plan and Erosion Control

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: October 27, 2025
AGENDA NUMBER: 10
ITEM: Review of Administrator Roles and Responsibilities

AGENDA: Discussion

ACTION REQUESTED
1. Discussion

BACKGROUND
At the October 13 meeting Board members expressed a desire to understand more, and in some cases specifically the roles and responsibilities of the District Administrator.

The District Administrator's position, as it exists today, is an evolution of the roles and responsibilities that have been delegated to the District over the past 35 years.

The District has added staff over the past 30 years to address workload and has been successful at keeping overhead at an average of 10% or less. To keep staff costs down and better address water management problems, District administration has combined legislatively required and implied tasks into six basic programs which make up District operations.

The Nature of Watershed Operations
The District, as a special purpose unit of government, was created to comprehensively address water management problems (drainage, flooding, wetlands, water quality, ground water protection). It operates under and is responsible for implementing and pursuing the goals of six pieces of legislation.

To focus effort and ensure the efficient use of public funds, the District became a 'mission driven" organization over thirty years ago. The Mission statement is reviewed and endorsed by the Board as one of the first steps of the annual budget process. The budget process is the annual planning, programming and scheduling of the money (including grants), material and expertise required to pursue District requirements and goals through District program operations.

District program operations are complex, largely legislatively mandated, human activities characterized by the continuous adaptation of ways and means, involving the physical landscape and hydrology, federal and state laws, funding and programs, and responses by state and local government and private sector, including consultants. While the state and federal agencies often appear to try to impose their will on the resource through locally required rules and standards, local units tend to resist additional restrictions and costs and seek greater efficiency or noncompliance. In addition, field operations occur in and among citizens whose desires influence and are influenced by water management

operations (projects and programs). The results of these interactions between people, programs and the water resource are often unpredictable, and at times uncontrollable.

The unpredictability of both mother nature and human behavior affects District program operations and staff. The District Administrator faces problems and opportunities in an operating environment characterized by volatility, uncertainty, complexity and ambiguity. The administrator can never predict with certainty how either people or the water resource will act or react, or how an event will develop. Even the behavior of collaborators and cooperating agencies is often uncertain because of the effects of stress, mistakes, chance, and friction. Changes in elected officials or staff, and countless other factors that impinge on the conduct of projects and programs, from broken equipment that slows mobilization, to additional and/or complicated sets of regulations or plans are examples of friction.

In watershed operations, the Administrator is faced with dynamic physical, social and political economic challenges, including changing public perceptions and differing agendas among organizations operating in, or influencing, the watershed. Administrators can seldom predict with certainty how water resource problems, issues and concerns will manifest, or how people will react. Yet they remain responsible for organizing an efficient and effective effort to pursue legislative goals and to make and report real progress in the field and on the ground.

The District's Approach: Unified Water Management Operations and Mission Administration

The Administrator's primary challenge is to organize, train and equip staff to conduct timely and sustained water management operations (projects and programs). The District does this through its operational concept of unified water management operations. Unified water management operations are the District's strategy for generating and applying money, authority and expertise to the District's mission through District programs. Unified water management is executed through decisive actions by means of the District's core authorities and competencies and is guided by District Administration.

Administering pursuit of the District's mission, or 'Mission Administration' is the exercise of authority and direction by the District Administrator, using Board direction and the comprehensive plan to enable disciplined initiatives, within the Board's intent, to empower agile and adaptive program leaders in the conduct of coordinated and unified land management actions. Administration is one of the foundations of unified management and the orchestration of effort. This approach to administration and leadership helps leaders to capitalize on the human ability to take action to develop a opportunities and integrate District program operations to achieve the legislative intent and our desired end state. Mission administration emphasizes centralized intent and dispersed execution through disciplined initiative.

Disciplined initiative is the ability of staff to act and/or vary from standard operating procedure in a manner consistent with adopted plans, rules or standards when those

factors are appropriate in the situation. This concept emphasizes the importance of ensuring that all actions align with the legislative and the Board's intent as articulated in the comprehensive plan.

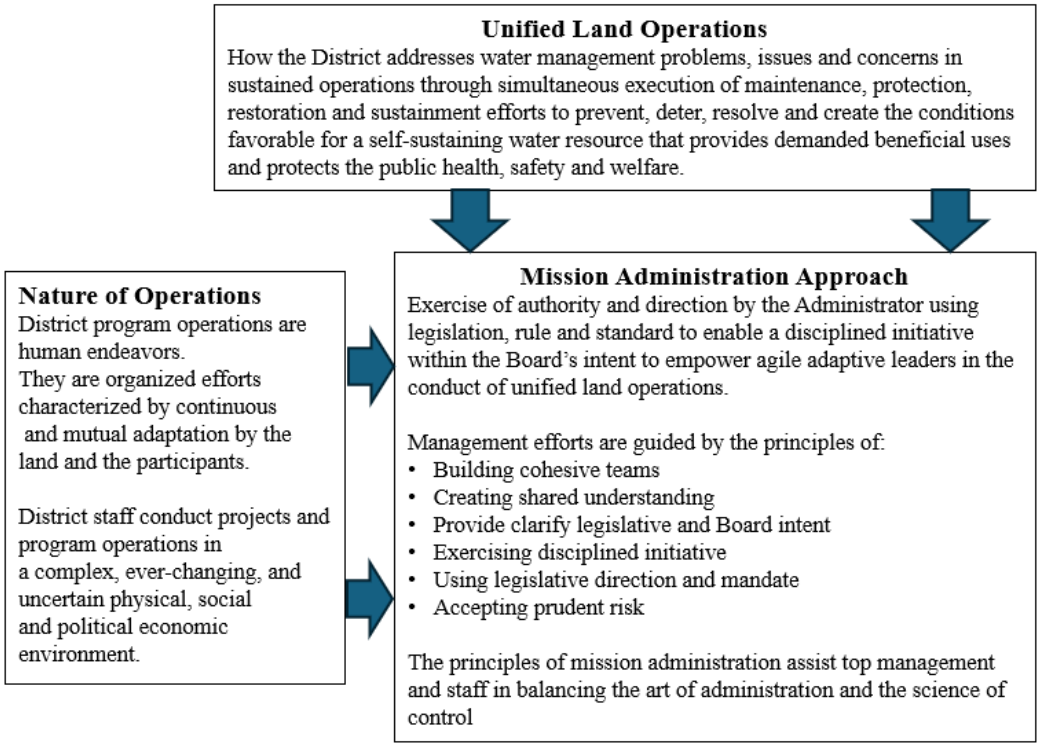
Disciplined initiative is intended to foster an agile and adaptive staff. Throughout operations, unexpected opportunities and challenges rapidly present themselves. The nature of water management operations requires responsibility and decision making at the point of action. Leaders and subordinates who exercise initiative, within the District's intent, create opportunities by taking action to develop the situation.

Agile leaders are comfortable with uncertainty and understand that disciplined initiative is an important part of being adaptive. Successful program leaders adapt their thinking, their program structure, and their use of techniques and practices to the specific situation they face. Adaptive leaders realize that concrete answers or perfect solutions to operational problems are rarely apparent. They understand that there may be periods of reduced uncertainty as the situation evolves. Agile and adaptive leaders use initiative to set and dictate the terms of action. They accept that they may have to act despite significant gaps in their understanding. Agile and adaptive leaders make timely adjustments in response to changes in their operational environment.

Through mission administration, program coordinators integrate and synchronize operations. Program Coordinators understand they do not operate independently but as part of a larger effort. They integrate and synchronize their actions with the rest of the District effort to achieve the overall objective, goal and mission. The Administrator seeks to create and sustain shared understanding and purpose through collaboration and dialogue within their organizations and with unified action partners to facilitate unity of effort. They seek to provide a clear statement of intent and use legislation and rules to assign tasks, allocate resources, and issue broad guidance. Guided by the Board's and administrator's intent and the comprehensive plan goals, program coordinator's take actions that will best accomplish the goal or mission.

The District's Approach to Mission Administration

For the District to function effectively and have the greatest chance of accomplishing the local, state and federal goals, the administrator, supported by the staff, needs to exercise mission administration throughout the conduct of operations. In this discussion, the "exercise of mission administration" refers to an overarching idea that unifies the mission administration approach of management and each program's activities and functions. The exercise of mission administration encompasses how District program coordinators and staff apply the foundational District mission approach together with the program actions and functions, guided by the principles of mission administration.

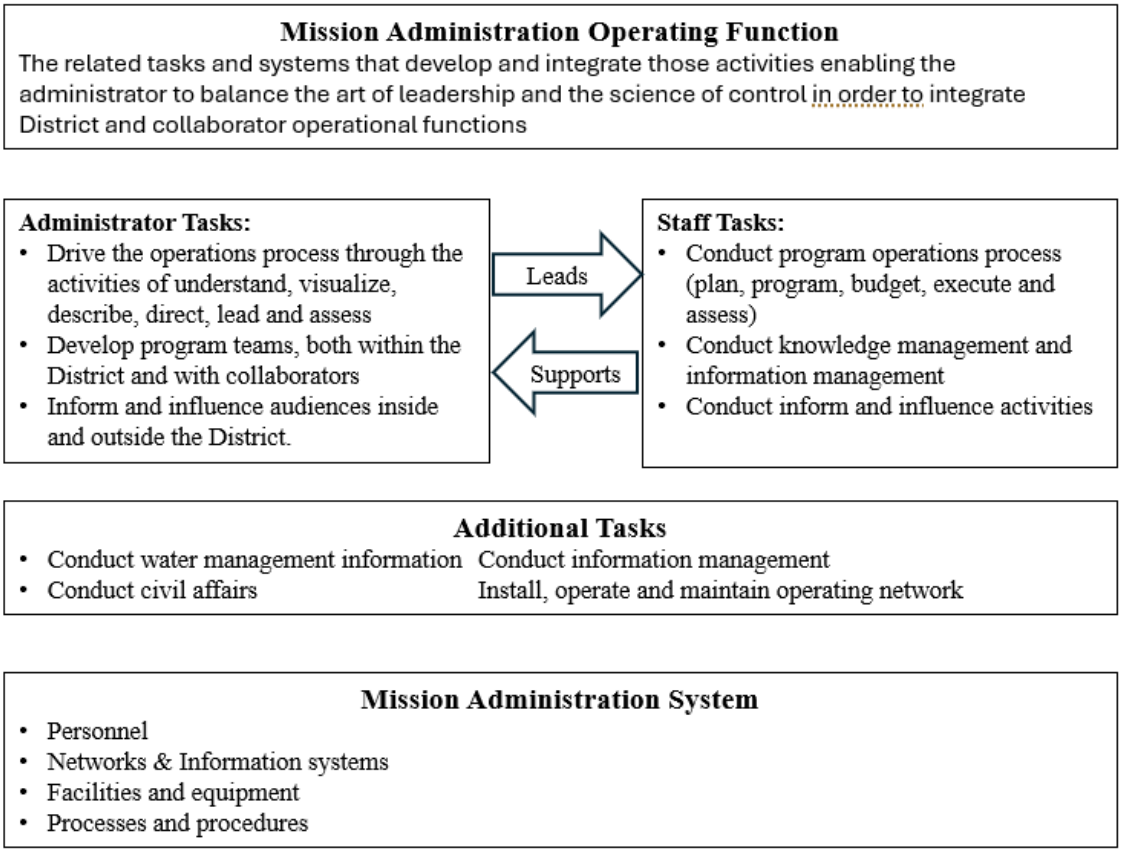


An effective approach to mission administration must be comprehensive, without being rigid. Water management operations are affected by human interactions and defy orderly, efficient, and precise control. People are the basis of all water management effort and organizations. Administrators must understand that some decisions must be made quickly and are better made at the point of action. Mission administration concentrates on the objectives of an operation, not how to achieve it. Administrators provide staff with their intent, the purpose of the operation, the key tasks, the desired end state, and resources. Staff then exercise disciplined initiative to respond to unanticipated problems. Mission administration is based on mutual trust and shared understanding and purpose. It demands every employee be prepared to assume responsibility, maintain unity of effort, take prudent action, and act resourcefully within the Board's and administrator's intent.

Under the mission administration approach, the Administrator understands' that their leadership guides the actions of the organization. The Administrator, assisted by their staff, use the guiding principles of mission administration to balance the art of management with the science of control. They use the art of administration and management to exercise authority, to provide leadership, and to make timely decisions. Administrators and staff use the science of control to regulate staff and direct the execution of operations to conform to the Board's intent.

The mission administration operating function consists of the related tasks and a mission administration system that support the exercise of authority and direction by the administrator. The mission administration operating function tasks define what the administrator and staff do to integrate the other programs and functions. It includes mutually supporting the administrator, staff, and additional tasks. The administrator leads

the staff tasks, and the staff tasks fully support the administrator in executing the administrators' tasks. Administrators, assisted by their staffs, integrate numerous processes and activities within the District and across the programs, as they exercise mission administration.



Summary

Nature of Watershed Operations

Watershed program operations are human endeavors representing a conflict between resource capacity and capability and the demand for public health, safety and welfare and resource sustainability, characterized by risks to public health or safety and the continuous adaptation by all participants, conducted in a dynamic and uncertain operation environment to achieve a political purpose.

District operations must account for the biogeochemisis of nature.

Unified Land Operations

The sustained addresses of water problems, issues and concerns through simultaneous execution of maintenance, protection, restoration and sustainment efforts to prevent, deter, resolve and create the conditions favorable for a self-sustaining water resource that provides demanded beneficial uses and protects the public health, safety and welfare

The District's operational concept is enabled by

Mission Administration

The District's approach to leadership and control that empowers program level decision making and decentralized execution appropriate to the situation

Enabled by the principles of:
Competence/Mutual Trust/ Shared understanding/ legislative intent
Rules and standards/ Disciplined initiative/ Risk acceptance

Leadership and control is fundamental to all operations

Administration and Control

Administration and control is the exercise of authority and direction by a properly designated administrator over assigned and attached staff and programs in the accomplishment of the mission or goal.

Elements of Administration

- Authority
- Responsibility
- Decision Making
- Leadership

Elements of Control

- Direction
- Feedback
- Information
- Communication

Administration and Control

The related tasks and a system that enables the Administrator to synchronize and converge all resources and elements of management and intervention

Tasks

- Lead staff
- Control operations
- Drive the operations process
- Establish the leadership and control system

Administration and Control System

- People
- Processes
- Networks
- Program Leadership
- Collaborators

ISSUES/CONCERNS

District Administrator

The District Administrator is responsible for everything the staff does or fails to do. A administrator cannot delegate this responsibility. The final decision, as well as the final responsibility, remains with the administrator. When the Administrator assigns a staff member a task, they delegate the authority necessary to accomplish it and provide guidance, resources, and support, as well as foster a climate of mutual trust, cooperation, and teamwork.

The Board of Managers normally delegates executive management authority to the District Administrator. As the key staff integrator, the District Administrator frees the Board of Managers from routine details of staff operations and the management of the District. Programs and functions are assigned to a program coordinator. The District Administrator ensures efficient and prompt staff actions.

The District Administrator duties include (but are not limited to) the following:

- Coordinate and direct the work of the staff.
- Establish and monitor the District's operational rhythm and tempo for effective planning support, decision making, and other critical functions.
- Operating and capital improvement budget development and management
- Represent the Board when authorized.
- Formulate and disseminate policies and procedures.
- Ensure effective liaison exchanges with higher, lower, and adjacent units of government and other organizations as required.
- Supervise the sustainment and administrative services of the District and activities of the programs.
- Supervise staff training and integration programs.
- Supervise knowledge management, operations research and system analysis, and special staff and consultant functions.

Director of Operations

The responsibilities of the Director of Operations are unique within the coordinating staff. In addition to coordinating the activities most involved in field operations (O&M, Water Quality and Regulatory) this position is responsible for integrating and synchronizing those program operations as a whole for the Administrator to create efficiencies and ensure consistency and effectiveness in the field.

While the District Administrator directs the efforts of the entire staff, the director of operations ensures that field operations and activities within the District and with major collaborators are integrated and synchronized within the operating year and across planning horizons. Additionally, the Director of operations reviews and approves all construction and annual operating plans and contracts for the Administrator to ensure that field activities are consistent with the annual budget, and synchronized in time, space, and purpose in accordance with the Board's and Administrator's intent and comprehensive plan guidance.

To accomplish this the Director of Operations facilitates the development of work plans, oversees day-to-day operations of field activities and is involved in any and all assessments. In addition, the position involves working through and overseeing the annual monitoring and inspection efforts, the screening of useful intelligence, the preparation and the distribution of information and reports

Because of this position's close connection to field operations, this position plays a lead role in determining training, operations and plans, and staff development and modernization. This position directly supervises the operations and maintenance coordinator, the water quality coordinator and the watershed development coordinator and is principal liaison the District engineer concerning field operations.

Program Coordinating Staff

Program Coordinators are the administrator's principal assistants who advise, plan, and coordinate actions within their area of expertise or operational function. Coordinating staff also exercise planning and supervisory authority over designated special staff officers as designated.

The coordinating staff consists of the following positions:

1. Administrative Services Coordinator
2. Financial Management Coordinator
3. Operations and Maintenance Coordinator
4. Planning Coordinator
5. Public & Government Relation Coordinator
6. Project Program Coordinator
7. Water Quality Coordinator
8. Watershed Development Coordinator

Common Coordinating Staff Duties And Responsibilities

Each Program Coordinator has specific duties and responsibilities by area of expertise. However, all staff sections share a set of common duties and responsibilities:

- Advising and informing the administrator.
- Building and maintaining operational measures and estimates.
- Providing recommendations.
- Preparing plans and other staff writing.
- Assessing operations.
- Managing information within area of expertise.
- Identifying and analyzing problems.
- Coordinating program staff.
- Conducting staff assistance visits.
- Performing risk management.
- Prepare intelligence (monitoring & inspection) for their area of interest
- Conducting staff assessments.
- Completing staff research.
- Performing staff administrative procedures.

- Exercising staff supervision over their area of expertise.

IMPLICATIONS FOR ADMINISTRATION OF THE DISTRICT

A District Administrator should possess qualities such as strategic vision, integrity, decisiveness, and the ability to inspire and build effective teams to lead successfully in challenging environments.

Key Qualities of an Administrator

Strategic Vision: A watershed administrator must have the ability to conceive and articulate a clear vision for achieving the legislative mission and objectives. This includes anticipating future challenges and formulating comprehensive plans that align with organizational goals.

Tactical Proficiency: Administrators should demonstrate mastery of field technical skills, enabling them to adapt to dynamic field conditions and make informed decisions that lead to successful outcomes.

Integrity and Honor: Upholding ethical standards and demonstrating honesty is crucial for building trust and respect among staff and collaborators. Integrity is non-negotiable in natural resource leadership.

Decisiveness: The ability to make timely and effective decisions is essential. Administrators must exercise prudence to avoid snap judgments while ensuring that critical objectives are met.

Courage and Resilience: Administrators should exhibit both physical and moral courage, serving as a beacon for others. Resilience in the face of adversity is vital for maintaining morale and focus within the ranks.

Communication Skills: Effective communication is key to ensuring that directions are understood and executed. Administrators must be able to convey their vision and expectations clearly to their teams.

Team Building: A successful administrator must be able to build and maintain cohesive teams, fostering collaboration and unity among diverse groups to achieve higher goals.

Adaptability and Innovation: The ability to adapt to changing circumstances and embrace new ideas is crucial for effective leadership in water management and the current operating environment. Administrators should encourage a culture of continuous learning and improvement.

Accountability: Administrators should take responsibility for their actions and those of their teams, celebrating successes while also addressing failures constructively.

Inspiration: A good Administrator will inspire confidence and motivate their staff to perform at their best, fostering a sense of purpose and commitment to the mission.

These qualities contribute to effective leadership of field-oriented organizations, enabling administrators to navigate complex challenges and lead the District to success. By embodying these traits, a good administrator can ensure the safety and effectiveness of their operations while fostering a positive environment for their personnel.

CONCLUSIONS

1. **Align Objectives:** Ensure that the Board's objectives align with the goals and style of the new Administrator to facilitate a smooth transition.

2. **Comprehensive Plan goals and objectives**:

3. **Needed character and qualities of Administrator**:

   Visionary Leadership: An administrator must have a clear vision for the watershed districts' future and has the ability to communicate that vision effectively to inspire and motivate the team.

   Decisiveness: The ability to make tough decisions quickly and decisively is crucial for navigating the complexities of the watershed district.

   Effective Communication: Clear and active communication is essential for conveying goals, expectations, and feedback to the team and stakeholders.

   Team Building: A successful administrator is adept at identifying and recruiting top talent, nurturing leadership, and fostering a collaborative work environment.

   Time Management: Effective time management allows an administrator to prioritize tasks, delegate when necessary, and focus on strategic initiatives that have the most significant impact.

   These qualities are vital for steering the watershed district towards success and ensuring that the administrator can lead the organization effectively in a complex and dynamic environment.

QUESTIONS

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: October 27, 2025
AGENDA NUMBER: 11
ITEM: Revised Administrator Transition Plan

AGENDA: Discussion

ACTION REQUESTED
1. Receive plan
2. Discuss needs and future actions

AUTHORIZATION
October 13 the Board reviewed a draft Administrator transition plan and requested an approach that put Jon more directly involved.

SITUATION
The District Administrator of 35 years is retiring. Jon Janke has been identified as the interim District Administrator upon Kelly's departure. Jan has been working and developing knowledge, skills and abilities to become administrator for the past two years.

Background Notes
In 2022 the Board expressed concern about the succession of key positions, especially the District Administrator. At that time Jon was recognized as the most qualified person to fill that role should a sudden need to replace the Administrator occur.

In 2023, to gain program efficiencies, and prepare Jon, the Administrator shifted reporting of three programs (O&M, Water Quality, Watershed Development) to Jon on a limited basis.

In April 2024, that oversight and supervision was formalized with Jon's movement to the position of Director of operations. The Director of Operations is unique among District coordinating staff. In addition to coordinating and concentrating the functions and activities of the programs, the Director of Operations is the primary staff responsible for integrating and synchronizing budgeted operations for the Administrator such as construction, maintenance and large studies.

In 2025, Jon began introduction and orientation to the role of Assistant District Administrator as a final step in his training to succeed the existing District Administrator.

On September 22, 2025 the District Administrator submitted his intent to retire December 31, 2025. The Board of Managers accepted and approved the date of December 31, 2025.

On October 7, The Administrator, District Attorney and Board President met to discuss the needs and plan for a smooth transition of leadership.

On October 13, the Board reviewed an initial draft of a succession plan and requested some changes that facilitate more direct experience for Jon. The Board also formally recognized Jon as the Interim District Administrator.

GOAL

To facilitate a successful and smooth transition of the District Administrator position and the maintenance of strong team leadership.

APPROACH

Intent: To pass the baton of leadership to Jon by sharpening existing knowledge skills and abilities and identifying and providing training for needed knowledge, skills and abilities. To do this will require:

1. Articulation of the existing administrative framework
2. Identification of specific topics the Administrator and Interim Administrator believe need to be covered
3. One on one meetings on specific aspects, projects, tools or issues.
4. Regular Board updates on progress and the existing administrative framework and the leadership and management responsibilities of the Administrator
5. Assessment of existing and emerging trends

A successful transition of power and responsibility will be characterized by

1. Continuity of operations
2. A vision & administrative strategy for evolving current operations to an acceptable and practical vision of the future
3. Jon's ability to:
   - Read the political situation well enough to build necessary alliances.
   - Understand and adapt to the District and larger cultural norms and practices
   - Achieving the cultural changes required.

COMMUNICATION

a. **Board**:
   Updates at each of the remaining 4 Board meetings:
   i. 10/27: Review of existing approach to administering pursuit of the District's mission
   ii. 11/10
   iii. 11/24
   iv. 12/8

b. Staff Meetings

i. All Staff Meetings
   1. 10/28
   2. 11/11

3. 11/25
4. 12/9

EXECUTION

Orientation Schedule

The approach involves orienting Jon using the following phased approach

~~17-Oct~~	~~Operating Environment & Trends (Financial, Industry, Operating Environment, Collaboration/Competition~~
31-Oct	Leadership & Management Factors
14-Nov	Collaboration
28-Nov	Finances
12-Dec	Technical
26-Dec	Strategy Development

Other Topics

1. Annual and Budget calendar
2. Annual Planning
3. Audit
4. ~~Board agenda process~~
5. ~~Board appointment Process Background~~
6. Budget Forecasts
7. Budget Process
8. CIP
9. CIP Software
10. ~~Coordinators Meetings~~
11. Comp Plan Forecast
12. District capacity & capability - Readiness (Money/ Staffing/ Equipment/ Equipment Readiness/ Field Equipment/ Staff training & preparedness)
13. District training
14. Drainage Work Group Membership
15. Essential Tasks
16. Fall: Program Budget Estimates
17. ~~Field Operating Systems~~
    a. ~~Organize & position programs~~
    b. ~~Conduct intelligence: inspect & monitor~~
    c. ~~Target & prioritize projects~~
    d. ~~Leadership & Control~~
    e. ~~Collaboration & Communication~~
    f. ~~Sustainment of effort~~
    g. ~~Protecting the resource and existing investments~~
18. Finance (4M Funds/MAGIC)
19. ~~Future ditches as ag land gets fully developed~~
20. ~~Future XPSWMMM FP model - model update Frequency~~
21. GIS Scope of Services

~~22. Industry Assessment (Environmental stability/industry strength/collaborative/competitive advantage/economics & finance/ Action: Restore, Rehabilitate, improve & maintain/ - Money, authority & expertise/ command & control/ communications/collaboration/ sustainment~~
23. Issue identification & prioritization process for comp plan
~~24. Legal & engineering services~~
25. Legislation (Fees (T&E)
26. Legislation (Permitting)
27. Local Water Plan Review
~~28. MAWA Resolution: ESA & Permitting~~
29. MAWD Metro Watersheds
30. Minneapolis & St Paul Source Water Management
31. North & East Ground Water Management Group
32. O&T Trend Analysis
33. Outstanding MN Watersheds and/or legislative efforts
~~34. Partner cost share logistics and options~~
35. Personnel (Water Resource Protection Personnel)
36. Position descriptions
37. Property tax impact
~~38. Staff Meetings~~
~~39. Strategic Assessment~~
    ~~a. Management/leadership~~
    ~~b. Services & delivery processes~~
    ~~c. Marketing, collaboration & competitive advantages~~
    d. ~~Financial~~
40. TMDL 2045 deadline strategy
41. Wage classifications & Payroll

References

1. Posey, R.C. & J.M. Yaffe, 2003. Mistakes To Avoid When Transitioning administrators. Skaden Publications/ The Informed Board

COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: October 27, 2025
AGENDA NUMBER: 12
ITEM: Ditch 39 Inspection Report

POLICY IMPACT: Policy
FISCAL IMPACT: Budgeted

REQUEST
Receive inspection report.

BACKGROUND
This inspection is part of the District's Operations and Maintenance (O&M) program and the National Pollutant Discharge Elimination System (NPDES) requirement of inspecting 20% of the open channels annually.

Ditch 39 is located in Coon Rapids and Blaine.
The channel is 3.26 miles (17,189 feet)
Drainage area is 2.2 square miles (1,391 acres)
0 Public Laterals

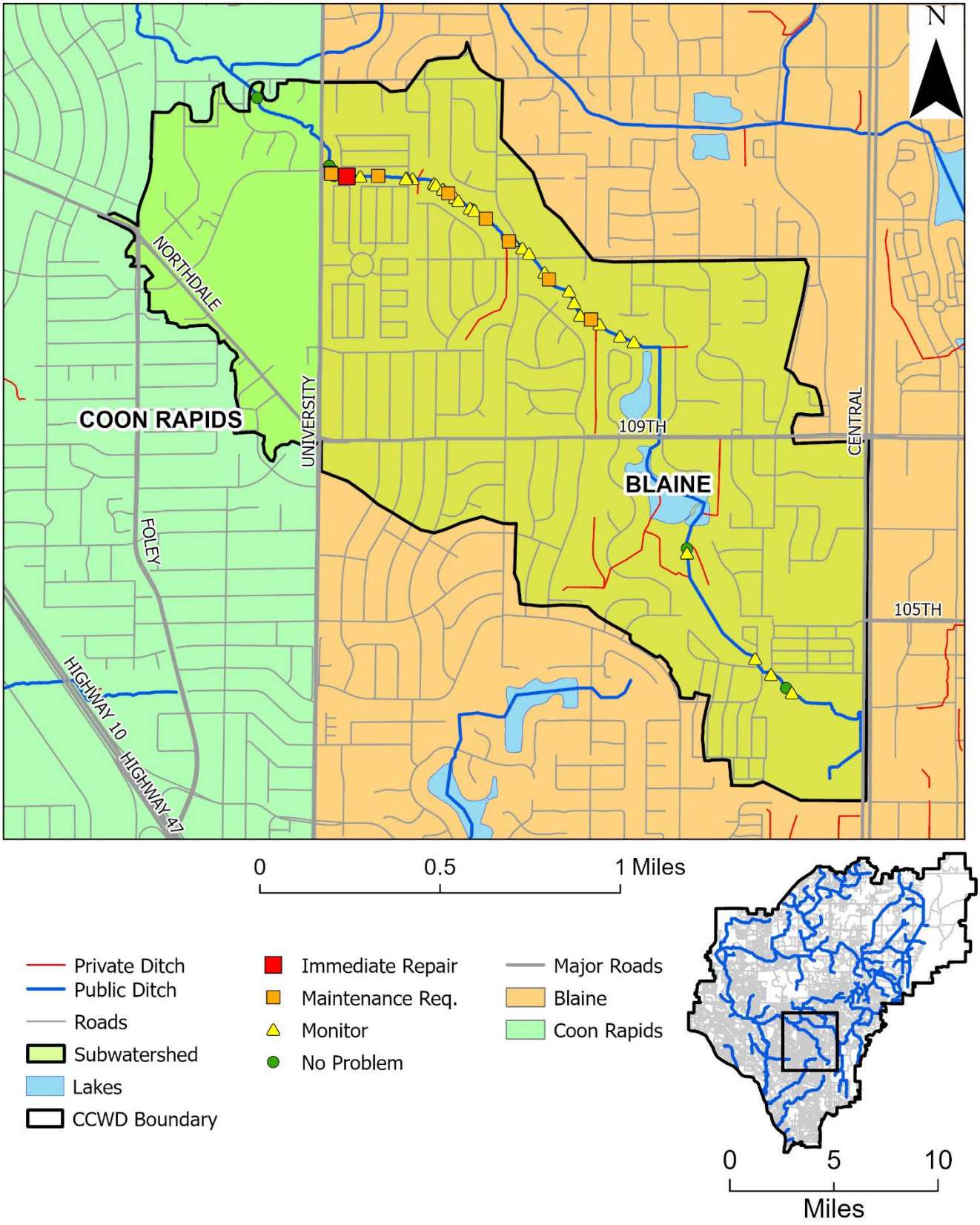
IDENTIFIED MAINTENANCE NEEDS

Need	Count	Cost Estimate	Immediate	Repair	Monitor
Obstruction	26	$32,000	$0	$12,000	$20,000
Ditch Repair	2	$13,475	$0	$0	$13,475
Bank Failure	2	$11,425	$0	$7,400	$4,025
Illicit Discharge	1	$0	$0	$0	$0
Beaver	0	$0	$0	$0	$0
Other	11	$0	$0	$0	$0
	42	**$56,900**	**$0**	**$19,400**	**$37,500**

RECOMMENDATION

1. Receive report.

Ditch 39 General



AUG 28, 2025

Press Release: MN Groups Petition for State Action on Agricultural Drainage

Conservation groups petition for state action on water pollution caused by agricultural drainage

DATE: 08/28/25 **CONTACT:** Aaron Klemz, MCEA, aklemz@mncenter.org, 763-788-0282

St. Paul, Minnesota – Nine organizations led by the Minnesota Center for Environmental Advocacy (MCEA) filed a petition with the Minnesota Pollution Control Agency (MPCA) Thursday asking the state agency to begin regulating certain agricultural drainage systems. Despite clearly and repeatedly recognizing drainage systems as a leading cause of water pollution in Minnesota, MPCA has never required water pollution permits for these projects. The petition argues that this step would help Minnesota reach its goals to protect aquatic life and safe drinking water, as well as its downstream goals to dramatically reduce nutrient levels across the Mississippi River Basin.

Specifically, the petition asks MPCA to initiate a rulemaking process that would ultimately result in the creation of a long-overdue permit program for public agricultural drainage systems. The agency has 60 days to respond to the petition. The rulemaking process, if MPCA grants the request, would invite participation from stakeholders across the state to shape the regulatory program.

"We have the opportunity to bring everyone to the table to shape a solution that works better for all: landowners, taxpayers, lake-lovers, cities, and homeowners," **said Leigh Currie, chief legal officer for MCEA**. "MPCA is the state agency in charge of protecting us from pollution, and yet it currently is not playing a role in protecting us from one of the leading causes of nutrient and sediment pollution in our state. This petition seeks to change that."

"We have experienced first hand the results of rain water reaching the river immediately following a rain

with significant unintended consequences. When large quantities of water are rapidly moved from below agricultural fields, the polluted runoff is delivered to streams, lakes, and rivers without going through a natural filtration process. Intensively drained watersheds also significantly increase the total amount of water in our river systems and how quickly their water levels rise and fall after heavy precipitation events. The result is impaired waters in agricultural communities across Minnesota, increased erosion along riverbanks, damage to downstream infrastructure, and degraded aquatic habitat. A water pollution permit program would allow the state to balance crop yield benefits with critical practices like water storage to minimize downstream impacts.

The petitioners' goals align with the stated goals of the recently updated Minnesota Nutrient Reduction Strategy, which seeks to reduce total nitrogen and phosphorus loads to the Mississippi River 45% by 2040. The strategy recognizes that cropland drainage continues to rapidly increase in Minnesota, and that currently less than 1% of all drained cropland has adopted best practices like tile water management treatment. In order to reach our goals, it states that "landscape-level change is needed" and millions of additional cropland acres need to adopt the most effective nutrient reduction practices.

The problem is the most pronounced in the Minnesota River Valley, home to cities like Blue Earth, Mankato and Fairmont. In a report released earlier this summer, MCEA presented research that clearly indicates the role that extensive agricultural drainage has had on the dramatic increases in river flows in the region, flash flooding, and erosion. The financial toll is significant. For example, over the past 15 years the Minnesota Department of Transportation has spent over $35 million to repair bridges and roadways in the Mankato-area to address riverbank stabilization and flood resiliency.

Agricultural drainage is also a key driver of high nutrient levels in our lakes and streams. The MPCA's own data demonstrate how drainage leads to excess nutrient levels, which in turn lead to algae blooms, fill kills, and ultimately the dead zone in the Gulf. For example, a report by the state agency found that 76 percent of the nitrogen found in lakes, rivers and streams in the Blue Earth Watershed could be attributed to "crop tile," a term used for agricultural drainage.

"By MPCA's own admission, drainage is a barrier to making all of Minnesota's waters swimmable and fishable again," **Currie said.** "Our laws require permits before you can pollute our water, and MPCA already has a workable system in place to manage very similar sources of pollution, like urban stormwater runoff. It's time to follow the law when it comes to agricultural pollution as well."

The nine petitioner organizations are Coalition for a Clean Minnesota River, CURE, Friends of the Minnesota Valley, Green Crew, Minnesota Center for Environmental Advocacy, Minnesota Division of the Izaak Walton League of America, Minnesota River Collaborative, Minnesota Valley Chapter of the Izaak Walton League of America, and Minnesota Well Owners Organization.

Inquiries and interview requests can be directed to Aaron Klemz, whose contact information is above. The petition and MCEA's drainage report are available upon request. Video and still images of sediment pollution and erosion in the Minnesota River valley are also available for free use with attribution.

###

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October 17, 2025

Honorable Katrina Kessler
Commissioner, Minneapolis Pollution Control Agency

Re: MCEA Rulemaking Petition to Regulate Agricultural Drainage

Dear Commissioner Kessler:

I am writing on behalf of Minnesota Watersheds, an association of Minnesota's watershed organizations, in response to the petition for rulemaking submitted to you by the Minnesota Center for Environmental Advocacy on August 28, 2025. Minnesota Watersheds acknowledges that the creation of public drainage systems over the decades, and the more recent expansion of private drain tile, have undoubtedly affected the hydrology, water quality, and water quantity of our landscape. MCEA's request to commence a rulemaking to regulate agricultural drainage lacks a sound legal basis, however, and such a rulemaking would be a highly contentious and ultimately unproductive undertaking. The bottom line is that agricultural drainage systems are a critical part of our infrastructure, and we need to work together to address the effects through enhanced watershed management and serious funding commitments to multipurpose drainage and flood damage reduction projects.

MCEA's Petition Lacks a Sound Legal Basis

MCEA, in its petition, asserts that the MPCA "*must* adopt a rule requiring a permit for new drainage projects and improvements" (emphasis in petition). A careful review of the authority granted by the legislature to the MPCA does not support this assertion.

MCEA's argument follows a course through the definitions at Minnesota Statutes §115.01, as follows:

- Minnesota Statutes §115.07, subdivision 1, prohibits construction or operation of a "disposal system" until the MPCA has granted a permit for it.

- A "disposal system" includes "sewer systems and treatment works." Minn. Stat. §115.01, subd. 5.

- A "treatment works" includes a "constructed drainage ditch or surface water intercepting ditch … installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes." Minn. Stat. §115.01, subd. 21.

- "Other wastes" includes "all other substances … which may pollute or tend to pollute the waters of the state." Minn. Stat. §115.01, subd. 9.

- PDS flows contain pollutants such as nitrogen and sediment, which may tend to pollute receiving waters. Therefore PDS outlet flows are "other wastes."

- The dictionary definition of "dispose" is to "get rid of." Therefore, a PDS "disposes of" its outlet flows.

Therefore, MCEA asserts, a PDS is a "treatment works" and, in turn, a "disposal system." And accordingly, a PDS may not be built or operated until the MPCA has issued a permit to do so.

MCEA's reasoning proceeds by taking terms that are loosely defined in chapter 115 and giving them their broadest possible reading. We don't believe this approach to reading the statute follows proper principles of interpreting statutes. Further, if MPCA were to adopt this approach, the expansion in scope of SDS permitting would be extraordinary.

MCEA suggests that surface water discharge through a PDS is an "other waste" as, owing to nitrogen, sediments and other materials in it, it "may … tend to pollute the waters of the state." This definitional frame is impractical. Ambient air contains mercury, which may precipitate into our lakes. Rainfall, ambient surface waters and groundwaters all entrain polluting matters on their course, both artificial and natural, that make their way into receiving waters. MCEA, then, would argue that the air and water around us, as well as the land on which dust settles, qualify as "other wastes" under Minnesota Statutes §115.01, subd. 9.

If the language of a statute is subject to more than one reasonable interpretation, a court may resort to canons of statutory construction to determine its meaning. A more sound understanding of the term "other wastes" comes from applying the canon of statutory construction known as "ejusdem generis": where a general term follows a list of examples, the general term is limited by the nature of the named terms. The examples in the definition of "other wastes" are specific almost to absurdity, including sawdust, bark, ashes, offal, munitions, wrecked or discarded equipment, and cellar dirt. None of the 27 examples includes a medium in which any form of waste is carried. Nitrogen or sediment may be an "other waste," but PDS discharge itself is not.

Similarly, MCEA suggests that a PDS is a "treatment works," and a "disposal system," because it is a system "installed for the purpose of … disposing of" the water that contains the nitrogen. Here, MCEA's definition of "disposal" is "to get rid of" or, more precisely, to move from one place to another. By MCEA's definition, then, a "treatment works," defined to include any "works not specifically mentioned" that are "installed for the purpose of … disposing of … other wastes," would encompass any ditch, pipe, conveyance, or other device through which water that is not free of other chemical constituents moves. Each rain gutter would be a "treatment works" subject to mandatory MPCA permitting under Minnesota Statutes §115.07, subdivision 1.

A further principle of construing a statute is that the reading should not render another part of the statute without meaning. In other places, e.g., Minn. Stat. §§115.04, subd. 2, 115.07, subd. 3, the statute refers to "disposal systems or other point sources." MCEA's broad definition of "disposal system" would

encompass all point sources, rendering this phrasing meaningless. The statutory text indicates that the legislature intended the term "disposal system" to have a specific meaning.

Indeed, numerous provisions in chapter 115 evidence the legislative intent that a "disposal system" refers specifically to a works designed and constructed to treat or sequester a waste, so that it ceases to present a material risk to human health or the environment. E.g., Minn. Stat. §§115.03, subd. 1(a)(5)(vi), 1(a)(9), 1(a)(12); 115.03, subd. 4 (all referring to a disposal system as a system to treat waste); 115.067 (treatment of hazardous or radioactive waste); 115.44, subd. 4; 115.44, subd. 8(b) (each referring to disposal system "effluent"); 115.46; 115.48; 115.50 (all conveying municipal powers to fund and finance disposal system construction).

MPCA's application of the term "disposal system" is consistent with this evidence of legislative intent. MPCA's review of the SDS permitting process for discharges to surface waters speaks uniformly and repeatedly to the treatment of wastewater and the discharge of "treated wastewater." (Doc. Wq-wwprm1-02, March 2021).

A PDS is not a "disposal system" or a "treatment works" because it was not installed "for the purpose of disposing of" "other wastes." It was installed for the purpose of conveying surface waters, which themselves contain "other wastes." The presence of "other wastes" in PDS discharge has no bearing on the function of the PDS or the purpose for its installation.

Finally, but importantly, the structure of chapter 115 directly belies MCEA's argument. MCEA argues that section 115.07, subdivision 1, is a mandate to MPCA to regulate all disposal systems. This, however, would be anomalous, in that section 115.03 is where MPCA's powers and duties are set forth, and indeed the section is titled, "Powers and Duties." In this section, and specifically at subdivision 1, MPCA is delegated numerous authorities to adopt rules and impose requirements to prevent and abate pollution of Minnesota's surface waters and groundwater. See, e.g., Minn. Stat. §§115.03, subd. 1(a)(5)(i)-(v), (6); 115.03, subd. 5; 115.03, subd. 5c. Specifically, subdivision 1(a)(6) conveys to the MPCA commissioner the power and duty

> to require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof.

Section 115.07 isn't a further delegation of authority to MPCA. It's titled "Violations and Prohibitions," and is directed at regulated parties. It prohibits a party from constructing a disposal system until it holds a permit. MCEA reasons backwards to argue that because a person may not construct a disposal system without a permit, MPCA necessarily must require a permit for every disposal system. Leaving aside the overbroad definition of "disposal system" that MCEA asserts, it's not sensible to read this section on prohibitions to convert MPCA's authority at section 115.03, subdivision 1(a)(6), to determine what and how to regulate, into a legislative directive to regulate everything. Under section 115.03(a)(6), subdivision 1(a)(6), MPCA may establish rules for permitting disposal systems. Under section 115.07, subdivision 1, those to whom the rules apply must conform to them.

In summary, for all of these reasons, Minnesota law does not require drainage authorities to obtain State Disposal System (SDS) permits before establishing or improving agricultural drainage systems, and the MPCA accordingly is not compelled to initiate a rulemaking to do so.

Addressing the Effects of Agricultural Drainage on our Water Resources

Rejecting the MCEA's petition to mandate regulation of agricultural drainage does not mean that anyone should simply stand still and be content with the status quo. There is much for everyone to do, and we can approach this challenge at multiple levels – landowners, local watersheds, and statewide programs.

Red River Basin Initiatives

About ten years ago, the Red River Watershed Management Board reviewed technical studies it had commissioned on the impacts of subsurface drainage systems and decided to draft model rules for watershed districts in the Red River Basin to address these impacts. Most watershed districts in the Basin have adopted rules requiring new drain tile to have erosion control measures, outlet controls, and pumping restrictions during flooding conditions. These rules also require new surface drainage projects to be constructed with side slopes designed in accordance with proper engineering practice to minimize erosion. These rules vary from watershed to watershed, based on assessment of local conditions.

We can do much more to promote this local watershed approach around the State. There is a lot to be shared technically about best practices and how to adapt them to local water resource needs and landscape conditions.

The local rules are often the product of sound watershed planning that assesses flooding and water quality conditions in the watershed and identifies worthwhile solutions. We need to expand the number of local watersheds that engage in such planning. Investment in modeling local watersheds will build a technical framework that identifies where water storage practices, and alternatively increased conveyance, are best suited to decrease the potential for flooding and damaging flow velocities to protect sensitive downstream resources.

Multipurpose Drainage Management

Another important opportunity for improvement comes through a multipurpose approach to managing our public drainage systems. Most public drainage system projects are seeking to repair or improve systems that are over 100 years old. These projects present a great opportunity to achieve multiple goals—to improve water quality, reduce or mitigate flooding, enhance wildlife habitat, all while also improving agricultural productivity. It is a statutory requirement for drainage authorities and engineers to consider environmental, land use, and multipurpose drainage management criteria in pursuing public drainage projects. Many drainage projects incorporate water storage, side inlet culverts, flattening side slopes, grade stabilization, fish passage structures, and buffers, strategic culvert sizing, storage and treatment wetlands, and erosion protection measures.

Unfortunately, we are not implementing multipurpose drainage projects sufficiently because we do not seem to have policy consensus on the value of this approach. Many drainage improvement projects are tied up in expensive regulatory disputes, and generally these projects are woefully underfunded. The 2024-25 biennium provided less than $500,000 per year for multipurpose drainage projects. This level of funding is grossly inadequate. Best management practices that may be the most appropriate are not eligible for funding under current state programs. Multipurpose drainage management grant applications are restricted to standard National Resource Conservation Service (NRCS) codes rather than engineered designs that are most suitable for the site constraints. Grade stabilization structures, two-stage ditches, and non-NRCS engineered designs are not eligible. We need a renewed commitment to providing appropriate and timely funding for multipurpose drainage projects.

Flood Hazard Mitigation Funding

Our State has also not met the need for funding the DNR Flood Hazard Grant Assistance Program. The current DNR list of funding needs is $140 million, and the Legislature appropriated $9 million. Flood mitigation projects are another element of this multipurpose approach, and with creative flexibility, storage projects could also provide opportunities for water storage for crop irrigation, livestock, groundwater recharge, or data centers

Models of Commitment to Collaboration

It is reassuring to remember that our State has been in similar situations before, confronting serious water resource challenges, and wise leaders have found a path forward. Nearly thirty years ago, environmental advocates and regulatory agencies had effectively tied up any flood mitigation projects in the Red River Valley. They were in court and in contested agency proceedings where legitimate concerns about how wetlands, water quality, and wildlife habitat would be protected as large flood mitigation projects were built. Yet all of the parties found a way to set the legal battles aside and after nearly a year of mediation, they produced the Mediation Agreement, which is implemented by the Red River Basin Flood Damage Reduction Work Group. Now, nearly thirty years later, this Agreement still provides for sound watershed planning, a commitment to flood damage reduction and natural resource goals, and an intentional process for all stakeholders to participate in project planning and permitting.

We might consider how the Red River Mediation Agreement could be adapted in other major river basins in our State.

Twenty years ago, environmental advocates challenged the permitting of wastewater treatment systems in our State in the Annandale Maple Lake case. Rather than continue down the path of litigation, all of the stakeholders, including agriculture, business, local government, and conservation advocates came together as the “G16” group to advocate to the creation of a state Clean Water Council. Many in the same group successfully advocated for voters to approve the Clean Water Legacy Amendment to provide dedicated sales tax revenue to Clean Water and other natural resources funding. The result of their

collaboration is $1.5 Billion spent to date to assess and improve our State's lakes and rivers, and a Clean Water Council with diverse membership that guides this investment in our waters.

With these models in mind, we would be well served to step beyond the idea of mandating regulation of agricultural drainage, and to get all of the stakeholders committed to an approach of sound watershed planning and adequate funding of multipurpose drainage projects. We respectfully request that you deny MCEA's petition and instead support these collaborative measures to protect and improve our water resources.

Sincerely,

Jan Voit
Executive Director
Minnesota Watersheds

October 17, 2025

Honorable Katrina Kessler
Commissioner
Minnesota Pollution Control Agency

Re: MCEA Rulemaking Petition to Regulate Agricultural Drainage

Dear Commissioner Kessler:

The Red River Watershed Management Board (RRWMB), a joint powers board of seven organized watershed districts in the Red River Basin (RRB) of Minnesota submits the following comments in response to the petition for rulemaking submitted to you by the Minnesota Center for Environmental Advocacy (MCEA) on August 28, 2025. MCEA's request to commence rulemaking to regulate agricultural drainage lacks a sound legal basis and such a rulemaking would be a highly contentious and ultimately unproductive undertaking. The bottom line is that agricultural drainage systems are a critical part of our infrastructure, and we need to work together to enhance watershed management and to increase consistent and adequate funding of multipurpose drainage and flood mitigation – water storage projects.

MCEA's Petition Lacks a Sound Legal Basis: MCEA, in its petition, asserts that the MPCA "*must* adopt a rule requiring a permit for new drainage projects and improvements" (emphasis in petition). A careful review of the authority granted by the legislature to the MPCA does not support this assertion. MCEA's argument follows a course through the definitions at Minnesota Statutes §115.01, as follows:

- Minnesota Statutes §115.07, subdivision 1, prohibits construction or operation of a "disposal system" until the MPCA has granted a permit for it.

- A "disposal system" includes "sewer systems and treatment works." Minn. Stat. §115.01, subd. 5.

- A "treatment works" includes a "constructed drainage ditch or surface water intercepting ditch … installed for the purpose of treating, stabilizing or disposing of sewage, industrial waste, or other wastes." Minn. Stat. §115.01, subd. 21.

- "Other wastes" includes "all other substances … which may pollute or tend to pollute the waters of the state." Minn. Stat. §115.01, subd. 9.

- Public Drainage System (PDS) flows contain pollutants such as nitrogen and sediment, which may tend to pollute receiving waters. Therefore, PDS outlet flows are "other wastes."

- The dictionary definition of "dispose" is to "get rid of." Therefore, a PDS "disposes of" its outlet flows.

Therefore, MCEA asserts, a PDS is a "treatment works" and, in turn, a "disposal system." And accordingly, a PDS may not be built or operated until the MPCA has issued a permit to do so. MCEA's reasoning proceeds by taking terms that are loosely defined in chapter 115 and giving them their broadest possible reading. We do not believe this approach to reading the statute follows proper principles of interpreting statutes. Further, if MPCA were to adopt this approach, the expansion in scope of SDS permitting would be extraordinary.

MCEA suggests that surface water discharge through a PDS is an "other waste" as, owing to nitrogen, sediments and other materials in it, it "may … tend to pollute the waters of the state." This definitional frame is impractical. Ambient air contains mercury, which may precipitate into our lakes. Rainfall, ambient surface waters, and groundwaters all entrain polluting matters on their course, both artificial and natural, that make their way into receiving waters. MCEA then would argue that the air and water around us, as well as the land on which dust settles, qualify as "other wastes" under Minnesota Statutes §115.01, subd. 9.

If the language of a statute is subject to more than one reasonable interpretation, a court may resort to canons of statutory construction to determine its meaning. A more sound understanding of the term "other wastes" comes from applying the canon of statutory construction known as "ejusdem generis" – where a general term follows a list of examples, the general term is limited by the nature of the named terms. The examples in the definition of "other wastes" are specific almost to absurdity, including sawdust, bark, ashes, offal, munitions, wrecked or discarded equipment, and cellar dirt. None of the 27 examples includes a medium in which any form of waste is carried. Nitrogen or sediment may be an "other waste," but PDS discharge itself is not.

Similarly, MCEA suggests that a PDS is a "treatment works," and a "disposal system," because it is a system "installed for the purpose of … disposing of" the water that contains the nitrogen. Here, MCEA's definition of "disposal" is "to get rid of" or, more precisely, to move from one place to another. By MCEA's definition, then, a "treatment works," defined to include any "works not specifically mentioned" that are "installed for the purpose of … disposing of … other wastes," would encompass any ditch, pipe, conveyance, or other device through which water that is not free of other chemical constituents moves. Each rain gutter would be a "treatment works" subject to mandatory MPCA permitting under Minnesota Statutes §115.07, subdivision 1.

A further principle of construing a statute is that the reading should not render another part of the statute without meaning. In other places, e.g., Minn. Stat. §§115.04, subd. 2, 115.07, subd. 3, the statute refers to "disposal systems or other point sources." MCEA's broad definition of "disposal system" would encompass all point sources, rendering this phrasing meaningless. The statutory text indicates that the legislature intended the term "disposal system" to have a specific meaning.

Indeed, numerous provisions in chapter 115 evidence the legislative intent that a "disposal system" refers specifically to a works designed and constructed to treat or sequester a waste, so that it ceases to present a material risk to human health or the environment. E.g., Minn. Stat. §§115.03, subd. 1(a)(5)(vi), 1(a)(9), 1(a)(12); 115.03, subd. 4 (all referring to a disposal system as a system to treat waste); 115.067 (treatment of hazardous or radioactive waste); 115.44, subd. 4; 115.44, subd. 8(b) (each referring to disposal system "effluent"); 115.46; 115.48; 115.50 (all conveying municipal powers to fund and finance disposal system construction).

MPCA's application of the term "disposal system" is consistent with this evidence of legislative intent. MPCA's review of the SDS permitting process for discharges to surface waters speaks uniformly and repeatedly to the treatment of wastewater and the discharge of "treated wastewater." (Doc. Wq-wwprm1-02, March 2021).

A PDS is not a "disposal system" or a "treatment works" because it was not installed "for the purpose of disposing of" "other wastes." It was installed for the purpose of conveying surface waters, which themselves may contain "other wastes." The presence of "other wastes" in PDS discharge has no bearing on the function of the PDS or the purpose for its installation.

Finally, but importantly, the structure of chapter 115 directly belies MCEA's argument. MCEA argues that section 115.07, subdivision 1, is a mandate to MPCA to regulate all disposal systems. This, however, would be anomalous, in that section 115.03 is where MPCA's powers and duties are set forth, and indeed the section is titled, "Powers and Duties." In this section, and specifically at subdivision 1, MPCA is delegated numerous authorities to adopt rules and impose requirements to prevent and abate pollution of Minnesota's surface waters and groundwater. See, e.g., Minn. Stat. §§115.03, subd. 1(a)(5)(i)-(v), (6); 115.03, subd. 5; 115.03, subd. 5c. Specifically, subdivision 1(a)(6) conveys to the MPCA commissioner the power and duty:

> To require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof.

Section 115.07 isn't a further delegation of authority to MPCA. It's titled "Violations and Prohibitions," and is directed at regulated parties. It prohibits a party from constructing a disposal system until it holds a permit. MCEA reasons backwards to argue that because a person may not construct a disposal system without a permit, MPCA necessarily must require a permit for every disposal system. Leaving aside the overbroad definition of "disposal system" that MCEA asserts, it's not sensible to read this section on prohibitions to convert MPCA's authority at section 115.03, subdivision 1(a)(6), to determine what and how to regulate, into a legislative directive to regulate everything. Under section 115.03(a)(6), subdivision 1(a)(6), MPCA may establish rules for permitting disposal systems. Under section 115.07, subdivision 1, those to whom the rules apply must conform to them.

In summary, for all of these reasons, Minnesota law does not require drainage authorities to obtain State Disposal System (SDS) permits before establishing or improving agricultural drainage systems, and the MPCA accordingly is not compelled to initiate a rulemaking to do so. Minn. Stat. §103E is already in place to govern how public drainage systems are designed, implemented, constructed, and managed by local drainage authorities, which have been doing this work for decades. We also take this opportunity to discuss and illustrate how we manage water in the RRB of Minnesota.

RRB DRAINAGE AND WATER MANAGEMENT ACTIVITIES: The MCEA petition seeks new MPCA rules requiring SDS permits for drainage systems to address agricultural runoff. It argues MPCA has authority under the Water Pollution Control Act to regulate nitrate and sediment pollution. However, within the RRB, comprehensive governance already exists through local watershed districts, RRWMB programs, and cooperative agreements, achieving these objectives through basin-led implementation. In addition to the RRWMB, a regional water management entity, the following components are part of this governance:

- **1998 RRB Mediation Agreement:** It is reassuring to remember that our State has been in similar situations before, confronting serious water resource challenges, and wise leaders found a path forward. Over thirty years ago, environmental advocates and regulatory agencies had effectively halted all flood mitigation – water storage projects in the RRB. The RRWMB and its membership was in court with these entities and in contested agency proceedings where concerns about how wetlands, water quality, and wildlife habitat would be protected as large flood mitigation – water storage projects were planned and built.

  Ultimately, all of the parties involved found a way forth to set the legal battles aside and after nearly a year of mediation, they produced the1998 Mediation Agreement, which is implemented by the RRB Flood Damage Reduction Work Group (FDRWG). Now, nearly three decades later, this Agreement still provides for sound watershed planning, a commitment to flood damage reduction and natural resource goals, and an intentional process for all stakeholders to participate in project planning and permitting.

  The Agreement and FDRWG provide a procedural model for cooperative water management. The Agreement established joint decision-making between the RRWMB, DNR, MPCA, and local watershed districts, ensuring flood mitigation – water storage, drainage, habitat, and water quality improvements occur in harmony. It created the Project Team Process, which serves as a collaborative alternative to regulatory enforcement. The MPCA recommits to the Mediation Agreement every five years along with the DNR, BWSR, MDH, and MDA. Consideration should be given to how the 1998 Mediation Agreement could be adapted in other major river basins in the State to reduce conflict and to increase collaboration.

- **RRWMB Water Quality Program:** Initiated in 2020, the Program formalized a regional system of project evaluation and funding. Through the RRWMB's Water Quality and Monitoring Advisory Committee, projects are reviewed for alignment with watershed plans, pollutant load reduction, and long-term hydrologic balance. Funding agreements for larger scale water quality projects require monitoring and reporting, providing accountability equivalent to a permitting system but achieved through local authority and shared incentives. A report was generated in 2024 to highlight successes of this Program.

- **RRWMB Model Watershed District Rules:** Approximately fifteen years ago, the RRWMB reviewed technical studies it had commissioned on the effects of subsurface drainage systems and decided to draft model rules for watershed districts in the RRB. There are eleven organized watershed districts in the RRB, with nine being rural and agricultural. These nine watershed districts require permits for surface and subsurface drainage and have adopted rules requiring new drain tile projects to implement practices such as erosion control measures, outlet controls, and pumping restrictions during flooding conditions.

These local rules also require new surface drainage projects to be constructed with side slopes designed in accordance with proper engineering practice to minimize erosion. These rules vary from watershed to watershed, based on assessment of local conditions. The remaining two watershed districts are more urban focused but still have various rules and regulations in place. The RRB approach to model rules and how drainage systems are permitting could also be an example for other parts of the state.

There is much to be shared technically about best practices and how to adapt them to local water resource needs and landscape conditions. The local rules are often the product of sound watershed planning that assesses flooding and water quality conditions in the watershed and identifies worthwhile solutions. It is our assessment that the number of local watersheds that engage in such planning should be expanded. Investment in local watershed modeling will build a technical framework that identifies where water storage practices are best suited to decrease the potential for flooding and to protect sensitive downstream resources.

- **RRB Model Report:** The July 2024 report "Collaboration on Surface Water Management in Northwest Minnesota: The Red River Basin Model" outlines a fully integrated governance system linking local, state, and federal partners. It emphasizes shared governance documents, technical coordination, and joint funding for flood mitigation – water storage, water quality, and habitat projects. The Model has proven that collaboration can replace regulatory redundancy while delivering measurable outcomes. The Red River Basin Model July 2, 2024 - Adobe cloud storage

- **RRB Technical Guidance:** The FDRWG has fully developed and updated fifteen technical papers since 1998. However, several technical guidance documents have been developed and updated over the years specific to drainage and agricultural BMPs in the RRB. Here is a brief listing of this information.
    - **Red River Retention Authority (RRRA):** The RRRA commissioned the development of three briefing papers focused on surface and subsurface drainage. The RRWMB is one-half of the RRRA.
        - Briefing Paper No. 1: btsac_briefing_paper1.pdf
        - Briefing Paper No. 2: btsac_briefing-paper2.pdf
        - Briefing Paper No. 3: btsac-bp3-final-9-15-14a.pdf

    - **Best Management Practice (BMP) Documents:** The following two BMP guidance documents have been developed and are specific to the RRB.
        - Agricultural Practice Effectiveness for Reducing Nutrients in the RRB of the North: Beneficial Management Practices (BMPs) | Red River Basin Comm
        - FDRWG Technical Paper 3 – The Effectiveness of Agricultural BMPs for Runoff Management in the RRB of Minnesota: FDRWG | RRWMB

Drainage BMP implementation is geographic, and a mandated and one size fits all approach statewide will not work. Conditions in Kittson County differ vastly from Rock or Houston Counties. Recall also that the Red River flows north into Canada, and this alone provides challenges that must be overcome.

MULTIPURPOSE DRAINAGE MANAGEMENT (MDM): Another important opportunity for improvement comes through a multipurpose approach to managing PDS. Most PDS projects are seeking to repair or improve systems that are over 100 years old. These projects present a great opportunity to achieve multiple goals – to improve water quality, reduce or mitigate flooding, enhance wildlife habitat, all while also improving agricultural productivity. It is a statutory requirement for drainage authorities and engineers to consider environmental, land use, and MDM criteria in pursuing public drainage projects. Many drainage projects incorporate water storage, side inlet culverts, flattening side slopes, grade stabilization, fish passage structures, buffers, strategic culvert sizing, storage and treatment wetlands, and erosion protection measures.

Unfortunately, we are not implementing MDM projects sufficiently because we do not seem to have policy consensus on the value of this approach. Many drainage improvement projects are held up in expensive regulatory disputes and generally these projects are woefully underfunded. The 2024 – 2025 biennium provided less than $500,000 per year for MDM projects. This level of funding is grossly inadequate. BMP's that may be the most appropriate are not eligible for funding under current state programs.

MDM grant applications are restricted to standard National Resource Conservation Service (NRCS) codes rather than engineered designs that are most suitable for the site constraints. Grade stabilization structures, two-stage ditches, and non-NRCS engineered designs are not eligible. We need a renewed commitment to providing appropriate and timely funding for multipurpose drainage projects. Deference should be given to regional guidance and BMP documents that work in specific geographic areas of the state.

FLOOD HAZARD MITIGATION FUNDING: Minnesota has also not met the need for funding the DNR Flood Hazard Mitigation Grant Assistance Program. The current DNR list of funding needs is $140 million, and the Legislature appropriated $9 million in the 2025 special session. Flood mitigation – water storage projects are another element of this multipurpose approach, and with creative flexibility, water storage projects could also provide opportunities for water storage for crop irrigation, livestock watering, groundwater recharge, or data centers.

In addition, several recent documents call for and discuss the need for water storage. These documents include the draft Minnesota Nutrient Reduction Strategy, the MCEA drainage report from this past summer, the MCEA petition, draft RRB TMDL, MN State Water Plan, and the Red River Basin Commission's Long-term Flood Solutions document. We also have a 20 percent flow reduction strategy for the Red River that the RRWMB, its membership, and North Dakota Partners are working towards. The RRWMB has funded close to 70 large-scale flood mitigation – water storage projects, city flood diversions and levees, over 300 farmstead ring dikes, 35+ water quality projects, LiDAR, technical hydrologic/hydraulic studies, River Watch, and is now working on habitat projects with its membership.

FINAL THOUGHTS: The MCEA petition implies that there is limited or no regulation of public and private drainage systems in Minnesota. In fact, the opposite is true, especially in the RRB where there is much oversight by local watershed districts. With the RRB as a model, the State of Minnesota would be well served to step beyond the idea of mandating regulation of agricultural drainage, and to move stakeholders towards committing to an approach of sound watershed planning and adequate funding of multipurpose drainage projects. The RRWMB speaks from experience with almost 50 years of managing water on a major watershed scale.

We do not support any additional drainage regulation or oversight, especially in the RRB given that the following are in place to effectively and successfully guide the management of water, habitat, and natural resources and to implement projects that address local concerns:

- The RRWMB and its governance structure.
- 1998 Mediation Agreement and local Project Team Process, which the MPCA and other state agencies are part of.
- RRWMB Water Quality Program.
- RRB Riparian Habitat Program, managed by the RRWMB, with BWSR as the fiscal agent.
- RRB Model of collaboration.
- Local watershed district rules, regulations, processes, and procedures.
- Technical guidance and BMP's specific to the RRB.
- Flow reduction strategy for the Red River.
- Distributed detention studies for all watershed districts.
- State laws/rules for drainage and wetlands.

We respectfully request that you deny MCEA's petition and instead support collaborative measures to protect and improve our water resources.

Sincerely,

John Finney
President, RRWMB

Sincerely

Robert L. Sip
Executive Director, RRWMB

CC: RRWMB Managers
RRWMB Membership
Louis Smith, Smith Partners PLLP
Dana Vanderbosch, Assistant Commissioner, MPCA

Red River Watershed Management Board

INVESTING IN AND MANAGING THE RED RIVER BASIN OF MINNESOTA