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No-knock warrants almost never used in region

Entering a home to serve arrest warrant 'inherently dangerous'

By Tim Krohn tkrohn@mankatofreepress.com

MANKATO — No-knock warrants, at the center of controversy in Minneapolis and St. Paul, are virtually nonexistent in the Mankato area.

"In my 20 years I don't recall a no-knock warrant," said Nicollet County Sheriff Dave Lange. Lt. Jeff Wersal of the Blue Earth

County Sheriff's Office, who is head of the River Valley Drug Task Force, said the task force executes a lot of search warrants, but not no-knocks.

"The task force hasn't done one in at least five years," he said.

Minnesota Democrats will advance legislation banning police from using no-knock raids, while leading Republicans said they supported a review of the state's

existing restrictions.

The calls follow the Feb. 2 pre-dawn raid by Minneapolis police that killed 22-year-old Amir Locke, who was not the target of the no-knock warrant.

Mankato Department of Public Safety Director Amy Vokal said she can't remember her department using one in the past decade or more.

She said she and a deputy direc-

tor would be required to sign off on asking for a no-knock warrant. "So there's good checks and balances."

Vokal said that over the years the department has learned how to better handle potentially dangerous situations.

"We've gotten better at our tactics and learned to slow things down. We can sit and wait a person out or find them out



Amy Vokal

and about (before arresting them)."

Blue Earth County Sheriff's Cpt. Paul Barta said no-knock warrants are rarely needed as tactics law enforcement use have evolved.

"I was on the SWAT team from 2006 to 2016 and even then no-knock warrants were rare."

But he said when he was first on the team, it was fairly

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Cold

High and low both in single digits above zero.



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Mankato, Minnesota

COMING DUE

Unemployment fund \$1.2 billion in debt



Photos by Pat Christman

Curiosi-Tea House owner Heidi Wyn sets out a tray of bars for customers Friday. Her North Mankato shop will be hit with a sizeable bill this year as Minnesota grapples with tax issues stemming from the state's depleted unemployment insurance fund, only compounding her struggles stemming from the pandemic.

Employers could see big increase on tax bills

By Trey Mewes tmewes@mankatofreepress.com

As Heidi Wyn puts it, the Curiosi-Tea House in North Mankato was doing as good as ever before the COVID-19 pandemic.

The cafe took a hit during the lockdown as restaurant business slowed to a crawl under public health concerns. Wyn had to cut employee hours, and last year alone two of her hires filed for unemployment. At one point, she used a North Mankato business loan program to help pay bills.

Wyn will get a sizeable bill this year as Minnesota grapples with tax issues stemming from the state's depleted unemployment insurance fund. While she doesn't yet know what she owes, she expects it will hurt businesses once again.

"Any increase we have right now isn't helpful because none of us are back to where we were pre-COVID," Wyn said.

Minnesota faces a \$1.2 billion debt to the federal government after two years of spending down



MGM Mankato's Sterling Padula bags up a customer's purchases Thursday. Owner Greg Dembouski said his unemployment insurance tax rate will double this year even before assessments.

its unemployment insurance trust fund. At the beginning of the pandemic, that fund had about \$1.7 billion to address unemployment issues.

About one in five Minnesotans

filed for unemployment since the pandemic began, according to the Minnesota Department of Employment and Economic Development.

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Mankato wetland project delayed

By Mark Fischenich mfischenich@mankatofreepress.com

MANKATO — Creation of a large wetland on Mankato's southeast side, which city officials are hoping will reduce flooding and improve water quality, has been delayed but not derailed.

"We are certainly still working on it," City Manager Susan Arntz said. "Timing is a little uncertain yet, but I definitely see it in our future."

The ambitious project aims to restore 42 acres of wetland between Pohl Road and Monks Avenue just south of the city limits that were drained for farming. The Southeast Water Quality Project would create at least 100 acres of new natural lands when associated prairie upland habitat is included.

Had the project stayed on schedule, the drainage system put in place by farmers would have been disabled and the land graded last summer and fall, the landscape would be capturing snowmelt this spring and native vegetation would have been nurtured throughout the upcoming summer.

The first step was to be land acquisition, something originally slated to be completed by December of 2020 under a timetable submitted to the Lessard-Sams Outdoor Heritage Council in 2019. That application sought more than \$6.6 million from the panel that allocates a portion of Minnesota's sales tax dedicated to water quality, parks and trails, habitat creation and other outdoors-related projects.

The council awarded \$1.3

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Pat Christman

MGM Mankato employee Jesse Bergemann straightens bottles behind the counter.

FUND: Walz, Senate GOP differ from House DFL

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That drove the trust fund down, forcing Minnesota to join 12 other states in borrowing money from the federal government to continue helping workers out of a job.

That borrowed \$1.2 billion is coming due, however.

Businesses across the state are seeing assessments on their unemployment insurance bills. Whereas many businesses see a smaller unemployment insurance tax rate — the state's base rate is 0.1% — those assessments amount to thousands of dollars in increased taxes starting in April.

Andy Wilke of Greater Mankato Growth said he's heard of a local bank that would see its unemployment insurance tax rate increase by 130% — meaning the bank would pay another \$21,000 this year. Another local business would see its taxes raised from \$6,000 to \$32,000. And a local wholesaler would get an extra \$12,000 on its tax bill this year.

There are plenty of area businesses that haven't figured out how the unemployment insurance tax assessments will affect their bills, however.

"That's the tough part. Many businesses may not even know that they're getting a tax increase," Wilke said. "There's a lot of changes that happen in a payroll increase on the first of the year. It sometimes can get lost in all of that noise, this increase."

Greg Dembouski, owner of MGM Wine & Spirits,

said his unemployment insurance tax rate will double this year even before assessments. While MGM continues to do solid business, he said he's concerned the Minnesota Legislature won't come to an agreement on helping business owners by March 15 — when employers start to send in tax payments for the first quarter.

"It doesn't seem fair," Dembouski said. "The people that do employ workers, it seems like we're at the back of the line when it comes to getting assistance."

Course of action

Lawmakers appear to agree quick action is necessary, though they differ on what to do about the unemployment fund.

Senate Republicans and Gov. Tim Walz have similar proposals to use \$2.7 billion of the state's surplus and federal COVID aid to pay off Minnesota's debt and replenish the unemployment fund. House DFLers have put forth a proposal to repay the state's \$1.2 billion debt but leave the fund to its own devices.

In addition, House DFL leaders have publicly debated whether to link unemployment insurance with federal COVID pay for frontline workers. Lawmakers were supposed to tackle that issue last year but stalled after Senate Republicans removed some of Walz's commissioners from office and threatened to unseat others during special sessions.

Minnesota adjusts the

unemployment insurance tax rate each year to address the fund. While employers pay little during good years, they make up for it when the fund is down.

House DFLers argue that mechanism is how things should work, and that allocating more money to the fund would simply give large corporations more of a tax break.

"I have a hard time giving businesses making record-breaking profits even more money," said Rep. Luke Frederick, DFL-Mankato.

Frederick said he agrees with the House DFL position but would support aid for small businesses impacted by the tax increase this year.

GOP lawmakers, business advocates and even some House DFLers say not replenishing Minnesota's unemployment fund now would cost businesses more money down the road and could constrict economic growth, even as the state's economy stabilizes from an economic downturn caused by COVID.

Republican Rich Draheim, of Madison Lake, sponsored one of the Senate's bills to build the fund back up. He called the issue "crucial" for southern Minnesota businesses.

"This is one thing we can do," he said. "We can't help the supply chain here in Minnesota, but we can look at some labor issues, and we can look at their tax issues."

Draheim said he agreed more of the fund should go "toward Main Street rather than Wall Street," but it wouldn't be possible to only benefit small businesses using the unemployment fund if the Legislature chooses to

replenish it.

If lawmakers do nothing, it could take up to 10 years of assessments for businesses to bring the fund back to solvency. It could take the state around five years to build the fund back up if Minnesota only paid off its federal debt.

"Many businesses are in a precarious position," he said. "Efforts need to be made to avoid challenging the economy."

Rep. Gene Pelowski, of Winona, is bucking the House DFL caucus with his own bill calling for the full \$2.7 billion. He said at a press conference with Republicans last week he'd like to see the bill passed on its own.

Area business owners agree. Dembouski said he hopes the state uses part of its surplus to bring the unemployment fund back up. Peter Troecke, a local Republican who owns Riverfront Liquor, said he hopes the House DFL can go along with the Senate and Walz for the sake of the economy.

Other employers are still calculating how much this year's assessments would cost them.

Wyn said she's held off meeting with her accountant after getting COVID last month, but she expects to sit down soon to figure out her tax bill. The unemployment insurance tax formula figures in the number of workers from a business that filed for assistance, meaning she likely will see a tax increase even without the assessments.

"If things keep costing extra, if you've got extra costs, it's hard," she said.

"Usually the key with a no-knock is you have to have credible evidence someone is violent and armed. The intent (of no-knocks) is to protect those inside the residence and the officers."

PAT NELSON, LAW ENFORCEMENT PROFESSOR
AT MINNESOTA STATE UNIVERSITY

WARRANTS: 'Surround and call' preferred technique for arrests

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routine for officers to go into residences even in drug cases or suicidal threats.

Barta said that at about that time there was a national discussion about using tactics that put suspects, bystanders and officers at higher risk. And he was involved in the team that had a standoff with a man in 2006 in Amboy, which resulted in an exchange of gunfire, where police officers and the suspect were injured. The suspect eventually killed himself.

"That's all translated into a different way of doing things that make no-knocks less prevalent. Now it's more 'surround and call,' where you hold the space where they're in and then you try to negotiate, and if that doesn't work, you look at chemical uses and things," Barta said.

Still, Barta is opposed to the state outright banning no-knock warrants.

"Our work is so dynamic. You never know what might be thrown at you, so I don't think it should be taken off the table. If they want to track them better and things, that's fine, but they should still be an option."

North Mankato Police Chief Ross Gullickson said his agency hasn't used a non-knock warrant the several years he's been here.

"I've been a cop for more than two decades, and I've never been involved in a no-knock warrant." That includes a stint in the SWAT team when he was a Carver County deputy.

Wersal said the Drug Task Force, a multi-jurisdiction unit with members from several area police and sheriff departments, executed 110 search warrants last year. Some are to search electronic devices, others are looking for drugs.

The task force made 59 drug arrests last year and 13 non-drug arrests for crimes such as illegal possession of guns.

He said a majority of drug arrests stem from a suspect buying drugs from an undercover agent.

Wersal said that if they are going to arrest someone who is indoors, they generally stake them out and wait for them to come outside. "We'd much rather arrest someone out in public rather than going into their home, because that's dangerous."

Lange said that even when they execute an arrest warrant versus a search warrant, they don't do no-knock warrants.

"We knock on their door and announce who we are, and nine times out of 10 they don't answer."

He and other area law enforcement representatives said that there is

a place for no-knock warrants. They cite cases where they may be seeking a murder suspect or in a case where someone is barricaded inside and others inside may be in danger.

But even in most cases of someone barricaded inside, a SWAT team is called and they surround the

building and work to talk the person out.

Gullickson thinks the option of a no-knock warrant needs to be available to law enforcement.

"If the situation would arise where there's a known threat or there's weapons or there's a known risk to officers, there can be a need for them."

Gullickson said that in general officers don't want to use arrest warrants to push their way into a home or apartment to get a suspect.

"They are inherently dangerous. It's dangerous not only for law enforcement but for the public."

Limited and rare

In a five-month period starting in September, there were no agencies in all of southern Minnesota that reported executing a no-knock warrant, according to a new state database.

Last year Minnesota lawmakers tightened regulations for no-knock search warrants and they required departments to report them to the state.

MinnPost reports that through early this month Hennepin County had 11 no-knock warrants while Minneapolis and St. Cloud each had eight. The other 10 departments that used no-knock warrants, mostly all in the metro

area, had four or fewer. The St. Cloud warrants were mostly tied to the Central Minnesota Violent Offender Task Force, which involves multiple agencies in their region.

Pat Nelson, professor and chair of the department that teaches law enforcement students at Minnesota State University, said no-knock warrants are rare in southern Minnesota.

She said part of the MSU curriculum covers state statutes about no-knock warrants and what's needed to apply for any kind of warrant.

"We do stress heavily how limited no-knock warrants should be. There's very few down here. We see them in the Twin Cities and elsewhere in the state," Nelson said.

"Usually the key with a no-knock is you have to have credible evidence someone is violent and armed. The intent (of no-knocks) is to protect those inside the residence and the officers."



Andy Wilke



Paul Barta



Ross Gullickson



Jeff Wersal



Pat Nelson

WETLAND: Delay does not threaten state grant funding

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million, less than what was needed to complete the project but enough to purchase the land and begin construction.

Arntz said the delays don't reflect an impasse in negotiations with landowners. Instead, she pointed to a shift in plans by Blue Earth County, which initially considered joining the city in purchasing land in the area and using a portion of it for a new Public Works facility to replace the undersized and aging highway department building on Map Drive. The county is now looking at alternative locations for the Public Works complex, leaving the city to focus on smaller purchases — ones that will sometimes involve asking landowners to sell just a portion of a parcel.

"There's a multitude of property owners, so it's just balancing the different needs," she said.



Blue Earth County

A prairie restoration project planned by Mankato on its southeastern border would be the largest in the area since Indian Lake, shown above, was brought back into existence by Blue Earth County.

If the sellers and the city ultimately reach agreement, the project will have a multitude of beneficiaries as well, according to project proponents. Hunters will have access during waterfowl and pheasant seasons, and primitive trails are planned for birders or others looking for a nature walk.

"A thriving, diverse community of wildlife will allow sporting and recreational users of this site to have an enjoyable, unique natural

experience," the Lessard-Sams application stated.

The marsh would also store water from heavy rains and snowmelt, reducing the danger of flooding in hilltop neighborhoods. Stormwater would be filtered before it moves downstream toward the Minnesota River. And the water's velocity would be slowed, reducing erosion and other damage currently occurring as water from hilltop neighborhoods and from agricultural land south

of the city moves through ravines to the valley floor.

"This area has suffered large-scale erosion, flooding and vegetation loss due to drainage of the wetland and continued manipulation of the landscape," according to the application.

The city has pledged to use a portion of its local sales tax proceeds to supplement the Lessard-Sams grant, and Arntz said additional funding might be available in the future from grants or the federal infrastructure bill to complete the entire project.

Although the work isn't proceeding on its original schedule, there's still plenty of time to get the land purchased under deadlines imposed with the \$1.3 million grant.

"We have until June 30, 2023, to sign purchase agreements and June 30, 2024 to close on properties using the Lessard-Sams funding," Arntz said.