Minutes

CALL TO ORDER
President Preiner called the meeting to order, a quorum being present, at 5:30 p.m.

ROLL CALL
Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, and Treasurer Steve Wagamon.
Absent: 1st Vice-Pres. Barbara Haake and Secretary Harley Ogata (with prior notice).
Staff Present: Administrator Phil Belfiori; Public Drainage Inspector Tom Schmidt.
Consultants: District Engineer Chris Otterness—Houston Engineering (HEI); Drainage Attorney John Kolb-Rinke Noonan.
Visitors: see attached sign-in sheet

President Preiner read the following statement of Watershed District President.

PUBLIC HEARING:
Reestablishment and Correction of Drainage System Records
for Anoka County Ditch 46 (Minn. Stat. § 103E.101, subdiv. 4a)

January 22, 2015

This is a public hearing on the proposed reestablishment and correction of the drainage system records for Anoka County Ditch 46 under statutes section 103E.101, subdivision 4a.

I would like to welcome everyone who has come today. Under consideration at today’s hearing is the reestablishment and correction of the drainage system records for ACD 46 including defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and the right-of-way of this public drainage system.

The purpose of this hearing is to review the engineer’s investigation and report of findings and receive comment from those affected by the proposed reestablishment and correction of the public drainage system record.
This is an evidentiary proceeding. The proceedings are being recorded in order to preserve the record.

The order of business for this hearing will be as follows. First, Mr. Belfiori, the District’s administrator, will introduce a presentation of information related to the District and its function; the District’s management of public drainage systems; the engineer’s review of this public drainage system; and subsequent actions that may occur following these proceedings. Mr. Belfiori will be assisted by Mr. Kolb, the District’s legal counsel, and Mr. Otterness, the District’s engineer.

Following the staff presentation, I will open the hearing for public comment. The Board would like to hear your comments on the proposed reestablishment and correction of the drainage system records and any information relevant to that purpose.

Specifically, the Board is interested in:

- Whether it is missing information used to define the public drainage system
- Whether the recommended alignment, grade or configuration of the ditch creates concerns about loss of drainage benefit
- Whether and how your land drains to the public system
- Whether you have concerns or issues associated with public system crossing your property

Though information will be presented regarding possible, future actions, this hearing is not an appropriate time to discuss issues related to possible, future actions such as a repair of the drainage system.

The purpose of this hearing is to review the findings and evidence regarding records defining the alignment, cross-section, profile, hydraulic structure locations, materials, dimensions, and elevations, or right-of-way of the drainage system as originally constructed or subsequently improved. Other procedures are available for discussion of drainage system repairs and there will be other opportunities for that discussion outside of this hearing.

During the public hearing, managers may ask questions of staff or consultants making presentations and of commenters, in order to clarify any testimony.

In addition, if a member of the public asks a question and a manager believes that a response from the District staff or a District consultant can readily resolve the question or enrich the testimony, the manager may ask me to have the appropriate staff member or consultant speak to the question. I will exercise my judgment as to whether to allow such discussion.

However, managers’ expression of their positions and general discussion concerning the subject of the public hearing should be avoided during the public comment portion of the public hearing. Board discussion will occur after all members of the public have had a chance to speak and the public comment period has been closed. Board discussion may occur and be concluded at this or a subsequent meeting, as the Board decides.
If a member of the public would like to make a comment, please stand and address the Board when I recognize you. Speak clearly and state your name and address for the record. If you have a specific question concerning the proposed reestablishment and correction of the public drainage system record, we may ask our administrator, engineer, or legal counsel to respond. If you have anything in writing you wish to submit, you can provide it to me before the close of the public comments and I will note its receipt in the record.

To ensure that all wishing to comment on the proposed reestablishment and correction of the public drainage system record have time to speak, I may limit the time any single speaker may comment to five minutes. Please limit redundant or repetitive comments.

Administrator Belfiori, Drainage Attorney John Kolb, and District Engineer Chris Otterness gave a presentation of information related to the District and its function; the District’s management of public drainage systems; the engineer’s review of this public drainage system which will define and describe the “as-constructed and subsequently improved” public system; and subsequent actions that may occur following these proceeding.

At the conclusion of the presentation, President Preiner stated: With that, we are ready to hear from members of the public who wish to comment. Again, please state your name and address as you begin your comments. Is there anyone else who would care to speak? Does anyone have written materials they wish to present? There being no comment from the public, I close the public comment portion of the hearing.

Motion by Manager Wagamon, seconded by Manager Waller, move that we direct staff to prepare findings and an order consistent with the proceedings, including responses to all comments received through the public comment process; that the draft findings and order be written to affect the reestablishment and correction of the public drainage system records consistent with the engineer’s findings; direct recording of the order to reflect the reestablishment and correction of the public drainage system record; and that we recess this hearing to the Board’s regular meeting on February 11, 2015, at 9:00 a.m., or by adjournment to an appropriate time on the Board’s agenda, at which meeting we will consider findings and an order for the proposed reestablishment and correction of the public drainage system records. Motion carried 3-0.

President Preiner recessed the meeting.