RCWD PUBLIC HEARING REGARDING
ANOKA-WASHINGTON JUDICIAL DITCH 3
REPAIR REPORT
Thursday, March 21, 2019

Hugo City Council Chambers
14669 Fitzgerald Ave. N., Hugo, Minnesota

Approved Minutes

CALL TO ORDER
President Patricia Preiner called the meeting to order, a quorum being present, at 6:30 p.m.

ROLL CALL
Present: President Patricia Preiner, 2nd Vice-Pres. John Waller, Treasurer Steven Wagamon, and Secretary Michael Bradley.

Absent: 1st Vice-Pres. Barbara Haake with prior notice.

Staff Present: Administrator Phil Belfiori, Public Drainage Inspector Tom Schmidt, Technical Assistant Ashlee Ricci.

Consultants: District Engineer Chris Otterness and Garrett Monson from Houston Engineering, Inc. (HEI); and District Attorney John Kolb from Rinke Noonan.

Visitors: Kim Hetzer, JR Hetzer, Theresa Derksen, Tom Benick, Joanne Benick, Bruce Bernin, Rick Mallinger, David Urban, Kevin Amundsen, Nancy Amundsen, Suzanne Seeley,

STATEMENT OF WATERSHED DISTRICT PRESIDENT

FINAL HEARING:
Repair Anoka/Washington Judicial Ditch 3 (Phase 1)
March 21, 2019

This is the Final Hearing on the proposed repair of Anoka/Washington Judicial Ditch (JD) 3.

I would like to welcome everyone who has come this evening. Under consideration at this evening’s hearing is the Engineer’s recommended repair for JD 3. JD 3 is designated as a “Trunk Drainage System” in the District’s Watershed Management Plan and, as such, repairs of the...
drainage system are funded by the District rather than by assessment to benefitted landowners or by water management district charge within the drainage area of the drainage system.

The purpose of this hearing is to review the Engineer’s recommended repairs and to receive comment from those affected by the proposed repairs.

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 proposed repair; the District’s legal counsel will provide an overview of the actions taken by the Watershed District bringing us to the hearing this evening and the District’s engineer will present information related to proposed repairs.

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

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 final 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, at the appropriate time, 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 repair, 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 repairs have time to speak, I may limit the time any single speaker may comment to five minutes. Please limit redundant or repetitive comments.

Would any of the board members wish to offer any further remarks before we begin?
None of the other board members had any further remarks.

Administrator Belfiori, Drainage Attorney John Kolb, and District Engineer Garrett Monson gave a presentation of information related to the District and its function; and the District’s management of public drainage systems.

District Engineer Garrett Monson gave a general overview of the location of JD3 and explained that the repair report was focused on the drainage system east of the interstate. He reviewed their recommended repairs, including clean-up of vegetation, debris and obstructions. He noted that the recommendation is to request the DNR to reclassify the public water on Branch 3 to wetland so it is regulated under the Wetland Conservation Act, and also coordinate with the DNR on the Ordinary High Water survey for Branch 4. He stated that they are aware of two known rare species in the area, the Blanding’s Turtles and Wilson’s Phalarope and will work with the DNR to make sure they are not posing any impact to nesting or other important season for these species. He outlined the general recommendation for the JD3, which is to complete the repair in two phases beginning with Main Trunk and Branch 3, and later following up with repairs to Branches 1, 2, and 4 to enable the project to be completed in phases of a more manageable size and allow time to address regulatory issues. He reviewed the possible repair items such as replacing culverts, cleaning of the ditch, removal of trees and brush. He explained the 20 to 30 feet of work area along the top of each ditch bank and noted that it is important that people not put fencing or structures in the areas that may be access as part of the ongoing maintenance of the ditch. He showed examples of some of the equipment that may be used as part of the construction project. He gave an overview of the estimated costs for the repair project and noted that they have included a 25% contingency fund as part of the project.

President Preiner stated that the Board is ready to hear from members of the public who wish to comment. Please state your name and address as you begin your comments.

Kevin Amundsen, 1782 Peltier Lake Dr, Centerville, stated that with the repairs more water will be flowing through the ditches. He stated that he already has about 12 inches of water in his backyard and expressed concern regarding how much more he would be getting. He stated that he would also like to know how the new development on 20th and Main Street in Lino Lakes is planning to keep the water run-off from entering the creek.

District Engineer Chris Otterness stated that there will not be a change in the volume of water moving through the ditch system but may be an increase in peak flow rate. He stated that they are not anticipating the project will result in substantial increases in peak flow that will result in damages further downstream.

District Administrator Belfiori stated that he wasn’t familiar with the particular development Mr. Amundsen was referring to, but if it is in Centerville or Lino Lakes and will have more than a quarter-acre of disturbance there are rules and a permitting program in place to ensure standards are met that they cannot increase the rate or flow of water from the previous condition of the site. He noted that they are also required to infiltrate the water for volume control if
necessary, which is where rain garden usage can come in and will also be required to handle water quality issues with holding ponds.

Joanne Benick, 165th South, asked about the timing of the project.

District Engineer Otterness stated that there are a lot of different factors to be considered when putting together this type of project, including weather, availability of contractors, and the time to work through the regulatory process, so at this point, they do not know what time of year the project will be getting started. He stated that usually they like to start by mid-summer because springtime is usually too wet.

Ms. Benick asked if Branch 3 would be in Phase 1 or Phase 2.

District Engineer Otterness stated that Branch 3 will be included in Phase 1 which is planned for completion in 2020, but reminded her that it was subject to delays due to weather and the other issues he just outlined.

Ms. Benick asked if the 20-30 feet of right-of-way was on both sides of the ditch.

District Engineer Otterness stated that is a rough width but noted that they try to use the smallest footprint possible and will work with property owners along the corridor.

Tom Benick, 165th South, asked about the spoil pile and noted that the original spoil pile is still there and asked if the new spoil would simply be put on top of that one.

District Engineer Otterness stated that typically they would try to keep the footprint as small as possible and will place spoil materials on top of or adjacent to existing spoil piles. He stated that if a landowner would like it to be leveled off and down a bit lower, the District can widen the construction footprint to facilitate leveling.

Mr. Benick noted that the old spoil pile is probably still 5 feet tall and stated that he would not like it to go any higher than that.

Suzanne Seeley, 1784 Peltier Lake Drive, Centerville, asked about the expectations mentioned in the introduction that the work was based on 2-, 10-, and 100-year flood events. She asked what years the span will cover and asked if it was literal.

District Attorney Kolb clarified that when they talk about 2-, 10-, and 100-year run-off events they mean the probability. He stated that for example, a 100-year event has a 1% chance of occurring any given year, a 10-year run-off event has a 10% chance and a 2-year event has a 50% chance. He explained that this information is taken from regionally based statistical averages.

Ms. Seeley stated that she is concerned about climate change and is not sure that looking backward will be an accurate depiction of what may happen in the future.

District Attorney Kolb stated that they are constrained to put it back as close as they can to the hydrological efficiency to which it was originally constructed. He noted that the District has taken into account climate change resiliency and built that into the plans.

Manager Bradley stated that the City of Hugo has been a leader in the State with regard to addressing issues with regard to water storage, infiltration, reuse and reclamation.
District Engineer Otterness stated that the District has invested a substantial amount of money in what is called a “future conditions model” to help predict the effect of land development on drainage.

Manager Waller stated that the Phase 3 that was alluded to by District Attorney Kolb is the part in Centerville for the natural water course area so this project won’t just be in Hugo.

Theresa Derksen, 4788 Dahlia Way N, Hugo, stated that the maps that were given to the property owners are very fuzzy and outdated. She asked if they could have access to better maps that show exact locations of the ditches and the project area.

District Administrator Belfiori noted that if the District could get her address, they can make sure they send her an accurate map that shows her location and the ditch.

Ms. Derksen stated that she lives in Creekside Villas and JD3 flows through Clearwater Creek. She asked if Clearwater Creek would also be part of this project.

District Attorney Kolb stated that there is a portion of JD3 that is also part of Clearwater Creek that is a natural water course section. He stated that depending on exactly where Creekside Villas is, he wasn’t sure if it would be concurrent and part of the project.

District Engineer Otterness stated that where she is located is adjacent to the Main Trunk and will have work done at this location under Phase 1. He stated that there will be a landowner meeting when they reach the construction phase and they will provide a close-up map of their property with the work corridor identified.

President Preiner stated that staff will also be on-site and can answer any questions the land owners have during the project as well.

Ms. Derksen confirmed that the contact person for land owners would be District Administrator Belfiori.

David Urban, 4611 Provance Way, asked if there has ever been anything done to this ditch since it was installed.

Manager Waller stated that there had been maintenance done in 1959.

District Administrator Belfiori stated that there has been some minor maintenance done on JD3 such as tree removal over the last ten years or so.

Bryan Bear, City of Hugo Administrator, thanked the Board for the effort they have gone through and stated that the City of Hugo recognizes the importance of this project. He stated that they look forward to the completed project. He stated that the landowner meetings will be very important and that the City is a significant land owner in the work corridor and would like to have some input at those meetings. He stated that there are also a number of home owners associations in this area that may not have been notified about this project yet because officially the City owns the property. He gave examples of the Victor Gardens, Clearwater Cove, and Waters Edge neighborhoods. He asked that the Board consider partnering with the City of Hugo in setting up meetings with the home owners associations boards as the project moves forward.
Being no further testimony from the public, President Preiner closed the public comment portion of the hearing at 7:47 p.m.

District Attorney Kolb suggested that the comment period be left open until close of business on Tuesday, March 26, 2019 in order to allow additional comments to be submitted. Written comments should be sent to 4325 Pheasant Ridge Drive, Suite 611, Blaine, MN 55449. He stated that the Board can take action on this item on their regular Board meeting on April 10, 2019 at 9:00 a.m. in the Shoreview City Hall Council Chambers.

**Motion by Manager Waller, seconded by Manager Bradley to hold the comment period open for written comments through 4:30 p.m. on March 26, 2019. Motion carried 4-0.**

**Motion by Manager Wagamon, seconded by Manager Bradley to direct staff to prepare findings and an order consistent with the proceedings, including responses to all comments received through the public comment process; that (subject to any further written comment) the draft findings and order be written to affect the Phase 1 repair of JD3 according to the engineer's recommendation; and that we recess this hearing to the Board’s regular meeting on April 10, 2019 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 repairs. Motion passed 4-0.**

**Motion by Manager Waller, seconded by Manager Bradley to recess the public hearing at 7:51 p.m. Motion passed 4-0.**