Minutes

CALL TO ORDER
President Preiner called the meeting to order, a quorum being present, at 7:30 p.m.

ROLL CALL
Present: President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Treasurer Steve Wagamon, and Secretary Mike Bradley.

Absent: None.

Staff Present: Administrator Phil Belfiori; Public Drainage Inspector Tom Schmidt, and Office Manager Theresa Stasica.

Consultants: District Engineers Chris Otterness & Garrett Monson—Houston Engineering (HEI); Drainage Attorney John Kolb-Rinke Noonan.

Visitors: Duane Gillette, John Young, Jennifer VanCannett, Brent & Lisa Schlieff, Mark Jungwirth, Jim Collar, Dick Dunsmore, Darrell Thurnbeck, Robert Owen.

President Preiner read the following statement of Watershed District President.

FINAL HEARING:
Repair of Anoka County Ditch 31 and Adoption of Water Management District Charges for the Repair of Anoka County Ditch 31

December 8, 2015

This is the Final Hearing on the proposed repair of Anoka County Ditch (ACD) 31 and for the adoption of water management district charges for the repair of ACD 31.
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 ACD 31 and the adoption of water management district charges to pay
the local allocation of costs for the repair of ACD 31.

The purpose of this hearing is to review the Engineer’s recommended repair, the allocation of costs and basis of
water management district charges, and to receive comment from those affected by the proposed repair and
charges.

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 and water management district charges;
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 repair and the
establishment of charges.

Following the staff presentation, I will open the hearing for public comment. The Board would like to hear your
comments on the proposed repair and water management district charges 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 or charges, 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 repair and charges 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?
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 timeline of the process to date; standard for the Board’s decision; the Engineer’s recommended repair alternative number 2; the total project cost & allocations.

Drainage Attorney Kolb read Duane Gillette’s email dated 11/20/2015 addressed to Phil Belfiori regarding the ACD 31 into the record. District Engineer Otterness responded that the drainage would be restored to what it was when originally constructed. It would take the water down through branch two and past Mr. Gillette’s property. In regards to branches 4-7, branch 4 is not located within the Rice Creek Watershed District and not considered a part of the project. Branch’s 5-7 were determined through the legal proceedings to be part of the public drainage system. In regards to the concern of the work being done now is because of new development, this project was precipitated over six years ago due to concern from several landowners in the system and is not related to any sort of response from any single landowner and is not related to any development that is occurring throughout the system. Through analysis they have determined that the majority of the original drainage system has not been over excavated beyond what it was originally excavated at. There are a few exceptions on the main trunk where ponds have been created and excavated lower than the original system was excavated but overall there is currently a higher ditch bottom than when originally constructed. There was a concern about being able to maintain the ditch into the future and one of the aspects of this project is they will be able to provide a right-of-way corridor through this project and will allow maintenance to occur in the future.

Member Bradley asked what the relationship will be between the private ditch and their ditch after repairs are made. Is it anticipated that the water will still flow down the private ditch. District Engineer Otterness stated the private ditch will still continue to carry flow but not as much as it is currently carrying and will continue to be an outlet for larger flows. Both drainage systems will carry the flow into the future and Rice Creek Watershed District will not be doing any repairs to the private ditch.

Drainage Attorney Kolb read the MN DNR’s letter dated 12/2/2015 addressed to Phil Belfiori regarding the ACD 31 repair report and repair report addendum into the record. District Engineer Otterness responded in regards to the construction of an outlet to the main trunk which will create a decrease in velocities coming down stream and providing some benefit for sediment removal on this location. This is one of the locations they had proposed in alternative four for doing a wetland restoration. This is on the main trunk which parallels Kettle Boulevard and they have determined that alternative would really be not feasible due to a few reasons. An easement would need to be acquired in order to impound water onto the properties, which are privately owned. In addition, upstream of that location there are several landowners over the subsequent years that had expressed concern over the drainage on their property and constructing an outlet would make the drainage problems worse into the future. As part of their process they reviewed the DNR Natural Heritage Database and although the database did identify several rare plant species that were near the watershed to ACD 31, there were not any rare species identified adjacent to the ditch. In regards to the Blanding’s Turtles they have provided the DNR flyer and worksheet with specifications to alert the contractor to the presence and to make sure that people are aware of them and to watch for them during construction.

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.
Commenters:

Robert Owen, 17064 Notre Dame Street, stated he has lived there for thirty years and it appears that the private ditch has about two feet of water and appears to be due to the fact that downstream from him is one culvert that is fairly high in the crossing berth and almost acting like a dam so if they open up the culvert what will stop everything from running down the private ditch. District Engineer Otterness stated the work they are proposing would strictly be on the public portion of the drainage system and there will not be any work done on the private ditch. Because they would be restoring the historic outlet for that flow – ACD 31 Branch 2 -- there should be a reduction in the amount of flow going down the private ditch system.

Duane Gillette, 17016 Vaser Street, stated he read in the report that the reason this repair is so different from previous ones done over the years is it was directed to the engineer to take into account the future development. District Engineer Otterness indicated that was correct. Mr. Gillette asked where the future development was anticipated to come from. District Engineer Otterness stated the development is based on the City of Columbus’ current zoning regulations. There is potential for future volume to be created because of additional hard surface from roads, driveways and roof tops. Regulations require onsite storage of the runoff and release it at a rate so the flow from the property would not be any greater than what it already is. Mr. Gillette stated the other concern is the cost benefit issue regarding this repair. It seemed to him that because of the direction of considering future development that it got to be a pretty large project in scope and he wondered if that was really necessary.

Manager Bradley asked if RCWD was not taking future development into account, would the ditch be repaired differently. District Engineer Otterness stated they would not because they found that future development would have little effect on how the system functions.

Mr. Gillette stated he wanted to point out a couple of discrepancies in the report such as the initial water level coming in on branch two at a hundred-year flood and at the intersection of branch one it is shown as lower by three feet. He wondered how he can comment on things when all he is provided is public records and he has run across a lot of discrepancies and things not being followed through on. He thought this was pushed through in order to benefit only future development.

Jim Collar, 17108 Kettle River Boulevard, stated he was concerned about the high spots along the main trunk system. He thought the high spots should be addressed before any of the other areas in the proposed plan is done and then they can see what kind of effect that has on the drainage rather than make more work out of this. He wondered if that had been considered. President Preiner indicated it has all been considered and that this has been in the works for years. Mr. Collar asked why nothing has been done until now. President Preiner indicated it takes a lot of time and engineering and a lot of study before actual work can be done. Mr. Collar asked if it takes that long in order to remove a high spot. District Engineer Otterness stated a large part of the construction costs they have is for tree removal in order to access the project and remove some of the high spots that are located within the ditch and amounts to almost half of the construction costs to be able to provide access throughout the system to enable maintenance into the future. One thing the District has tried to do in the past is to try to remove high spots as they occur but it has been found that taking that approach actually costs more money than going through a systematic repair in the long run because they are continually having to go back and fix the same spots over and over again because the rest of the system is not allowing the
sediment to continue on and it continues to build up. Mr. Collar stated at the last meeting in reply to a
question asked by him regarding if adjacent property owners along Kettle River Boulevard would benefit by this
project and the answer was it would not benefit them at all but they would be assessed for the privilege of
having the ditch go through their property. He felt the assessment of over $1,000 was steep for having the
privilege of having a ditch go through their property. District Engineer Otterness stated the charges they have
proposed are not based on benefit but based on the amount of runoff they provide to the drainage system
regardless of where they are located. Mr. Collar stated the ongoing maintenance concerns him and to him
would be an ongoing tax. He noted the last time the ditch was dug out in two years the silt filled it up and you
could not tell that maintenance was ever done on it. President Preiner stated maintenance becomes less once
the entire ditch it repaired. She stated the County never cleaned the ditches and the Watershed District took
over in 1972 and are now able to get this done. Manager Bradley stated there is a difference between
maintenance and repair and what they are doing now is repair. Maintenance is under their maintenance budget
and is not local but throughout the entire District.

Darrell Thurnbeck, 1810 165th Avenue, stated he wanted to address his 300 acres that he is developing and only
approximately 80 acres that are on the ditch 31 system. They are not flooding the system and are only opening up the
areas alongside the ditch to open up the crop lands so it does not flood in the spring and then they can get in there and
plant it. As far as assessments, he wondered if it included crop land or just the area the ditch benefits. District Engineer
Otterness stated it would only be the area of property located within the water management district.

Joel VanCannett, 17070 Kettle River Road, stated on the main trunk and branch 2 his concern is what percentage will
water increase by fixing the ditch. District Engineer Otterness stated he did not have an exact volume on a seasonal basis
but there will be more flow going through there following rainfalls due to the restored outlet. They are only restoring the
ditch back to what it was when originally constructed. Mr. VanCannett stated this raised concerns with him because they
do not know how much the water flow will increase so how do they know that the main trunk will carry the water and not
flood properties. District Engineer Otterness stated they have run models under several rainfall conditions, and they have
not identified in the modeling damages resulting from flooding of property as a result of the project. For the most part
water elevations will be going down through the system but there are going to be some locations where the peak water
elevation will increase due to the increase in the flow. Mr. VanCannett stated they are opening a ditch that has been
clogged for a number of years and by opening it up they will allow all the water to flow into the main trunk and they have
a real problem with ditch 2 in Howard Lake and he thought that needs to be analyzed. When he looked at the cost
breakdown sixty-two percent has gone to engineering and legal fees and he wondered if that was correct. District
Engineer Otterness indicated that was incorrect. There are costs for wetland avoidance which is part of the project as well
and is rolled into the sixty-two percent paid for by the District as a whole, which is a big cost. He stated there are costs
associated with cleaning out a portion of the drainage system due to requirements of not only the Wetland Conservation
Act but also the Clean Water Act that is regulated by the Army Corp of Engineers. By not doing this maintenance or
restoration there will be a savings in costs to the project which has been allocated to all of District. In other words, a credit
has been given to the water management district which has reduced the charge for local landowners.

President Preiner stated: Is there anyone else who would care to speak? Does anyone have written materials
they wish to present? There being no further comment from the public, I close the public comment portion of
the hearing.

Motion by Manager Haake, seconded by Manager Wagamon, 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 the draft findings and order be written to affect the repair of ACD 31 according to
the engineer's recommendation and to establish water management district charges according to charge and cost allocation analysis; and that we recess this hearing to the Board's regular meeting on January 13, 2016, 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 repair and establishment of water management district charges. Motion carried 5-0.

President Preiner recessed the meeting.