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, 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: Bob Reeves, Randy Grubbs, Mary Poguba, Berta Boehm, Evan Whitby.
President Preiner read the following statement of Watershed District President.

FINAL HEARING:
Repair of Anoka County Ditch 46 and
Adoption of Water Management District Charges
for the Repair of Anoka County Ditch 46

December 8, 2015

This is the Final Hearing on the proposed repair of Anoka County Ditch (ACD) 46 and for the adoption of water management district charges for the repair of ACD 46.
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 46 and the adoption of water management district charges to pay the local allocation of costs for the repair of ACD 46.

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 5; the total project cost & allocations.

District Engineer Otterness showed on the graphic where the drainage ditch is located at. He noted there are five branches and a Main Trunk included in the public drainage system, with one private open channel that is currently taking the flow from the public system. He stated that the private open channel is not a part of the public drainage system and was not part of the original construction but because of a blockage on Camp Three Road, the water cannot get through to the main trunk so the water north of Camp Three Road follows the Camp Three Road drainage ditch and heads south. He explained the system is in disrepair with a substantial amount of sediment in the ditch and some culverts are too high and there are several culverts are actually too small to allow the water to flow through at full capacity through the system. He stated they are recommending excavation of the open channel for the majority of the drainage system with three locations of the drainage system not being recommended for repair at this time that flow through public waters. He noted the branches that are not being recommended for repair at this time will not be abandoned they will be reviewed occasionally for minor maintenance as need arises. As part of the excavation of the open channel they are recommending that trees, brush and debris along the open channel be removed, including any trees and brush from bank to bank on the ditch.

District Engineer Otterness stated in addition they are recommending that at least one rod, or sixteen and a half feet from the top of bank on out, that corridor have trees and brush removed to allow future access for work and to be able to complete the repairs that were recommended. At the end of construction they will be restoring the ground cover with grass cover. In addition to the excavation of the open channel they are recommending replacement of eleven culverts. Three of the culverts are currently under city streets, one under a County Highway and several are under private driveways. They are recommending replacement of the culverts which are generally too high, corroded or too small. The City of Columbus has requested to have those culverts under city streets be replaced by the Watershed District as part of their overall project contract however; Anoka County is electing to replace the Highway 19 culvert on their own, independent of the project.

District Engineer Otterness stated the total cost is estimated currently at a little over $770,000. He reviewed the costs with the public.

Drainage Attorney Kolb read the MN DNR’s letter dated 12/2/2015 addressed to Phil Belfiori regarding the ACD 46 repair report and repair report addendum into the record.

District Engineer Otterness responded to the MN DNR letter and added the reason why they are not recommending Alternative four is because this is no longer a viable option because the District does not have land rights to those properties at this time. Some of the properties are also experiencing drainage problems and those problems would be exacerbated if the structures were in place. Regarding the natural channel design principals the MN DNR would like added, the main trunk of County Ditch 46 where it comes across Potomac Street and Lake Drive already has a meandering channel to it and the District would be maintaining that channel as part of their repair and would not straighten it out. He noted they are already following some of those principals in their repair already and other portions of the drainage system the ditch is very shallow and
would not make sense to incorporate a two stage design for those portions of the drainage system. He stated they did review the DNR Natural Heritage database as part of the repair report and in reviewing that they did identify there are some rare species near the watershed but there were not any adjacent to the drainage system, in particular the portions they are planning to repair.

District Engineer Otterness stated in regards to the Blanding Turtles, the plans and specs they have done in other areas where Blanding Turtles are located at they have included a flyer and spec sheet as part of the appendix of the project specifications and would be their intent to follow that process in this case as well. There were also concerns about the water bird nesting sites and due to the typically high water conditions in the spring it would not be feasible for the project to occur at that time when the nesting season occurs, so it does not seem like there will be a conflict. In regards to the buffer initiative law, neither the buffer initiative law nor the drainage law requires establishment of permanent vegetative buffer right now as part of the project repair; however they are planning to vegetate any areas they are disturbing but it is the landowners' responsibility to maintain it.

Manager Mike Bradley asked if the measurement is one rod and not fifty feet measurements for a buffer of ditches. Drainage Attorney Kolb stated that is correct and the key to the DNR’s letter is this is a generic comment. The DNR is in the process of mapping and there is a lot of confusion there and ultimately it is the landowners obligation once the law takes effect, which for this particular water course will not be until November 1, 2018 so at least at this point District Engineer Otterness’ comment is correct and there is no requirement to establish one at this time. Most of these area currently have some level of buffering. Manager Bradley thought the District response should be that they are going to place vegetation within the one rod distance and will leave it in good condition for the owners once the law goes into effect. He stated he was a little curious about the DNR’s request that they repair the wetlands but he will put the burden on them and if they want that done then the DNR should do it. Drainage Attorney Kolb understood the sentiment and thought the way District Engineer Otterness described this, the wetland restoration was an idea early on in the process that over the course of investigating the feasibility, the landowners did not want to give the District the easement, and the reality of the complaints the Board has already received regarding the efficiency of Ditch 46, those particular restorations that were initially considered back in 2010 would not address those drainage efficiency concerns. He thought the District has shown historically a commitment where there is an appropriate project and opportunity to restore wetlands and make that public investment in those particular water quality or water quantity management features on a landscape, it has done so and he did not think anything in the DNR’s letter suggests that it has to happen again.

Manager Bradley asked if this is not feasible to do should they look at abandoning it. Drainage Attorney Kolb stated there is a difference between abandoning the ditch and doing wetland restoration. Abandoning the ditch would be if the ditch served no useful purpose and clearly the ditch does serve a useful public purpose. To the extent that they cannot accomplish both requirements, maintaining the outlet as is required by law and doing the wetland enhancement, the one that has to give in this case is the wetland enhancement because you otherwise have a statutory obligation to maintain the drainage system.

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.
Commentors:

Evan Whitby stated his concern is not wetlands along the ditch but they have a protected water wetland area at the start of the ditch and he wondered if that area would be affected. District Engineer Otterness stated that portion south of 153rd would not be repaired at this time and would only be maintained. Mr. Whitby asked if the aquifer would be affected. District Engineer Otterness stated the intent is to try to replicate the condition as it was when originally constructed and not the intent of the project to drain any of the aquifer, it is only to provide a way for surface water to be drained from the properties.

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 effect the repair of ACD 46 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.