COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE:       April 22, 2019
AGENDA NUMBER:      6
ITEM:               Hearing: Ditch 59-8 & 59-9 Impoundments

POLICY IMPACT:       Policy
FISCAL IMPACT:       Budgeted

REQUEST
Subject to comments and corrections at the public hearing:
1. Find that the proposed impoundment will be of a public or private benefit and not
   impair the utility of the drainage system or deprive the affected land owners of its
   benefit
2. Order the modification to the public drainage system as proposed
3. Authorize the project, identifying the City of Blaine as the party responsible for
   construction of the project and the acquisition of any easements.

BACKGROUND
At the January 28, 2019 the Board was informed that “The City of Blaine will be
submitting a petition for the impoundment of two ditches to establish a wetland bank.”

On Friday March 1, 2019 the District received a “Petition for Impoundment” from the
City of Blaine to create an impoundment of two branch ditches of County Ditch 59.
Those ditches were 59-8 and 59-9. The purpose of the impoundment is the restoration of
wetland for the creation of a State and Federal wetland mitigation bank.

At the March 11, 2019 meeting the Board of Managers received the City’s petition and
ordered the District Engineer to conduct an analysis and prepare a report on the effect of
the proposed impoundment and file a report of findings with the Board of Managers

On April 8, 2019 the District engineer filed his report with the Board and presented his
findings. In the report the Engineer found that there would be no adverse downstream or
upstream impacts from the installation of either proposed weir. The Board adopted
resolution 19-06, receiving the Engineer’s report for filing and ordering a public hearing
on this matter

A hearing on the petition for April 22, 2019. At that hearing the Board of Managers will
consider:
1. The Engineer’s report
2. Other evidence presented on this matter

Public Notice (Attached) was posted on the District web site commencing April 9, 2019.
Notice was also published in the ABC news April 12 & 19, 2019.
Actual notice was sent to the following property owners:

<table>
<thead>
<tr>
<th>Land Owner</th>
<th>Use</th>
<th>Ditch System</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Blaine</td>
<td>Nature Park</td>
<td>59-8</td>
<td>8.8</td>
</tr>
<tr>
<td>Critical Connections, Inc. (Jason Huvseth)</td>
<td>Wetland Restoration for wetland bank &amp; potential E&amp;T Bank</td>
<td>59-9</td>
<td>7.5</td>
</tr>
<tr>
<td>Century 21 Bank (Tom Dolphin)</td>
<td>Owns land that was approved by the Board for</td>
<td>59-9</td>
<td>2.0</td>
</tr>
</tbody>
</table>

**ISSUES/CONCERNS**

**Findings**: Upon hearing the Board of Managers must find the proposed impoundment will:

1. Be of a public or private benefit
2. Not impair the utility of the drainage system or deprive the affected land owners of its benefit

**Order**: Finding the above, the Board shall

1. Order the modification to the public drainage system as proposed
2. Authorize the project, identifying City of Blaine as the party responsible for construction and maintenance of the project, including acquisition of any easements.

**Hearing**

1. Convene Hearing
2. Purpose of Hearing: to review and discuss the petition and engineer’s report on creating an impoundment on County Ditch No. 59-Branch 8 and County Ditch 59 Branch 9 in the City of Blaine.
3. Review of Petition
4. Review of Engineers Report
5. Public Comment
6. Close Hearing

**Items to Listen for**:

- Is the proposed impoundment of a public or private benefit?
- Potential impairment of the utility of the drainage system
- Potential deprivation of the affected land owners of the ditch’s benefit

**RECOMMENDATION**

Listen to public input
Depending on input and clarifications adopt the attached FINDINGS OF FACT, CONCLUSIONS AND ORDER
STATE OF MINNESOTA,  
COUNTY OF ANOKA  

FINDINGS OF FACT, CONCLUSIONS  
AND ORDER  

COON CREEK WATERSHED DISTRICT  

In the Matter of:  
Anoka County Ditch Nos. 59-8 and 59-9  

The above matter came for hearing before the Coon Creek Watershed District Board of Managers pursuant to Minnesota Statutes section 103E.227 (3)(b) (2013) on April 22, 2019 at ________ p.m. at the regular meeting of the Coon Creek Watershed District Board of Managers in the Bunker Hills Activity Center, 550 Bunker Boulevard, Andover, MN 55304.  

The hearing was held upon the petition of the City of Blaine to impound water for beneficial use under Minnesota Statutes section 103E.227 (2018).  

Based upon the record and proceedings in this matter the Coon Creek Watershed District Board of Managers makes the following:  

FINDINGS OF FACT  

1. The Coon Creek Watershed District (District) published the Notice of Hearing in this matter on the following dates in the following newspapers:  

<table>
<thead>
<tr>
<th>Publication Date</th>
<th>Newspaper</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 12 &amp; 19, 2019</td>
<td>ABC News</td>
</tr>
</tbody>
</table>

The District also posted the Notice of Hearing on its website April 9 through April 22, 2019.  

2. Pursuant to Minnesota Statutes sections 103E.227 (3)(b) and 103E.261 (1) (2018) the District on April 10, 2019 mailed the Notice of Hearing to the petitioner City of Blaine and affected property owners and political subdivisions.  

3. All interested parties who were present and desired to be heard were heard.  

4. Anoka County Ditch No. 59-Branch 8 and Branch 9 is part of the public drainage system lying entirely within Anoka County and the Coon Creek Watershed District. The District as the drainage authority has jurisdiction over this public drainage system.
5. On March 11, 2019 the District Board of Managers received a petition from the City of Blaine under Minnesota Statutes section 103E.227 (2018) to impound water for beneficial use within that part of County Ditch No. 59-Branch 8 and Branch 9 located within and immediately adjacent to Pioneer Park, Blaine, MN, as more particularly described in the attached Exhibit A (Impoundment Area).

6. The impoundment as proposed by the City of Blaine consists of the installation of one weir on County Ditch No 59-Branch 8 and one weir on County Ditch No. 59-Branch 9. The proposed weirs will impound surface water to enhance wetlands and to create additional wetlands in Pioneer Park.

7. The City of Blaine has agreed it will be responsible for the installation and construction costs of the proposed drainage system modification. The City of Blaine also agrees to acquire at its expense any necessary drainage easements for construction and maintenance of the proposed project.

8. Pursuant to Minnesota Statutes section 103E.227 (3)(a) (2018) the District directed the District Engineer Wenck Associates, Inc. to investigate the effect of the proposed impoundment and drainage system modification and prepare a report on the findings.

9. The District Engineer has completed his work and filed his report.

10. The District Engineer reported that the proposed impoundment project does not impair the utility of the ditch system or deprive affected land owners of its benefit. The only property likely to be affected by the proposed project is the City of Blaine’s property upon which the impoundment is located. Additionally, the modeling results show that the water surface elevations and peak discharge downstream of the impoundment are not materially changed and therefore are not impairing the utility of the ditch or depriving affected land owners of its benefit. The Engineer also reported that the proposed ditch modification is not expected to have any negative environmental impacts. The proposed project’s most significant public benefit is the enhancement of wetlands and upland habitat in Pioneer Park through extended detention of surface water. The District Engineer concluded that the proposed project will not impair the function of the drainage system or increase water elevations that will deprive land owners of the drainage system’s benefit or use of their land.

CONCLUSIONS AND ORDER

1. Based upon the hearing, Engineer’s Report and other evidence presented, the impoundment project as proposed by petitioner City of Blaine will be of a public or
private benefit and will not impair the utility of the drainage system or deprive affected land owners of its benefit.

2. The drainage system shall be modified as set forth in the City of Blaine’s plans, as approved by the District.

3. Before installing or constructing the impoundment project petitioner City of Blaine shall obtain all required permits and at its cost acquire all necessary drainage easements.

4. Petitioner City of Blaine shall be responsible for the construction and installation of the drainage system modification and associated project costs and easement acquisitions. Petitioner City of Blaine shall also be responsible at its costs for any future maintenance of the impoundment project as constructed.

IT IS SO ORDERED.

Dated: April 22, 2019

COON CREEK WATERSHED
DISTRICT
BOARD OF MANAGERS

____________________________________
Its President