COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: April 22, 2013
AGENDA NUMBER: 8
ITEM: Accepting CD 17 from Anoka County

POLICY IMPACT: Policy
FISCAL IMPACT: Budgeted

REQUEST
Accepting CD 17 from Anoka County

BACKGROUND
In 2012 as part of the merger with SCWMO, the opted to request or the Anoka County Board the transfer of “Drainage Authority” over County Ditch 17 to the District. In February 2013 District Staff contacted Anoka County to explore the transfer of the Ditch. Based on that request, Anoka County adopted and implemented the following schedule:

- February 15, 2013 Public Works sets a public hearing to consider turning CD 17 over to the Coon Creek Watershed District for March 26th at 10:00 AM
- March 8, 2013 and March 15, 2013 Notice of Hearing is Published.
- March 26, 2013 County Board holds a public hearing.
- April 1, 2013 Public Works recommends the Board Pass the order to the CCWD to take over CD 17.
- April 8, 2013 County Board approves the order to the CCWD to take over CD 17.
- April 8, 2013 a letter along with a copy of the order (Resolution 2013-PW08) is sent to the CCWD with an effective date of April 8, 2013.

A copy of the order is attached. Anoka County has requested and District Council and Staff agree that the Board should adopt a resolution receiving responsibility and jurisdiction for the ditch.

ISSUES/CONCERNS
History: In 1959 the Anoka County Board of Commissioners transferred to the Coon Creek Watershed District all Anoka County public drainage systems within its boundaries. The Coon Creek Watershed District therefore acquired jurisdiction over those drainage systems, with the statutory authority to repair, maintain and improve them. The Coon Creek Watershed District as a metropolitan watershed district has the powers and duties over the works of the District, including its public ditch systems, as provided under the Minnesota Watershed Law (103D), the Drainage Law (103E) and the Metropolitan Surface Water Management Act (103B).
In 2012 the Minnesota Board of Water and Soil Resources amended the Coon Creek Watershed District boundary by adding 15 square miles of Blaine, Coon Rapids, Fridley and Spring Lake Park that had been part of the Six Cities Water Management
Organization. Included in the amended area was Anoka County Ditch 17 (Springbrook Creek).

County Ditch 17 was established in 1892 upon landowner petition to the Anoka County Board of Commissioners, as provided under the Drainage Law (now Minnesota Statutes chapter 103E). County Ditch 17 is approximately 26,088 feet (4.94 miles) in length and is the principal stormwater outlet for approximately 2,900 acres (5.4 square miles) of residential commercial and industrial land in Blaine, Coon Rapids, Fridley and Spring Lake Park. The Ditch has suffered from a lack of maintenance and oversight leading to a host of flooding and water quality problems and interfering with development and redevelopment.

**RECOMMENDATION**
Adopt resolution accepting transfer of jurisdiction and control for County Ditch 17
COON CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

RESOLUTION ACCEPTING TRANSFER AND JURISDICTION
OF ANOKA COUNTY PUBLIC DITCH NO. 17

WHEREAS, the Coon Creek Watershed District is a metropolitan watershed district located in Anoka County, established in 1959 by the Minnesota Board of Water and Soil Resources (BWSR) upon petition of Anoka County; and

WHEREAS, the Coon Creek Watershed District as a metropolitan watershed district has the powers and duties over the works of the District, including its public drainage systems, as provided under the Minnesota Watershed Law (Minnesota Statutes Chapter 103D), the Drainage Law (Minnesota Statutes Chapter 103E) and the Metropolitan Surface Water Management Act (Minnesota Statutes Chapter 103B); and

WHEREAS, in 2012 BWSR amended the Coon Creek Watershed District boundary by adding fifteen square miles of land formerly within the Six Cities Watershed Management Organization. This area includes land within the cities of Blaine, Coon Rapids, Fridley and Spring Lake Park; and

WHEREAS, Anoka County Public Ditch No. 17 is located within the Coon Creek Watershed District’s newly acquired boundary; and

WHEREAS, Anoka County Public Ditch No. 17 was established in 1892 upon landowner petition to the Anoka County Board of Commissioners, as provided under the Drainage Law (now Minnesota Statutes Chapter 103E). Anoka County Public Ditch No. 17 is approximately 4.94 miles in length and is the principal stormwater outlet for approximately 5.4 miles of residential, commercial and industrial land in the cities of Blaine, Coon Rapids, Fridley and Spring Lake Park; and

WHEREAS, on March 26, 2013 the Anoka County Board of Commissioners held a public hearing under Minnesota Statutes section 103D.625 (2012) to consider transferring to the Coon Creek Watershed District jurisdiction and control over Anoka County Public Ditch No. 17. Upon hearing the Anoka County Board of Commissioners by resolution dated April 9, 2013 determined it would be in the public’s best interest to transfer Anoka County Public Ditch No. 17 to the Coon Creek Watershed District for its control and management, consistent with the Coon Creek Watershed District’s statutory authorities and powers to manage the water resources in the watershed in a uniform and comprehensive manner; and

WHEREAS, the Anoka County Board of Commissioner’s transfer order is contingent upon the Coon Creek Watershed District’s accepting jurisdiction and control over the Anoka County Public Ditch No. 17 system; and
WHEREAS, the Coon Creek Watershed District agrees that it is in the public’s best interest and in accordance with the Coon Creek Watershed District’s statutory authorities and powers that it acquire jurisdiction and control over the Anoka County Public Ditch No. 17 system.

NOW, THEREFORE, BE IT RESOLVED, that the Coon Creek Watershed District in accordance with Minnesota Statutes section 103D.625 (2012) accepts from the Anoka County Board of Commissioners the transfer of jurisdiction and control of Anoka County Ditch No. 17, with the right to manage, repair and maintain it as provided under law.
RESOLUTION #2013-PW08
RESOLUTION TRANSFERRING JURISDICTION OF COUNTY DITCH #17

WHEREAS the Coon Creek Watershed District was created in 1959 pursuant to the Watershed Act, Minnesota Statutes Chapter 103D and the Coon Creek Watershed District holds the powers and authorities set forth in Chapter 103D. In 2012 the Coon Creek Watershed District petitioned and was granted authority to expand its boundaries to incorporate lands and properties north and west of the Rice Creek Watershed District that were formerly within the Six Cities Watershed Management Organization. This additional boundary involves land within the cities of Blaine, Coon Rapids, Fridley and Spring Lake Park. Anoka County Ditch #17 is located in the newly acquired boundary; and

WHEREAS, the Coon Creek Watershed District is willing to accept responsibility for County Ditch #17. Anoka County initiated a transfer and held a public hearing to consider the transfer of jurisdiction of County Ditch #17 to the Coon Creek Watershed District; and,

WHEREAS, under Minn. Stat. §103D.625, the Anoka County Board of Commissioners is authorized after a public hearing to transfer control of County Ditch #17 to the Coon Creek Watershed District unless it appears that the transfer would not serve the purpose of Minn. Stat. Chap. 103D and would not be for the public welfare or be in the public interest; and,

WHEREAS, a public hearing on the transfer of authority for County Ditch #17 was held on March 26, 2013, pursuant to the requirements of Minn. Stat. §103D.625; and,

WHEREAS, Coon Creek Watershed District has developed extensive information relative to water, watercourses and the general water conditions and problems in the areas of County Ditch #17 and are in the process of finalizing the 2013 – 2023 Comprehensive Plan; and

WHEREAS, the transfer of County Ditch #17 would allow expanded options for projects because a watershed district has the ability to undertake drainage system projects in a manner that could not be undertaken by the county board acting as the drainage authority; and,

WHEREAS, the transfer of County Ditch #17 is in the public interest and would be for the public welfare:

NOW, THEREFORE, BE IT RESOLVED that, upon adoption of a resolution by the Coon Creek Watershed District to accept the transfer of jurisdiction of County Ditch #17, the Anoka County Board of Commissioners orders the Coon Creek Watershed District to take over the county drainage system known as County Ditch #17, together with the right to repair and maintain the drainage systems.