COON CREEK WATERSHED DISTRICT
Request for Board Action

MEETING DATE: October 14, 2013
AGENDA NUMBER: 8
ITEM: Hearing: Ditch 44-8 Impoundment

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 Anoka County as the party responsible for construction of the project (In this case acquisition of the easements)

BACKGROUND
At the September 9, 2013 meeting the Board of Managers received a petition from Anoka County to commence an impoundment proceeding pursuant to Minnesota Statute 103E.227 (2012). At that meeting the Board directed the District Engineer to investigate the effect of the proposed impoundment upon the benefited properties and the properties affected by the County proposal to reroute part of the flow of County Ditch 44 branch 8 easterly to County Ditch 44 branch 7. The Board adopted resolution 13-06.

At the September 23 meeting, the Board heard and received the Engineer’s report. At that meeting, the Board also ordered a hearing on the petition for October 14, 2013. 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 September 30. Notice was also published in the ABC news October 4 & 11, 2013.

Actual notice was sent to Anoka County and the City of Ham Lake and the following property owners:
Knoll Family Limited Ptnshp
Elwell Thomas A Etal
Elwell Catherine B
Hoffman Dianne
Johnson David L & Kathleen M
**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 Anoka County as the party responsible for construction of the project (In this case acquisition of the 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 44-8 in Ham Lake.
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 or
- 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
COON CREEK WATERSHED DISTRICT
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Managers of the Coon Creek Watershed District will hold a public hearing on

**Monday, October 14, 2013 at 7:30 PM**

at

Bunker Hills Activity Center,
550 Bunker Lake Bld.
Andover, Minnesota

The purpose of the hearing is to review and discuss the petition and engineer’s report on creating an impoundment on County Ditch 44-8 in Ham Lake. Input from the hearing is to assist the Board of Managers in determining if the proposed impoundment is of public and private benefit and will not impair the utility of the drainage system or deprive the affected land owners of the ditch’s benefit.

Questions should be directed to the Coon Creek Watershed District at 763-755-0975. The petition and engineers report is available at www.cooncreekwd.org
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>
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</thead>
<tbody>
<tr>
<td>October 4 &amp; 11, 2013</td>
<td>ABC News</td>
</tr>
</tbody>
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The District also posted the Notice of Hearing on its website October 4 through October 14, 2013.

2. Pursuant to Minnesota Statutes sections 103E.227 (3)(b) and 103E.261 (1) (2013) the District on October 4, 2013 mailed the Notice of Hearing to the petitioner Anoka County 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. 44-Branch 8 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 September 9, 2013 the District received a petition from Anoka County under Minnesota Statutes section 103E.227 (2013) to impound water for beneficial use within that part of County Ditch No. 44-Branch 8 located north of the intersection of
Bunker Lake Boulevard and Lexington Avenue and south of the intersection of certain pipelines, as more particularly described in the attached Exhibit A (Impoundment Area).

6. The impoundment as proposed by Anoka County would reverse the flow of water from the Impoundment Area south within County Ditch No. 44-Branch 8 until it intersects with an existing private ditch running east and west. The water would then flow east until it reached County Ditch No. 44-Branch 7 and then flow north into Coon Creek as depicted in the attached Exhibit A. Water entering that part of County Ditch No. 44-Branch 8 located north of the pipelines would continue to flow north in Coon Creek.

7. Anoka County has agreed it will be responsible for the installation and construction costs of the proposed drainage system modification. To facilitate the impoundment of water within the Impoundment Area and reverse the flow of water as provided above, Anoka County will also acquire at its expense the necessary drainage easements over the following parcels as approved by the District, and convey the same to the District:

   P.I.N. 25-32-23-33-0001
   P.I.N. 25-32-23-34-0001
   P.I.N. 36-32-23-21-0004
   P.I.N. 36-32-23-22-0010
   P.I.N. 36-32-23-22-0002

8. Anoka County also agrees at its cost to construct and maintain an equalizer culvert at the intersection of County Ditch No. 44-Branch 8 and the pipelines to provide an outlet for water to flow north in the event of a backup of water within the Impoundment Area.

9. Pursuant to Minnesota Statutes section 103E.227 (3)(a) (2013) 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.

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

11. The District Engineer reported that the proposed impoundment project would result in less than 0.1’ increases in the 100-year elevation and in approximately the same drawdown time for the 2, 10 and 25-year storm frequencies. 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 Anoka County 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 Anoka County’s plans, as approved by the District.

3. Before installing or constructing the impoundment project petitioner Anoka County shall obtain all required permits and at its cost acquire all necessary drainage easements. Anoka County will subsequently convey these easements to the Coon Creek Watershed District.

4. Petitioner Anoka County shall be responsible for the construction and installation of the drainage system modification and associated project costs and easement acquisitions.

IT IS SO ORDERED.

Dated: October 14, 2013

COON CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

____________________________________
Its President