RICE CREEK WATERSHED DISTRICT

HEARING ON THE PETITION AND ON THE REPORTS OF THE ENGINEER AND OF THE VIEWERS ON THE PETITION OF EVERGREEN SHORES, INC. TO IMPROVE RAMSEY COUNTY DITCH NUMBER 8, MARCH 16, 1983.

Shoreview City Hall

OPENING STATEMENT

Good evening ladies and gentlemen, my name is Diane Harstad, the President of the Board of Managers of the Rice Creek Watershed District; as President it is my privilege to be the presiding officer at this Hearing for an Improvement of Ramsey County Ditch No. 8.

Also present this evening is Mr. Petrangelo, Mr. Cardinal, Mr. King and Mr. Scott, the remaining members of the Rice Creek District Board. Mr. Wedenbacher, our engineer and Mr. Murray, our attorney are with the Board as well as our office manager, Bonnie Torpe.

The matter to be considered at this Hearing is the Petition of Evergreen Shores, Inc., for an Improvement of Ramsey Co. Ditch No. 8, and the engineers and viewers reports. The viewers, Mr. Malcolm Allen, Mr. Malcolm Watson and Abert Kordiak are here and will participate in the proceedings.

The record in this matter contains the petition, petitioners bonds, required orders of the Board, the report of the engineer and the report of the viewers as well as the affidavits of publication, posting and mailing of the notices for this hearing.

For those of you who are unacquainted with the Watershed District

a short history might be interesting. The District is a political unit of government covering about 200 square miles in Anoka, Hennepin, Ramsey and Washington Counties. It was established at the request of the Cos. of Anoka, Ramsey and Washington back on January 18, 1972, for the purpose of conserving the natural resiurces of the area, water control and related reasons. The District has jurisdiction over the drainage systems in the District, one of the ditches is Ramsey Co. Ditch No. 8.

Evergreen Shores, Inc., is the owner of land benefited by and assessed to No. 8. It, as an affected owner of land on the ditch, filed a petition with the District to improve a specific portion of the ditch. The Board found the petition sufficient, that is, it met the statutory requirements, the Board appointed an engineer and subsequently viewers; upon all reports being filed notices were mailed, published and posted for this consideration of the matter.

This Board, that is, the Rice Creek Watershed Board of Managers, is by Law, the Board authorized to hear this matter. It sits as an administrative body in an administrative capacity. The project under consideration is not a project institued by the managers nor by the district, it is a project requested by the petitioner, belongs to it and the affected property.

This Board will hear the full matter and make a decision on the facts presented.

You are specifically advised that there will be no assessment for this project, all costs are guaranteed by the petitioner. In case the matter is dismissed for any reason, the costs are guaranteed by the bonds on file.

In order that we can proceed in an orderly manner, the following procedure will be followed.

- 1. The petitioner will establish the sufficiency of the petition.
- 2. The petitioner through its engineer appointed in the proceedings will describe the improvement petitioned for.

You may then inquire of the engineer as to the improvement.

3. The viewers will discuss the viewing and its manner.

You may inquire of the viewers as to the viewing, I suggest that the initial questions be of a general nature, thereafter the viewers will meet with you individually as to your specific benefit.

Any affected person, desiring to speak, please speak, clearly and slowly, state your name and your address for our records. Any person whose land is not affected, that is, not benefited and whose mame does not appear in the engineers or viewers reports is not a party to these proceedings. Such persons may inquire of our attorney or engineer rather than impose on the time of the persons who area part of this proceedings.

The Board will hear this entire matter, make such changes as requisite and ultimately decide the matter on the facts presented here and in the file.

The petitioner is represented by Becky Comstock. Miss Comstock will you proceed in the manner previously stated by me.

LETTER OF TRANSMITTAL	
Date: 3/9/83	
To:	
Dave Mippen	545 Indian Mound Wayzata, Minnesota 55391
Division of Waters	(612) 473-4224
3rd Floor Space Ca	enter
1144 Cafanette A	ed.
444 Cafayette A subject: St. Paul, MN	55101
Ramsey Co. Ditci Gentlemen: Rice Creek Pro	4 No. 8 Improvements
Rice Creek Pro	ject 17-22
	der separate cover) the following:
1- Plan Set - 3 She	ets showing Location
Plan and profil	ets showing Cocation le of above reference of
Improvement.	
These are submitted as indicated	below:
1. For your review.	
2. For your information.	
3. X As you requested.	
4.	
Remarks:	Manager and Appear
	A
Yours very truly,	cc: Frank Mutray.
E. A. HICKOK AND ASSOCIATES, INC.	/
William Allerdenbock	
William D/ Weidenbacher, P.E.	



March 8, 1983

Ms. Becky A. Comstock Dorsey & Whitney 2200 First Bank Place East Minneapolis, Minnesota 55402

Re: Rice Creek Project No. 77-22

Ramsey County Ditch No. 8 Improvements

Rice Creek Watershed District

Dear Ms. Comstock:

Please be advised that on March 7, 1983 the enclosed Notice of Public Hearing was mailed to the Director of Waters, Water Resources Board and to each public and private corporation and to each person whose name appears in the list of names shown in the viewers report attached, Pages 1 through 50. We have also attached for your use a map showing the location of the affected resperties which has been published in the New Brighton Bulletin or March 3, 1983 and will be published again in the same newspaper on March 10, 1983.

To my knowledge, all legal requirements have been met to hold the public hearing as scheduled on March 16, 1983 at 7:30 PM in the City Hall of Shoreview, Minnesota. Should you have any questions, please feel free to contact me.

Very truly yours,

EUGENE A. HICKOK AND ASSOCIATES

Engineers for the Rice Creek Watershed District

William D. Weidenbacher, P.E.

District Engineer

bt

cc: Board of Managers
RCWD District Office

F. Murray

Rice Creek watershed district

3585 LEXINGTON AVENUE NORTH, SUITE #177 ARDEN HILLS, MINNESOTA 55112 TELEPHONE (612) 483-0634

March 7, 1983

Board of Managers Regular Meetings: 2nd and 4th Wednesdays at Arden Hills City Hall

BONNIE TORPE, Admin. Ass't.

Minnesota Water Resources Board 555 Wabasha Street Room 206 St. Paul, Minnesota 55102

Re: Rice Creek Project No. 77-22

Ramsey County Ditch No. 8 Improvements

Rice Creek Watershed District

Gentlemen:

In accordance with the provisions of Subdivision 2 of Minnesota Statutes Chapter 112.53, enclosed you will find a Notice of Public Hearing and a map of the affected properties for the above referenced proposed improvements.

Should you have any questions, please feel free to contact me at 473-4224.

Very truly yours,

EUGENE A. HICKOK AND ASSOCIATES

Engineers for the District

William D. Weidenbacher, P.E.

District Engineer

bt

cc: District Office

F. Murray

BOARD OF MANAGERS

Rice Creek watershed district

3585 LEXINGTON AVENUE NORTH, SUITE #177 ARDEN HILLS, MINNESOTA 55112 TELEPHONE (612) 483-0634

March 7, 1983

Board of Managers Regular Meetings: 2nd and 4th Wednesdays at Arden Hills City Hall

P BONNIE TORPE, Admin. Ass't.

Mr. Larry Seymour, Director Division of Waters Box 32 Centennial Office Building 658 Cedar Street St. Paul, Minnesota 55155

Re: Rice Creek Project No. 77-22
Ramsey County Ditch No. 8 Improvements

Rice Creek Watershed District

Gentlemen:

In accordance with the provisions of Subdivision 2 of Minnesota Statutes Chapter 112.53, enclosed you will find a Notice of Public Hearing and a map of the affected properties for the above referenced proposed improvements.

Should you have any questions, please feel free to contact me at 473-4224.

Very truly yours,

EUGENE A. HICKOK AND ASSOCIATES

Engineers for the District

William D. Weidenbacher, P.E.

District Engineer

bt

cc: District Office

F. Murray

BOARD OF MANAGERS

Rice Creek watershed district

3585 LEXINGTON AVENUE NORTH, SUITE #177 ARDEN HILLS, MINNESOTA 55112 TELEPHONE (612) 483-0634

February 24, 1983

New Brighton Bulletin 909 7th Avenue NW New Brighton, Minnesota 55112

Re: Notice of Public Hearing
Rice Creek Project No. 77-22
Ramsey County Ditch No. 8 Improvements

Gentlemen:

Please publish the enclosed Notice of Public Hearing as a paid Legal Notice in your issues of March 3 and 10, 1983. Please send billing to:

Rice Creek Watershed District Suite 177 Arden Plaza 3585 Lexington Avenue North Arden Hills, Minnesota 55112

Affidavits of publication should be sent to:

William D. Weidenbacher E. A. Hickok and Associates 545 Indian Mound Wayzata, Minnesota 55391

Please contact me at 473-4224 if you have any questions.

Very truly yours,

EUGENE A. HICKOK AND ASSOCIATES

Engineers for the District

William D. Weidenbacher, P.E.

District Engineer

bt

cc: Board

District Office

F. Murray

BOARD OF MANAGERS

A.J. CARDINAL, SR. ANOKA COUNTY DIANE N. HARSTAD RAMSEY COUNTY C.T. KING WASHINGTON CO.

L.H. SCOTT, SR. RAMSEY COUNTY

E.A. PETRANGELO ANOKA COUNTY

Board of Managers Regular Meetings: 2nd and 4th Wednesdays at Arden Hills City Hall

BONNIE TORPE, Admin. Ass't.

MOOSBRUGGER & MURRAY

ATTORNEYS AT LAW

GORDON C. MOOSBRUGGER (612) 224-3879

FRANK J. MURRAY (612) 222-5549

PHILIP B. MOOSBRUGGER (612) 224-3870 734 MINNESOTA BUILDING 46 EAST FOURTH STREET ST. PAUL, MINNESOTA 55101

February 21, 1983



Becky Comstock Attorney at Law Dorsey and Whitney Law Firm 200 1st Bank Place East Mpls., Mn. 55402

Re: Improvement of Ramsey Co. Ditch No. 8

Dear Miss Comstock:

Earlier today I wrote to you relative to Mat. Watson, an appraiser in the above matter and the necessity for an additional bond in the proceedings.

I have pursued the matter with more particularity since mailing the letter this A.M. I find that the bonds on file with the Board total the sum of \$7,000.00. The appraisers have a bill for approximately \$3,000 and I am informed that Hickok and Associates have a bill of about \$4,500.00; this total is already in excess of the bonds filed. Your firm in addition has a fee coming for the work you and Mrs. Farrell have have done, there is the publication and the mailing yet to be done as well as the hearing and preparation of the statement for the County Auditor. The Board has no alternative but to follow 106.051.

Under the above circumstances an additional bond must be filed. I suggest that you addup the costs, those already incurred and those to be incurred and that you furnish a bond covering all of them; the total probably is inexcess of the \$5,000 which I stated earlier. I also request on behalf of the Board a statement showing all expenditures which must be made with the exception of the ones for the hearing, publication, mailing etc. which I can estimate at about \$2,000. In any event the \$5,000 bond mentioned in my prior letter is not adequate as I see it. It is essential that the matter be attended to immediately.

Very truly yours,

Frank J. Murray

FJM:hc

Copy to Board and Hickok & Associates



STATE OF MINNESOTA WATER RESOURCES BOARD

(612) 296 -2840

555 Wabasha Street Room 206 St. Paul, Minnesota 55102

July 9, 1982

JUL 1 2 1982

RICE CREEK
WATERSHED DISTRICT

CC: Th

engr (1)

Board of Managers Rice Creek Watershed District Arden Hills, Minn. 55112

Attn: Mr. Ernest Petrangelo, President

Re: Improvement of Ramsey County Ditch No. 8

FILES

Gentlemen:

The Minnesota Water Resources Board (Board) received the engineer's report on the Improvement of Ramsey County Ditch No. 8 on June 10, 1982. The report contains nine pages and includes a cover letter signed by R.M. Greenlee, professional engineer.

The report was forwarded to the Board in accordance with M.S. Section 112.49, Subd. 6. The Board has reviewed the report and forwards this advisory Letter Report to the managers in accordance with M.S. Section 112.49, Subd. 6.

I. The Project

The report is an after-the-fact report on an improvement completed approximately two years ago that affected a portion of Ramsey County Ditch No. 8 in the northwest quarter of Section 1, Township 30 North, Range 23 West, in the City of Shoreview.

The report states that the original ditch had been excavated to create four ponding areas sometime prior to this improvement. The current owner, Evergreen Shores Inc., enlarged the four existing ponds; excavated a fifth pond; and improved the connecting channels between the ponds in order to provide water access to more residential lots and to allow conoeing among the four largest ponds. Approximately 109,000 cubic yards of material were dredged from the ponds below the normal water level of 890', at a cost of about \$103,000.

Her

The ditch crossings at the upstream and downstream ends of the development were not altered by the improvement. Some culverts within the development were modified.

II. Content of the Engineer's Report

The content of engineers' reports for watershed district projects is governed by M.S. Section 112.49, Subd. 1.

The report generally includes all of the specific information required except:

1) a map showing the watershed of the improvement, and 2) the engineer's recommendations on the improvement's practicability and necessity.

If the managers do not intend to have County Ditch No. 8 abandoned, then the Board suggests that certain additional information be added to the engineer's report before a hearing is conducted on the improvement:

- 1) The original ditch plans should be included in the engineer's report (at least by reference).
- 2) Plan sheets showing the improved gradeline and cross-sections, and data on the design capacities of the improved ditch channel and ditch crossings should be added if this information is available.
- 3) As stated above, a map of the contributing drainage area should be added.

This information will enable the viewers to compare the improved ditch with the original ditch, and redetermine benefits. Apparently there will be no assessments since the improvement has already been financed by the affected property owner, Evergreen Shores Inc.

Any future repair work on the ditch can be properly allocated if the benefits are redetermined.

A record of the gradeline, cross-sections, and design capacity of the improved ditch may be needed in order for the managers to determine whether future work on the ditch constitutes repair or improvement.

III. Environmental Considerations

The engineer's report addresses the nine environmental criteria listed at M.S. Section 106.021, Subd. 6. A permit for the work was issued by the Rice Creek Watershed Distrdict.



STATE OF MINNESOTA WATER RESOURCES BOARD

(812) 295 -2840

Board of Managers Rice Creek Watershed District July 9, 1982 Page Three

IV. Board Approval

Based on its examination of the engineer's report, the Minnesota Watershed Act, State Environmental Policy, and other law, the Board approves the Improvement of Ramsey County Ditch No. 8 as being a practical plan.

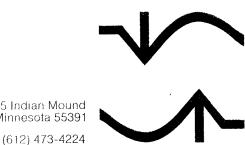
MINNESOTA WATER RESOURCES BOARD

Duane R. Ekman

Chairman

Files 22800 Date: 5/26/82 545 Indian Mound Wayzata, Minnesota 55391 To: (612) 473-4224 Rich Greenlee Johnson Bros. Corp 1500 So, Lilac. Drive Suite 341 Mp/s, MN 55416 Subject: Format - kugineer's Report Gentlemen: We are sending your (herewith) (under separate cover) the following: Format- Engineer's Report per MS112 These are submitted as indicated below: 1. For your review. For your information. 3. χ As you requested. Remarks: Yours very truly, cc: E. A. HICKOK AND ASSOCIATES, INC.

William D. Weidenbacher, P.E.



LETTER.	OF TRANSMITTAL
Date:	4/30/82

545 Indian Mound Wayzata, Minnesota 55391

TO:

Frank Murray 807 Degree of Honor Bldg 4th & Cedar St.

St. Paul, MN 55101

subject: Co Ditch # 8 Improvements

Evergreen Shores

Gentlemen:

W €3	are	sendina	VOII (herewith	(under	separate	cover)	the	following:
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Letter from Rich Green lee

These are submitted as indicated below:

- 1. χ For your review.
- For your information.
- As you requested.

Trank Greenlee well call you for

Yours very truly,

cc:

E. A. HICKOK AND ASSOCIATES, INC.

Weidenbacher, P.E.



GREENLEE ASSOCIATES, LTD.

6400 flying cloud drive • suite 210 eden prairie, minnesota 55344 (612) 941-9740



RICHARD M. GREENLEE, P.E. Manager of Design

April 26, 1982

Board of Managers Rice Creek Watershed District JOHNSON BROS. CORPORATION

1500 So. Lilac Dr., Suite 341 Minneapolis, MN 55416

Telephone 612/544-6061 Home 612/831-2471

Evergreen Shores, Inc.; County Ditch No. 8

Engineering Report

Gentlemen:

Pursuant to the action of the Board March 25, 1981, and as requested by Barbara B. Farrell of Dorsey, Windhorst, Hannaford, Whitney & Halladay, Greenlee Associates Ltd. is submitting an engineering report in compliance with Statutes 112.49 and 106.021, Subd. 6 on the above improvement.

The developed area in which County Ditch No. 8 is located is a 124 acre site in Shoreview, MN. Bounded by Hodgsen Road on the west, County Rd. J on the north, Western Ave. on the east and Shorewood Ave. on the south. The project area is plated for approximately 224 single family home sites.

Prior to any improvements by Evergreen Shores the ditch on the site consisted of a series of sand bottom bonds ranging up to 20 feet in depth. Other than minor grading for streets and house pads, the earthwork consisted of 90,000 cubic yards of enlarging and deppening the ponds to a total surface area of 25 acres or 20% of the site.

In response to the specific items contained in the statutes the following comments are offered.

Section 106.021 - Subd. 6

- The benefits from the project are increased lake area for recreational uses by the residents and all costs have been paid by the developer and structures into the price of the lots.
- The land was vacant and not used for anything but growing of some pine trees on approximately 12.5 acres. The forested area was reduced by less than 10% due to street construction.

GREENLEE ASSOCIATES, LTD.



6400 flying cloud drive • suite 210 eden prairie, minnesota 55344 (612) 941-9740

Page 2 April 26, 1982

- C. The land had not experienced any flooding and the increased storage capacity of the ponds would decrease the flooding potential. Calculations submitted to the Board's Engineer indicate that the pond can recieve a 100 year storm from the surrounding 788 acres with only a 2.41 increase in water elevation.
- D. There were no alternative measures for the drainage waters.
- E. The water quality was not effected due to protective run-off measures during construction and seeding of embankments after construction.
- F. Fish and wildlife were virtually uneffected.
- G. The shallow ground water was not effected by the project.
- H. There was minimal environmental impact because of the project.
- I. The land use has changed from vacant to single family residence.

Section 112.49, Subd 1

- (1) A set of working drawings for the project and a storm ponding plan are on file with the City and the Board's Engineer.
- (2) The total cost of the project as paid by private developers was approximately \$2,000,000 including all fees and interest payments.
- (3) The total site is broken down into the following areas:

226 lots @ approximately 16,000 sq. ft. = 83 acres 10,800 LF of streets = 15 acres
Total water surface area = 25 acres

It is my opinion the completed project is a good asset to the community and any environmental impact is of a positive nature.

Very trŵly yours,

Righard M. Greenlee

Files RZBOW6/2

Bond No. 1 SE 075331

PETITIONERS BOND

1111	TITOMBRO DOND	4-
KNOW ALL MEN BY THESE PRESENTS,	EVERGREEN SHORES, INC.	orighted MCWD copy to FM.
of NAVARRE, MINNESOTA	(hereinafter	called the $5-29-82$
Principal), as Principal, and A	AMERICAN MANUFACTURERS MUTUAL	
COMPANY, a corporation, organiz	zed and existing under the law	s of the State
of Illinois and authorized to b	pecome Surety in the State of	Minnesota
(hereinafter called the Surety)	are held and firmly bound un	to
RICE CREEK WATERSHED DIS	STRICT	
(hereinafter called the Obligee	e) in the sum ofTWO THOUS.	AND AND
NO/100	Dollars (\$2,00	00.00)
for the payment of which the Prour legal representatives, succefirmly by these presents.	-	
Whereas, Principal has petition	ned to improve County Ditch No	. 8, Ramsey
County, Minnesota, and, whereas	s said Obligee requires a Peti	tioners Bond
to pay for costs and expenses w	which may be incurred in case	the proceed-
ings are dismissed or for any r	ceason no contract is entered	into for the
construction of the improvement	petitioned for.	****
NOW, THEREFORE, if Principal sh shall indemnify and save harmle reason of Principal's failure t and void; otherwise it shall re	ess the Obligee from all cost a to do so, then this obligation	and damage by shall be null
SIGNED, SEALED AND DATED this _	23rd DAY OF February	19_81.
	EVERGREEN SHORES, INC. By Michael C. Peterson, Secre AMERICAN MANUFACTURERS MUTUAL By D. R. Dougherty, Attorney-	L INSURANCE COMPANY

22800 March Juludual hatel V2800 Deta Plan & Prefile -17000 Mailing of Ventice 4 - Centitathe of Minley Chambliane Camposationes Seed addetioned Tratere Plane - Meeting unto Budent Hem audren. Please with Microsy & 14 Borl Janel - Déceus DWR Depart - Remail - returned rates Site Jugestyn rity muit theeler attend Heaving Office Pop & Pluse. Maure Pleus. Change framey Crea us Requested. 30 Serdindual Vialing - 3/7/83. Publication 3/3/83 + 3/10/83.

3/16/83 Lausey & Ditch No. 8 Improvements. Capacity for Drainage is adequate. Cosmetics give RCMD no problem. The Bolloge of A feel Rows and > Blochage at St Paul Water Works R/W and at Pedestrian Overpaes in Stopley mosts of Stephen Chiele: Tuel to Pan Crapsey, Culwet und Taphette Tane Was fell placed at the south end of NWC 890.0 100 yu HWL 891.8 no leasement belaw 893 -

55-62.

Amount Benefited*

Platted Properties (Excluding Parks)

\$35.00 per Lot

Unplatted Properties (Includes: Parks, Road R/W and non-buildable properties)

\$250.00 per Acre for those Properties and Road R/W South of Sherwood Road including Sherwood Road.

\$500.00 per Acre for those Properties and Road R/W North of Sherwood Road.

Road R/W

= \$ 13,432.48

Unplatted Properties = \$ 29,537.26

Platted Properties = \$103,250.00

TOTAL

\$146,219.74

DIRECT DELEGOPHENT WILL HAVE 7 10+5 ON 1.7 ACRES

CHARGE SITHER! (1) \$55 x 7 lds \$245 OR, (11) \$500 x 117 acres \$650

-> \$550 SINCE AREA IS NORTH OF SHEEMACK AND UNPLATTED AT THE TIME BENEFITS WERE CALCULATED

(DRIGINAL ASSUMPTION OF EXERCISED SHORES CL \$50/24 x 7 lots = \$2450)

TAKEN FROM RAMSEY COUNTY DITCH 8 IMPROVEMENTS FILE

