



# Board of County Commissioners Agenda Request

**5A**  
Agenda Item #

**Requested Meeting Date:** October 28, 2014

**Title of Item:** Continuation - Public Hearing for Partial Ditch Abandonment

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input checked="" type="checkbox"/> Hold Public Hearing*
<b>Submitted by:</b> Kirk Peysar		<b>Department:</b> Auditor's Office
<b>Presenter (Name and Title):</b> Kirk Peysar, County Auditor		<b>Estimated Time Needed:</b>
<b>Summary of Issue:</b>  Continuation of September 9, 2014 Public Hearing for Partial Ditch Abandonment - EverStar		
<b>Alternatives, Options, Effects on Others/Comments:</b>		
<b>Recommended Action/Motion:</b>		
<b>Financial Impact:</b> Is there a cost associated with this request? <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

RESOLUTION OPPOSING AITKIN COUNTY BOARD PARTIAL  
DITCH ABANDONMENT OF A DRAINAGE SYSTEM COUNTY DITCH 24  
RESOLUTION 2014 - 10

WHEREAS, the Spencer Township has heretofore been given notice of a extended public hearing issued by the Aitkin County Board of Commissioners to be held on Tuesday, October 28, 2014 at the Aitkin County Courthouse for the purpose of considering partial abandonment of drainage systems involving county ditch 24 by petition from EverStar Properties in Spencer Township.

WHEREAS, the Spencer Township Board has met on October 14, 2014 at 7:00 p.m. and upon a unanimous consensus of the Supervisors, declared the partial abandonment of the drainage system would negatively impact both private & public properties as well as public roadways by means of flooding and wildlife hazards.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors, upon a unanimous decision, hereby determines and declares that it is necessary to request the Aitkin County Commissioners deny EverStar's petition as an act in the best interest of the public welfare of the citizens of Aitkin County.

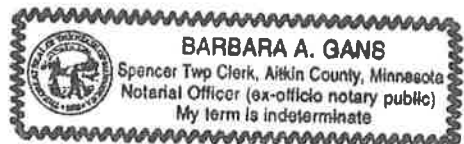
	<u>Yes</u>	<u>No</u>	<u>Other</u>
Supervisor <u><i>[Signature]</i></u>	✓	—	—
Supervisor <u><i>[Signature]</i></u>	✓	—	—
Supervisor <u><i>Robert A. Warowitz</i></u>	—	—	<i>ABSTAINED</i>

Adopted this 14<sup>th</sup> day of October, 2014.

BY THE BOARD

*[Signature]*  
*Kevin M. Stromberg, Vice Chair*  
Town Chair

Attest: *[Signature]*  
Township Clerk



51-27	\$200
52-27	\$2250
50-29	\$1500
48-28	\$3000
49-28	\$5500
50-30	\$300
51-27	\$1000
52-27	\$2700

At 10:00 a.m. Kirk Peysar, County Auditor held a Public Hearing for Petition for Partial Abandonment of a Drainage System (County Ditch 24) located in Sections 7, 8, and 18 of Spencer Township (T47N, R26W) and Sections 12 and 13 of Aitkin Township (T47N, R27W) Aitkin County, MN. EverStar, LLC submitted this petition for ditch abandonment pursuant to Minnesota Statute 103E.806. John Kolb, Rinke Noonan; along with Tom Miller and Eric Hansen, Westwood Professional Services presented plans and studies in support of EverStar's petition to the Board. John Welle, Aitkin County Engineer expressed his concerns. County Attorney Jim Ratz offered opinion and guidance. Public comment was heard from Tammy Lou Pfaff, representing City of Aitkin and Aitkin Airport Commission; Bob Harwarth, Spencer Township; Douglas Green, American Peat Technology; and Sid Berglund, Aitkin resident. Most voiced opposition or concern over the potential impact of the ditch abandonment. Jim Erickson, EverStar asked for Board support. The Board agreed to continue the Public Hearing on October 28, 2014 and to keep the public comment period open through that date.

**PUBLIC HEARING FOR PETITION FOR PARTIAL ABANDONMENT OF A DRAINAGE SYSTEM**

The Board reported on the following: AMC Policy Meeting, NCLUCB, ATV Association of MN (ATVAM), AIS, Hill City National Night Out, MCIT Regional Risk Management Workshop, Park Board, Aitkin Airport Commission, and Historical Society.

**BOARD DISCUSSION**

Commissioner Anne Marcotte left at 12:10 p.m.

**MARCOTTE LEFT**

Motion by Commissioner Westerlund, seconded by Commissioner Niemi and carried (4-0 Marcotte absent), all members voting yes to adjourn the meeting at 12:21 p.m. until Tuesday, September 10, 2014 at 9:00 a.m. for Special Meeting - 2015 Budget Presentation.

**ADJOURN**

\_\_\_\_\_  
 J. Mark Wedel, Chairperson  
 Aitkin County Board of Commissioners

\_\_\_\_\_  
 Nathan Burkett, County Administrator

EXTRACT OF MINUTES OF A MEETING OF THE  
CITY COUNCIL OF THE CITY OF AITKIN, MINNESOTA

HELD: September 8, 2014

5D  
9-9-14 Handout

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Aitkin, Minnesota was duly called and held at the City Hall in said City on the 8th day of September, 2014, at 7:00 o'clock P M.

The following members were present: Mayor Gary Tibbitts, Council Member; Julie Miller, Keith Nentl, Cori Welshons and Trevor Betley.

and the following were absent:

Member Julie Miller introduced the following resolution and moved its adoption: the motion of the adoption was duly seconded by council member Cori Welshons, and after a full discuss thereof and upon a vote being taken thereon the following voted in favor thereof:

And the following voted against the same:

CITY OF AITKIN, MINNESOTA  
RESOLUTION NO. 09-08-14 B  
RESOLUTION REQUESTING AITKIN COUNTY DENY THE PARTIAL DITCH  
ABANDONMENT OF A DRAINAGE SYSTEM INVOLVING COUNTY DITCH 24

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AITKIN (the "City") AS FOLLOWS:

A. WHEREAS, the City has heretofore been given notice of a public hearing issued by the Aitkin County Board of Commissioners to be held on Tuesday September 9, 2014 at 10:00 a.m. at the Aitkin County Courthouse for the purpose of considering partial abandonment of drainage systems involving county ditch 24 by petition from EverStar properties in Spencer Township; and

B. WHEREAS, the Airport Commission has met on September 4, 2014 at 5:30 p.m. and upon a unanimous consensus of the commission, declared the abandonment for the drainage system would impact the airport properties by means of flooding and wildlife hazards which will increase and endanger pilots entering and exiting the airport; and

C. NOW, THEREFORE, BE IT RESOLVED, the City hereby determines and declares that it is necessary to request the County Commissioners deny the EverStar petition and to act in the best interest of the public welfare of the citizens of Aitkin County.

DATED: September 8, 2014

BY ORDER OF THE CITY COUNCIL

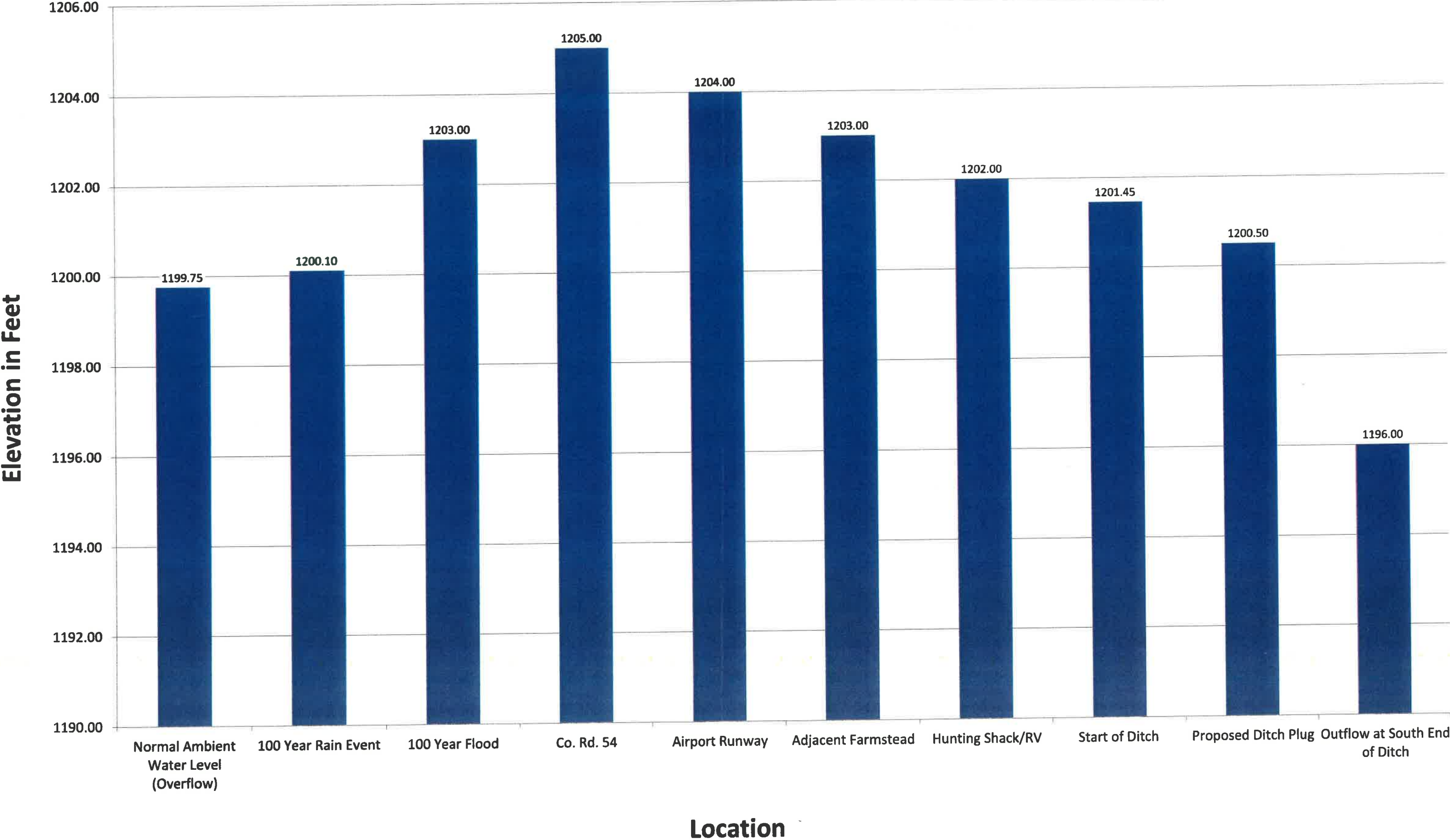
ATTEST:

  
Mayor - Gary Tibbitts

  
City Clerk - Tammy Lou Pfaff

# Elevations of Key Locations

9-9-14 Handouts  
SD





Far East End County Ditch 24 Looking West on 6/25/2012 During Flood Conditions



Looking Into Far East End County Ditch 24 6/25/2012 During Flood Conditions



Looking North Along County Road 54 6/29/2012 During Flood Conditions



Looking South Along County Road 54 at Start of County Ditch 24 6/29/2012 During Flood Conditions



Looking East, Just to the East of the Start of County Ditch 24 and North of County Road 54 10/31/2013 Under Normal Conditions



Looking North Along County Road 54 10/31/2013 Under Normal Conditions



Looking South Along County Road 54 at Start of County Ditch 24 10/31/2013 Under Normal Conditions



Looking West Along County Road 54, the Start of County Ditch 24 is Just Past the Truck in the Photo 10/31/2013 Under Normal Conditions



Photograph of a Typical Type 6 Wetland, This is the Wetland Type Proposed Onsite



Photograph of a Typical Type 6 Wetland, during the 2012 Aitkin County Flood, This is the Wetland Type Proposed Onsite

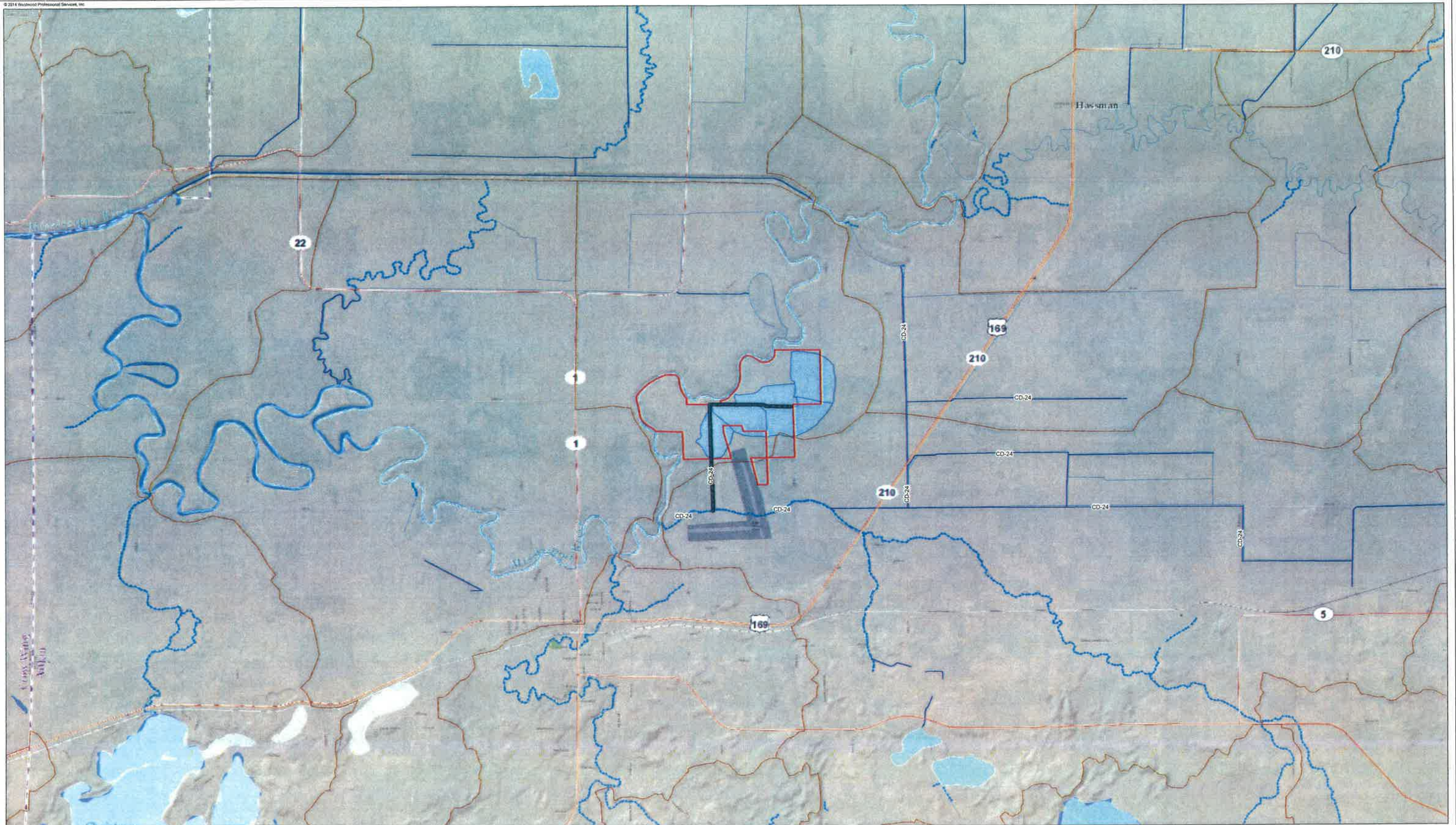


Photograph of a Typical Type 6 Wetland, This is the Wetland Type Proposed Onsite during the 2012 flood (on left) and cropped field (on right). Highlights how the Type 6 wetland does not develop into open water during flood events



Photograph of a Typical Type 6 Wetland, This is the Wetland Type Proposed Onsite





Data Sources: Perennial Streams Mapping (MN DNR 2008), Ditch Mapping (MN DNR 2008), Minor Watershed Mapping (MN DNR 2008), Winok Aitkin County Ditch 24 Subwatersheds (2013), National Geographic Background Map (2001 VMAP 8th, updated 2014)

N

0 2,000 Feet

Westwood Professional Services, Inc.  
10000 Highway 101  
Aitkin, MN 56447  
Phone: 218-838-8800  
Fax: 218-838-8801  
www.westwoodpro.com

**Legend**

- Affected Portion of Aitkin County Ditch 24
- EverStar Property Boundary
- Minnesota DNR Minor Watershed Boundary
- Mapped Ditches
- Mapped Perennial Streams
- Winok Mapped Upstream Subwatersheds

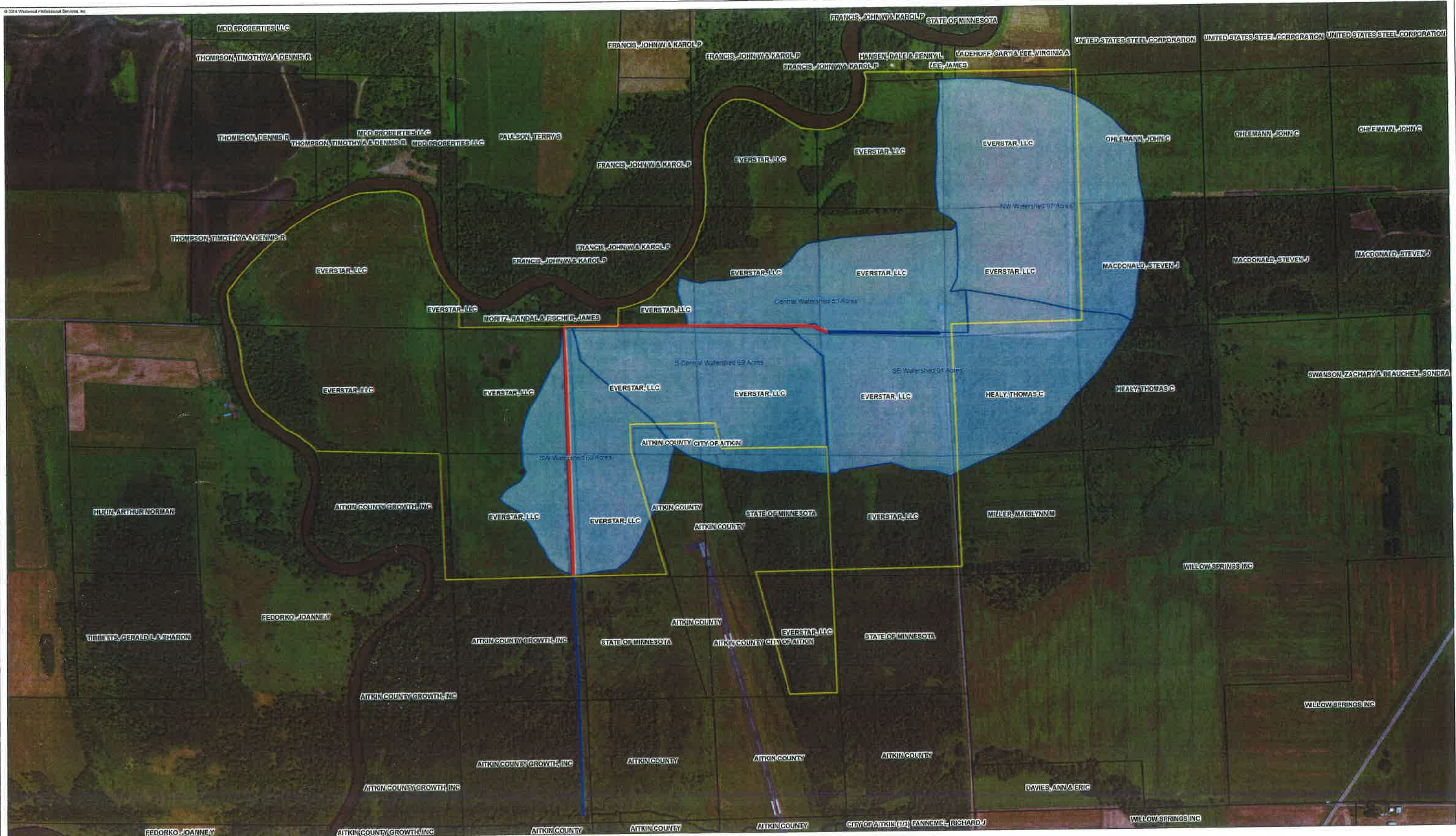
# EverStar Wetland Bank Project

Aitkin County, Minnesota

Aitkin County Ditch Petition Exhibits

County Ditch 24 Overview Map

EXHIBIT 1



Data Sources: Wetland Aitkin County Ditch 24 Subwatersheds (2013), Aitkin County Parcel Data (Aitkin County GIS Department, accessed 2014), BING Aerial (ESRI Web Site, accessed 2014)

N

0 450 Feet

Wetland Professional Services, Inc.  
 1000 W. Broadway  
 Duluth, MN 55812  
 Phone: 218-827-2300  
 Fax: 218-827-2302  
 Toll Free: 1-800-247-2399  
 www.wetlandpro.com

**Legend**

- EverStar Property Boundary
- Aitkin County GIS Parcel
- Wenck Mapped Subwatersheds
- Portion of Ditch to Remain
- Portion of Ditch to be Abandoned

# EverStar Wetland Bank Project

Aitkin County, Minnesota

Aitkin County Ditch Petition Exhibits

Everstar Portion County Ditch 24 Detail Map

EXHIBIT 2



Date Source(s): Westwood Survey, National Geographic Background Map (ESRI, WMS Site, accessed 2014)



### Legend

-  Affected Portion of Aitkin County Ditch 24
-  EverStar Property Boundary
-  Direction of Flow
-  Surface Flow Divide

## EverStar Wetland Bank Project

Aitkin County, Minnesota

Aitkin County Ditch Petition Exhibits

Existing Drainage Flow Map

EXHIBIT 3



Data Source(s): Westwood Survey Data, Ditch Mapping (SM Chrt 2008), National Geographic Background Map (©1991-2014) Site, accessed 2014)

N

0 2,000 Feet

Westwood Professional Services, Inc.  
1000 Westwood Drive  
Aitkin, MN 56447  
Phone: 218-838-2222  
Fax: 218-838-2222  
www.westwoodmn.com

**Legend**

EverStar Property Boundary	Portion of Ditch to Remain
Direction of Flow	Portion of Ditch to be Abandoned

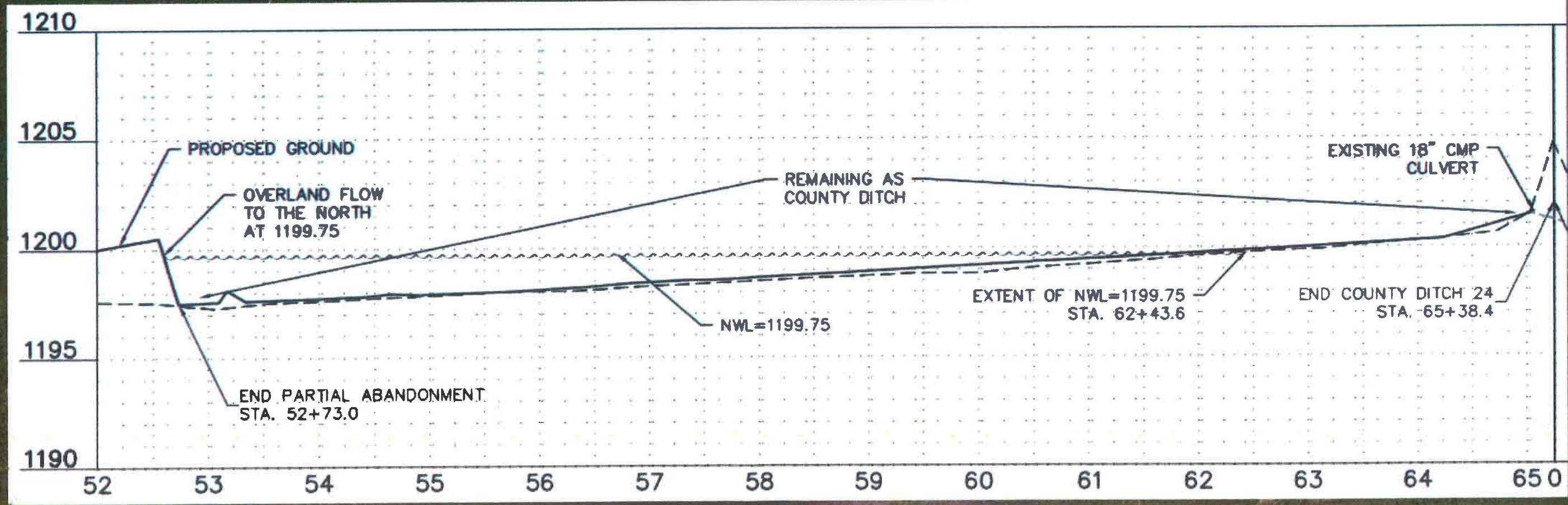
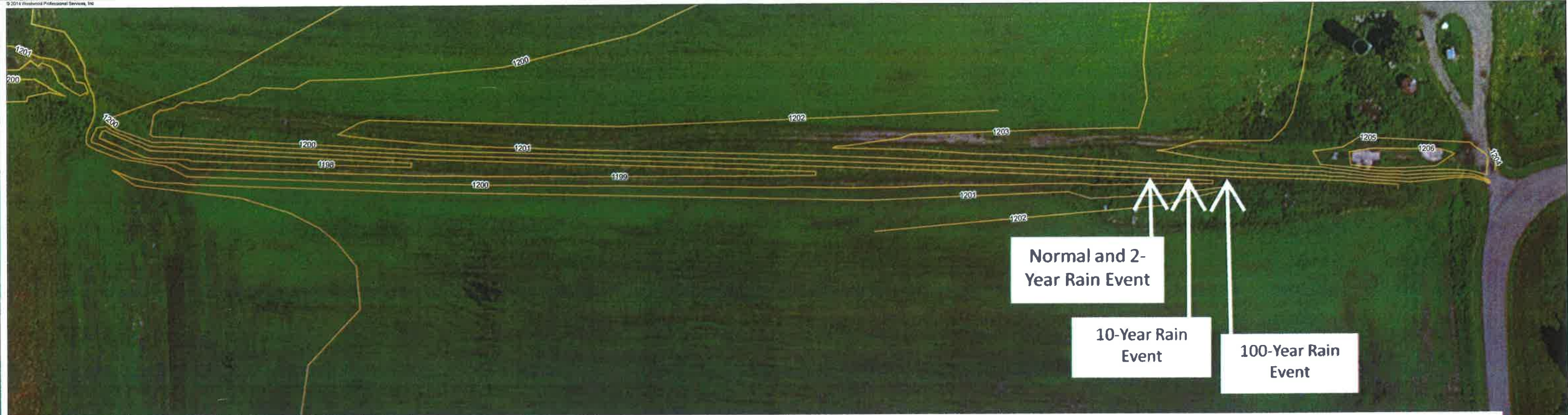
# EverStar Wetland Bank Project

Aitkin County, Minnesota

Aitkin County Ditch Petition Exhibits

Proposed Drainage Flow Map

EXHIBIT 4



Map Document: P:\2024\568254\_Cable Pullout\_Mapping\Drawings\568254\_1500\568254\_1500\_01.dwg, 8/2/2014, 12:57:35 PM

Data Source(s): Wetland Survey Data, Ortho Mapping (MN DNR 2008), National Geographic Background Map (ESRI WMS Site, accessed 2014)

Wetland Professional Services, Inc.  
 15000 Highway 101  
 Eden Prairie, MN 55344  
 PHONE: 952.937.1111  
 FAX: 952.937.1112  
 WWW: www.wetlandpro.com

**Legend**

- EverStar Property Boundary
- Elevations Dry Under Modeled Rain Events

### EverStar Wetland Bank Project

Aitkin County, Minnesota

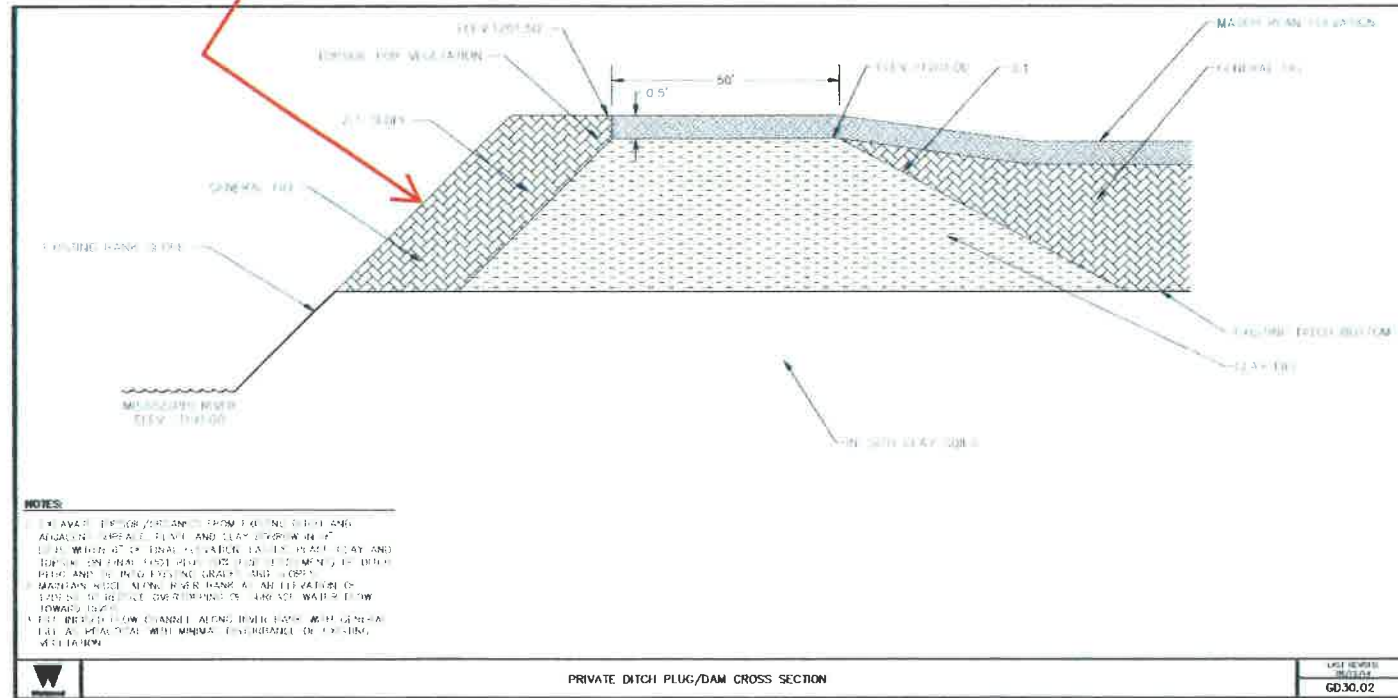
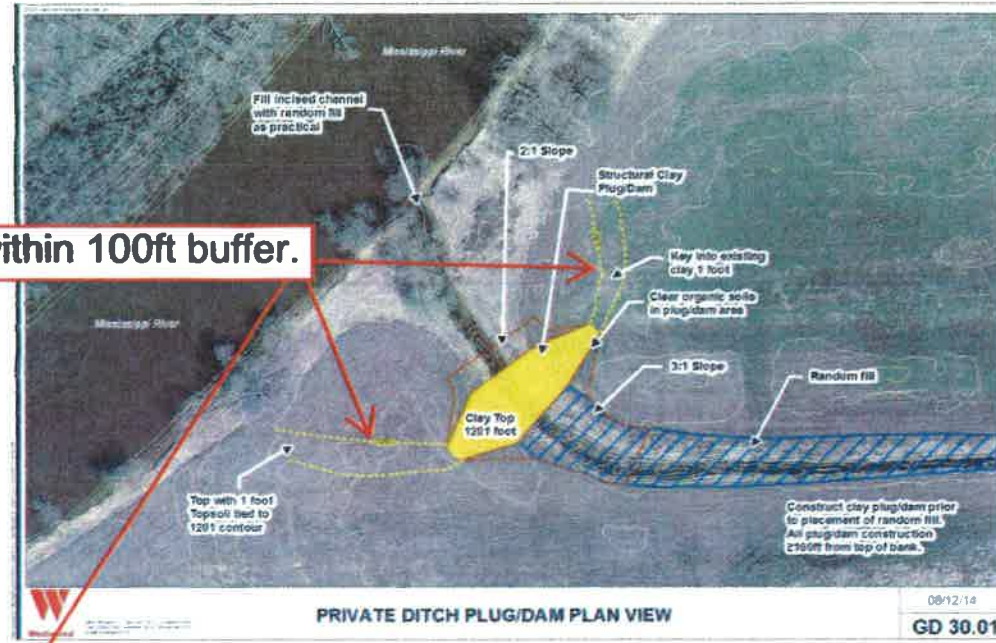
Aitkin County Ditch Petition Exhibits

Water Elevations in Co. Ditch 24 Under Various Rain Conditions

EXHIBIT 5

### Construction Detail Not To Scale

**No grading within 100ft buffer.**



**NOTES:**

1. MAINTAIN VEGETATION FROM EXISTING BANK AND ADJACENT WETLANDS. REMOVE AND CLAY OVERWHELF 10' DEEP WITH 4" OF TOPSOIL LAYER. PLACE CLAY AND TOPSOIL FROM EXISTING BANK TO TOP OF EXISTING DITCH BANK AND TO TOP OF EXISTING DITCH BANK.
2. MAINTAIN SLOPE ALONG RIVER BANK AS AN ELEVATION CONTROL TO REDUCE OVERFLOWING OF AND OF WATER FLOW TOWARD DITCH.
3. USE EXISTING DITCH CHANNEL ALONG RIVER BANK WITH GENERAL FILL AS PRACTICAL WITH MINIMAL OVERFLOWING OF EXISTING WETLANDS.

**Wetwood**  
Wetwood Professional Services, Inc.  
2025 Argonne Drive  
Cambridge, MN 55344  
PHONE: 651-532-5150  
FAX: 651-431-5872  
TOLL FREE: 1-800-477-5150  
www.wetwoodps.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
Date: **8/19/14** License No: **23838**

Designed: **SP**  
Checked: **SP**  
Drawn: **SP**  
Based Drawing System:

Prepared for:

**EverStar, LLC**  
9302 Interlachen Road  
Lake Shore, Minnesota 56468

**EverStar Wetland Bank Project**  
Aitkin County, Minnesota

Date: **03/23/12** Sheet: **3AA OF 12**  
**Private Ditch Plug Cross Section**

# Clarification of Work Area

No grading within 100ft buffer.

