

MEMORANDUM

To: MCWD Board of Managers
From: Becky Christopher, Lead Planner and Project Manager
CC: James Wisker, Director of Planning and Permitting
Date: April 6, 2015
Re: Information Item - Public Notice Procedures

Purpose:

To provide an overview of current public notice procedures and proposed improvements.

Background:

At the February 12, 2015 Board Meeting, questions were raised regarding the District's public notice procedures. As a point of information, staff has reviewed current procedures for the various types of public notices (capital project, cost share, permits) to evaluate the need for any improvements. The current procedures are summarized below.

Capital Improvement and Cost Share Projects

The notice requirements of MN Statutes 103B.251 apply to both capital improvement projects and, per Board resolution 13-023, to certain larger-scale cost share projects. 103B.251 requires the following:

- Forward a copy of the plan for improvement to the county boards
- Hold a public hearing on the project
 - Notice must be published in the newspaper once each week for two consecutive weeks. The District's official paper is the Star Tribune.
 - Publication must occur not more than 30 days nor less than 10 days before the hearing
 - The notice must state:
 - Time and place of the hearing
 - General nature of the project
 - Estimated cost
 - Method by which the cost is to be paid

- Cost to be allocated to each county
- At least 10 days before the hearing, notice by mail must be given to Carver and Hennepin counties and to each municipality within the MCWD

Specifically for capital project ordering, in addition to MN Statute 103B.251, the District's Comprehensive Plan requires:

- Mailed postcard notice to residents within 600 feet with the time and location of the public hearing and the name and contact information of the project manager
- Prior to approval of final design, notice property owners within 600 feet of the proposed project and host at least one public information meeting at a location near the project site
- Provide a press release and hearing notice on the proposed project to a local newspaper

Staff and the Board have historically expanded the 600 foot radius for certain projects where there is reason to believe that a larger area is affected by, or would have interest in, a project.

For Cost Share Projects, the Comprehensive Plan also relies on Citizen Advisory Committee review and annual review of the District's budget for the program.

Permits

Under current administrative procedures, notice postcards are distributed to properties within 600 feet for all non-fast track permits. These notices include:

- Project type and location
- Rules triggered
- Project details (wetland impacts, impervious surface change, receiving water)
- Staff person to contact for more information or to request a hearing

A separate page was also created on the District's website for permit notices. The public notices are displayed on a tab on the home page and at www.minnehahacreek.org/public-notices. Each notice has an expiration date and stops appearing after that date passes. Each time a notice is posted, an automatic email is generated to the Board of Managers with a link to the notice.

Summary and Next Steps:

MCWD's notice requirements generally exceed statutory requirements. However, the following have been identified as possible areas for improvement. Other areas or opportunities may be identified by the Board of Managers or Staff during the Comprehensive Plan Self-Assessment, which may be further informed by the results of the Public Opinion Survey.

1. Consistent use of the District website for all types of public notices. For capital improvement and cost share projects, the mailed postcard notices will include a link to the District website which will include a plan set or other materials to more fully describe the project.
2. Higher quality postcard mailings. The District recently acquired a new printer capable of printing higher quality postcards. Staff is exploring options for designs that recipients may be more likely to read, such as including photos for capital project notices.

If there are any questions or concerns, please contact Becky Christopher at 952-641-4512 or bchristopher@minnehahacreek.org.