

TO: City Council  
FROM: Dave Kangiser, Water Resources Specialist  
DATE: September 3, 2024  
SUBJECT: Right of Entry Agreement with Jason Herrera for Belmore Street Property

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1) Recommended Action:

Approve and authorize the Mayor to sign the Right of Entry Agreement with Jason Herrera for his Belmore Street property, via consent calendar. The agreement was recommended for approval on the consent calendar at the August 22, 2024 Public Works Committee meeting.

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2) Background:

An active beaver dam in Fish Pond Creek on Jason Herrera's property adjacent to Belmore Street SW has blocked the natural flow pathway, inundated the undersized culvert, and contributes to high water conditions in the area. The high-water conditions make it difficult to conduct maintenance activities on the culvert and may cause the water to flood the road. The culvert is identified in the 2011 Annexation Area Drainage Study as being undersized and recommends replacement with a larger diameter culvert; however, culvert replacement is not currently scheduled due to other priorities and limited capacity in the Stormwater Utility. To help alleviate high water conditions and the potential for localized flooding, and improve culvert access for maintenance crews, staff propose to install a flexible leveler in the beaver dam on Jason Herrera's property. In addition, staff will install a culvert exclusion device at the culvert in right of way to support mitigation of beaver activity in the vicinity. Federal and State agencies have been consulted for permitting considerations.

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3) Policy Support:

Environment: We act to preserve and enhance the natural environment and the social fabric of our community.

NPDES Permit Section S5.C.9 - Operations and Maintenance

Each Permittee shall implement and document a program to regulate maintenance activities and to conduct maintenance activities by the Permittee to prevent or reduce stormwater impacts.

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4) Alternatives:

Do not approve the Right of Entry Agreement. This would limit the City's ability to access the Herrera property to support mitigation of beaver activities leading to further deferred maintenance of the Belmore Street SW culvert.

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5) Fiscal Notes:

The flexible leveler materials will cost less than \$1,000. Installation usually takes about six hours for two staff members. WRS staff will maintain the flexible leveler and exclusion device for the duration of the Right of Entry Agreement as needed. Annual maintenance typically takes less than an hour for two staff members.

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6) Attachments:

A. Right of Entry Agreement with Jason Herrera for Belmore Street Property