RESOLUTION NO. 2015-31
RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

REGARDING CITY of LINO LAKES
PROPOSED PELTIER LAKE Outlet

Manager Haake offered the following resolution and moved its adoption, seconded by Manager Bradley:

WHEREAS an area of about 1,430 acres within the Cities of Lino Lakes and Hugo presently drains to Peltier Lake through Anoka County Ditch (ACD) 55 and Clearwater Creek; through ACD 72; and overland through natural drainage features;

WHEREAS ACD 55 and ACD 72 were designed to provide drainage for agricultural lands, however the lands within the drainage area have experienced development and the City of Lino Lakes ("City") wishes to accommodate additional development in its portion of this area;

WHEREAS the hydraulic capacity of ACD 55 and ACD 72 does not allow for adequate regional movement of stormwater for the level of development that the City wishes to accommodate, and accordingly the City has proposed stormwater conveyance infrastructure to replace parts of those two public drainage systems as a means of managing stormwater within the drainage area and conveying that stormwater to Peltier Lake;

WHEREAS, however, Peltier Lake and the additional lakes constituting the Anoka Chain of Lakes are classified as impaired waterbodies subject to a Total Maximum Daily Load and, further, the Anoka Chain of Lakes is limited for flood storage, and therefore any constructed outlet discharge to Peltier Lake must not impair water quality or flood storage within or downstream of Peltier Lake;

WHEREAS a constructed outlet to Peltier Lake requires a permit under Rice Creek Watershed District Rule I - Drainage Systems, which requires a District finding that the outlet “will not adversely impact upstream and/or downstream water quality or quantity,” and depending on the City’s design may require approval under other District rules or the Minnesota Wetland Conservation Act, which the District implements;

WHEREAS the City’s proposal will require modifications to ACD 55 and ACD 72, which are subject to procedures under the drainage law, Minnesota Statutes chapter 103E, and review and approval of the District Board as the drainage authority, to remove certain lands from those drainage systems and preserve drainage for those lands that will benefit from the remaining portions of those systems;

WHEREAS the City engineer is developing a subwatershed outlet structure design, along with additional measures such as outlet gating, regional storage and stormwater
rate control standards to apply to development within the drainage area, so that the outlet will meet the “no adverse impact” standard;

WHEREAS it is contemplated that certain of these measures would be memorialized in a comprehensive stormwater management plan prepared by the City and approved by the District pursuant to District Rule C - Stormwater Management Plans, subsection 5(f), which allows a municipality to establish alternative means of meeting the standards of Rules C.6 and C.7 in accordance with guidance established by District Board Resolution 2014-02;

WHEREAS for a period of time District staff and the District engineer have afforded technical assistance to the City engineer to advise of District approval requirements, review City design concepts and modeling work, and facilitate the City’s project design;

WHEREAS on July 9, 2015, the District engineer prepared a memorandum reviewing the City’s technical submittals to date and describing further required technical work, and on September 9, 2015, City representatives met with the District Board of Managers, staff and engineer to consider the status of the project and its review by the District;

WHEREAS the City has requested that before making further investment in developing the project, it receive from the District an affirmation as to the District Board’s ability to approve the project and a statement for mutual understanding as to what the City must submit and demonstrate in order for Board approval to occur; and

WHEREAS the District Board wishes to provide clarity and assurance for the benefit of the City, while affirming its responsibility to ensure through its regulatory review that the project does not impair the water quality or flood storage function of Peltier Lake and the Anoka Chain of Lakes or the benefits of public drainage systems ACD 55 and ACD 72;

THEREFORE BE IT RESOLVED that the Board of Managers:

- Recognizes that the existing regional stormwater conveyance system for the described 1,430-acre area is not sufficient for the level of development that the City foresees and wishes to accommodate within this area;

- In its roles as regulatory agency and drainage authority, will approve a modification of regional stormwater conveyance by the City on finding that the City’s plan meets the terms of District rules and the Minnesota drainage law;

- Affirms that the July 9, 2015 memorandum of the District engineer accurately states the criteria for approval under District Rule I, including the requirement of no adverse impact, and the status of the City engineer’s analysis and submittals to the District with respect to those criteria;

- Affirms that as a part of its Rule I application, the City may submit a comprehensive stormwater management plan for District review and approval
under District Rule C.5(f) as the means to commit to certain measures required by the Rule I permit to demonstrate that the project will have no adverse impact on upstream or downstream water quality or quantity;

- Recognizes that one such measure proposed by the City is its adoption of a restrictive stormwater flow rate standard to apply on a site basis within the project area, which the District would adopt in parallel and apply in its own review and permitting of future developments;

- Affirms that it is the obligation of the City to make formal application for a District permit and for approvals under applicable requirements of the Minnesota drainage law; and to submit adequate design, modeling and related materials to allow for the District to make the findings required for approval; and advises that it is preferable that the proposed means to operate and maintain the modified conveyance system be as reliable and simple to administer as reasonably possible so as to allow the Board to find that they will function as intended.

The question was on the adoption of the Resolution and there were 5 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Resolution passed.

Michael Bradley, Secretary

Dated: September 23, 2015

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I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 23rd day of September, 2015.

Michael Bradley, Secretary