RESOLUTION NO. 2014-27
RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

ORDERING the MIDDLE RICE CREEK RESTORATION PROJECT
PURSUANT to MINNESOTA STATUTES §103B.251

Manager Haake offered the following Resolution and moved its adoption, seconded by Manager Ogata:

WHEREAS the Rice Creek Watershed District ("District") has adopted a water resource management plan (WRMP) in accordance with Minnesota Statutes §103B.231;

WHEREAS Middle Rice Creek, which extends from Circle Pines to New Brighton, Minnesota, is listed as impaired for fish and macroinvertebrates, and discharges into Long Lake, which is listed as impaired for nutrients;

WHEREAS these impairments result in part from the instability of the creek channel and from streambed and channel erosion;

WHEREAS the WRMP designates Middle Rice Creek as a part of the District's trunk drainage system and specifies that the maintenance and repair of the trunk drainage system is considered work of common benefit to the District and properly funded by the District's ad valorem tax on real property throughout the watershed;

WHEREAS in 2008 the District engineer completed a feasibility study for the Middle Rice Creek Restoration Project ("Project"), encompassing the restoration of historic creek meanders and creek channel stabilization, and the WRMP capital improvement program includes the Project with a budget of $1.4 million in 2015 for that purpose;

WHEREAS the District has received a Clean Water Fund/Targeted Watershed Demonstration grant from the Minnesota Board of Water and Soil Resources for the Project, with the primary project area located in the portion of Rice Creek Corridor from County Road I to the County Road H bridge adjacent to Interstate 35W in the City of Arden Hills and, depending on construction costs and permitting constraints, a secondary project area within the Cities of Shoreview and New Brighton, all on land owned and managed by Ramsey County Parks;

WHEREAS on June 10, 2014, the District and Ramsey County Parks entered into a memorandum of understanding to cooperate in developing the Project which, on Ramsey County Parks concurrence in Project design and alignment, will include its conveying to the District the right to construct and maintain the Project on its land;

WHEREAS in accordance with Minnesota Statutes § 103B.251, subdivision 3, the District duly provided notice of a public hearing to be held on August 26, 2014, regarding the establishment and ordering of the Middle Rice Creek Restoration Project, which notice advised of an estimated Project cost of $870,000.00 to be funded by a combination of Clean Water Fund grant money and the District's ad valorem property tax levy;
WHEREAS on August 26, 2014, at the Shoreview City Council Chambers, a public hearing was held before the Board of Managers pursuant to the public notice, at which time all interested parties had the opportunity to speak for and against the Project;

WHEREAS the Board has considered the findings and recommendations of the District administrator and engineer and the public comment offered, and finds that the Project is feasible, will be conducive to public health and promote the general welfare, and is in compliance with Minnesota Statutes §§103B.205 to 103B.255 and the WRMP adopted pursuant to §103B.231;

THEREFORE BE IT RESOLVED that pursuant to Minnesota Statutes § 103B.251 and the WRMP, the Project is ordered.

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

<table>
<thead>
<tr>
<th></th>
<th>Yea</th>
<th>Nay</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>WALLER</td>
<td>Y</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>HAAKE</td>
<td>Y</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>OGATA</td>
<td>Y</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>WAGAMON</td>
<td>Y</td>
<td>N</td>
<td>A</td>
</tr>
<tr>
<td>PREINER</td>
<td>Y</td>
<td>N</td>
<td>A</td>
</tr>
</tbody>
</table>

Upon vote, the Chair declared the Resolution **passed**.

Harley Ogata, Secretary

Dated: August 26, 2014

* * * * * * * * * *

I, Harley Ogata, 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 have set my hand this 26th day of August, 2014.

Harley Ogata, Secretary