RESOLUTION NO. 2015-29

SUPPLEMENTAL RESOLUTION REGARDING THE REPAIR OF WASHINGTON COUNTY JUDICIAL DITCH 2 (JD 2) TO ESTABLISH AN OPEN WATER CHANNEL UPSTREAM OF THE DEPARTMENT OF NATURAL RESOURCES SHEET PILE WEIR IN THE CHANNEL OF JD 2 AT THE OUTLET OF RICE LAKE, PUBLIC WATERS #82-146P

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

WHEREAS, the Board of Managers (Board) of the Rice Creek Watershed District (the District) is the Drainage Authority for JD 2 under Minnesota Statutes Chapter 103E;

WHEREAS, on April 8, 2015, the Board adopted Resolution 2015-12 related to the repair of JD 2 to establish an open water channel upstream of the Minnesota Department of Natural Resources (DNR) sheet pile weir in the channel of JD 2 at the outlet of Rice Lake;

WHEREAS, by Resolution 2015-12, the Board ordered the following:

• Staff shall coordinate the DNR to provide the technical contents for the proposed permit and to develop a Joint Powers Agreement to define the Board’s and DNR’s participation and contributions to the work,

• Upon completion of the above coordination, staff shall prepare and file an application for a Public Waters Work Permit, consistent with the engineer’s recommended alternative 2 as set forth in the Technical Memorandum, for purpose of maintaining a channel to open water from the weir southward to the open water portion of Rice Lake,

• Upon completion of the above coordination, staff shall present the proposed Joint Powers Agreement to the Board of review and approval,

• The use of herbicide application will be monitored for success of creating an open channel and the results will be reported back to the Board following the second application;

WHEREAS, items 1 and 2 of Resolution of 2015-12 have been satisfied. However, during review of the proposed work, DNR decided to require a Public Waters (PW) Work Permit for the excavation and an Aquatic Plant Management (APM) Permit for the herbicide application. These permits authorize the implementation of Alternative 2, which uses a combination of herbicide application and limited channel excavation immediately upstream of the weir. These permits also authorize the implementation of Alternative 3 (excavation) should Alternative 2 be incapable of achieving an open channel;

WHEREAS, by September 4, 2015, the Board has received both the draft PW Work permit dated expiration date 9/3/20 (attached) and APM Permit (dated August 11, 2015 as attached);

WHEREAS, in the APM Permit the DNR request a three-year monitoring window to assess success of the herbicide treatment;
WHEREAS, HEI has conducted a review of the draft PW work and APM permit language and submitted a memo dated Sept. 8, 2015 (attached) finding the language acceptable with minor modification;

WHEREAS, upon further review, subsequent to its Sept. 8, 2015, memo, HEI has determined the permits are acceptable for the proposed work without further modification;

WHEREAS, staff has received quotes for the herbicide treatment and the treatment could be initiated in 2015 before the end of the growing season but no later than the end of September;

WHEREAS, the Herbicide Contract is capable of complying with the legal and technical requirements described by the Request for Quotes;

WHEREAS, HEI has reviewed the qualifications of the herbicide application contractor and determined the contractor is competent and qualified to perform the work;

WHEREAS, the Joint Powers Agreement has been prepared and provided to the Board for review and approval.

THEREFORE, BE IT RESOLVED by the Board of Managers:

1. The Joint Powers Agreement is approved and the President is authorized to sign on behalf of the District.

2. The PW Work and APM Permits are acceptable to the District.

3. The Administrator is authorized to enter a contract with the low quote vendor for herbicide application to be initiated before the end of the growing season in 2015.

4. The Administrator is authorized to enter into a contract for the mechanical excavation of the channel for Alternative 2 (a distance of no more than 300 feet upstream of the weir) either upon quotation or in the open market, provided the estimated cost falls under the appropriate threshold found in statute. The contract shall include all conditions found within the PW Work permit.

5. The provision of Resolution 2015-12 calling for the monitoring of herbicide application is modified to require monitoring for success of open channel through the third year. If after three years the Board determines that herbicide application is not effective in establishing the open channel, the Board shall exercise its option to excavate the remaining channel to the open water of Rice Lake.
The question was on the adoption of Resolution 2015-29 and there were 4 yea\'s and 0 nays as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Yea</th>
<th>Nay</th>
<th>Absent</th>
<th>Abstain</th>
</tr>
</thead>
<tbody>
<tr>
<td>WALLER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HAAKE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BRADLEY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WAGAMON</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PREINER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Upon vote, the President declared the Resolution passed.

Michael Bradley, Secretary

Dated: September 14, 2015

* * * * * * * * * *

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution 2015-29 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 hereunto set my hand this 14th day of September, 2015.

Michael Bradley, Secretary