RESOLUTION NO. 2015-33

RESOLUTION INITIATING THE REPAIR OF BRANCH 2 OF ANOKA COUNTY DITCH 53-62 (ACD 53-62)

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

WHEREAS, the Board of Managers (Board) of the Rice Creek Watershed District (RCWD) is the Drainage Authority for ACD 53-62 under Minnesota Statutes Chapter 103E;

WHEREAS, the Board, as Drainage Authority for Anoka County Ditch (ACD) 53-62 adopted Resolution 06-09 on July 12, 2006, petitioning itself to examine the repair of ACD 53-62 and ordering a hearing on a previously filed “Resource Management Plan Alternative for the Repair of Anoka County Ditch 53-62”;

WHEREAS, the Board did not act on that report. Rather, the Board directed the District Engineer to refine the Resource Management Plan for the purpose of developing a Comprehensive Wetland Protection and Management Plan that would integrate municipal land use planning and natural resource management planning for the area served by the drainage system;

WHEREAS, following the refinement of the Resource Management Plan and development and adoption of the Comprehensive Wetland Protection and Management Plan and associated rules, the Board directed Houston Engineering to prepare a Repair Report to supplement the initial Resource Management Plan Alternative for the Repair of Anoka County Ditch 53-62. The purpose of the Repair Report was to develop alternative repair configurations for Branch 1 of ACD 53-62 that would be consistent with the adopted management plans. Consideration of repair was limited to Branch 1 based on a functional assessment of the entire drainage system and identification of the portion of the drainage system in most need of repair;

WHEREAS, during development of the Repair Report for Branch 1 of ACD 53-62, the Board addressed the need to correct the drainage system record to reflect the substantial changes to the watershed of the drainage system and the multiple reconfigurations and reconstructions of various prior drainage systems which has resulted in the current function and alignment of ACD 53-62. A summary of the historical changes in the watershed of the drainage system is contained in the engineer’s Historical Review Memorandum, dated October 19, 2011, as revised on February 15, 2012;

WHEREAS, upon notice and proceedings, the Board, by resolution 2012-06, adopted a functional grade and alignment of ACD 53-62 consistent with the recommendations found in the engineer’s Historical Review Memorandum, to include adoption of an as constructed and subsequently improved condition (ACSIC) for the main ditch and all branches;

WHEREAS, to support future financing of the repair and to facilitate a watershed project for the drainage system repair under alternative authorities, the Board amended its Watershed

1
Management Plan to establish a water management district for the drainage area of ACD 53-62 and to include the repair of ACD 53-62 as a Watershed District project;

WHEREAS, the Board, consistent with its Watershed Management Plan, sought concurrence from the Cities of Lino Lakes, Lexington and Circle Pines to undertake the repair of ACD 53-62 using the additional authorities of Minnesota Statutes Section 103D.621, Subd. 4, which grants the Board authority to undertake proceedings related to the Drainage System in accordance with the Watershed Law (Minnesota Statutes Chapters 103B & D) rather than the Drainage Code (Minnesota Statutes Chapter 103E). The purpose of conducting proceedings under the Watershed Law is to provide greater flexibility to the Board to ensure consistent management of all drainage systems under the adopted Watershed, Resource and Comprehensive Wetland Management Plans;

WHEREAS, the Cities have given their concurrence (the District had previously received concurrence from the City of Blaine);

WHEREAS, based on the municipal concurrence, the Board determined to proceed with future repairs of ACD 53-62 under Minnesota Statutes Section 103D.605;

WHEREAS, according to the overall drainage system management strategy of the RCWD, the Board is proceeding through a prioritized list of drainage system or drainage system component repairs, based on the condition of the drainage system or component thereof or upon urgency of need;

WHEREAS, Branch 2 of ACD 53-62 is in need of repair and falls next in line of the RCWD’s prioritized list of repairs;

WHEREAS, the repair of Branch 2 of ACD 53-62 to the ACSIC, or as closely thereto as is practical, is necessary for the efficient management of storm water and beneficial drainage from properties draining to Branch 2 of ACD 53-62.

THEREFORE, BE IT RESOLVED by the Board of Managers:

1. The Board hereby initiates repair proceedings to restore Branch 2 of ACD 53-62 to its ACSIC or as closely thereto as is practical.

2. The engineer is authorized to prepare a task order for the preparation of a repair report for the work.

3. The Administrator is directed to initiate discussions with the DNR and Corps of Engineers, including providing notice to the DNR pursuant to statutes section 103E.701, subd. 2, of the proposed repair to the extent that the proposed repair might impact public waters or waters of the US, or might implicate other permitting or permission requirements of the agencies.

The question was on the adoption of Resolution 2015-33 and there were 55 yeas and 0 nays as follows:
Upon vote, the President declared the Resolution passed.

Michael Bradley, Secretary

Dated: September 23, 2015

I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above resolution 2015-33 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 23rd day of September, 2015.

Michael Bradley, Secretary