RESOLUTION NO. 2015-35

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS, DRAINAGE AUTHORITY FOR ANOKA COUNTY DITCH 46

ACCEPTING THE ENGINEER’S REPAIR REPORT FOR ANOKA COUNTY DITCH 46, ACCEPTING THE COSTS ALLOCATION RECOMMENDATION, AND DIRECTING FURTHER REPAIR PROCEEDINGS

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

WHEREAS, the Rice Creek Watershed District Board of Managers (“Board”), Drainage Authority for Anoka County Ditch (ACD) 46, by resolution 2015-04, adopted findings and an order directing repair proceedings for the repair of ACD 46; and

WHEREAS, by resolution 2015-04, the Board directed its engineer to prepare an allocation of costs for the recommended scope of repair, that allocates costs between those necessary to restore the basic drainage function of the system and those necessary to achieve compliance with water quality, ecological or other environmental standards or objectives set by the Board; and

WHEREAS, by resolution 2015-04, the Board further directed, upon receipt of the cost allocation and the Water Management District charge recommendation, to set a date, time, and location for an informational meeting on repair of ACD 46; and

WHEREAS, the Engineer has provided, after consultation with the Board, an opinion of probable cost for the recommended repair alternative and a charge analysis with recommended allocation of costs under a water management district charge system; and

WHEREAS, the charge analysis recommends an allocation of costs between water management charges and ad valorem taxes. The recommended allocation, developed in consultation with the Board, takes into consideration past legal authorizations and policies of the Board related to drainage system maintenance; current policies as articulated in the District’s Watershed Management Plan; district-wide benefits of the ecological and floodplain management components of the repair alternative; and direct, localized benefit of restoring core drainage function and accommodating future stormwater demands; and

WHEREAS, the Engineer’s Recommended Repair Alternative, contained in the Repair Report Addendum, provides for the restoration of beneficial drainage within the drainage area of the system, minimizes adverse environmental impacts, and creates environmental enhancements; and
WHEREAS, a repair, consistent with the Engineer's Recommended Repair Alternative, will restore predictable drainage efficiency within the drainage area of the system to support current beneficial land uses and future stormwater management demands; and

WHEREAS, the Engineer's Recommended Repair Alternative is consistent with the Watershed Management Plan and District rules. This alternative represents the least environmentally damaging practicable alternative; and

WHEREAS, on October 12, 2015, the Board held an informational meeting for the owners of property affected by the proposed repair and cost allocation.

THEREFORE, the Rice Creek Watershed District Board of Managers makes the following:

ORDER

A. The Board of Managers accepts the Engineer's final supplemented Repair Report for the repair of ACD 46 and concurs with the Engineer's Recommended Repair Alternative.

B. The Board of Managers accepts the charge analysis and recommended allocation of costs for the repair of ACD 46.

C. Further proceedings for the repair of ACD 46 shall occur utilizing the additional authorities provided in Minnesota Statutes Section 103D.621 Subd. 4.

D. Both the Recommended Repair Alternative and allocation of costs are subject to modification and final Board approval after public hearings.

E. The Board of Managers directs its administrator to notice acceptance of the Repair Report and Cost Allocation Recommendation and to open a 30-day period for review and comment and sets a hearing date of Dec. 8, 2015, for final hearing on the repair and cost allocation for the repair of ACD 46.

F. Notice shall be provided as follows:

- Transmission of the repair plan to the Corps, BWSR and the DNR for review and comment.
- Notice of the availability of the reports for review published once in the county where property affected by the drainage system is located.
- Notice of the hearing by publication before the date of the hearing in a legal newspaper, published in the county where property affected by the drainage system is located.
- Notice of the hearing by mail ten days prior to the hearing to the DNR and the
counties or municipalities entirely or partly within the area affected by the drainage system and the water management district charge.

- Notice of the hearing shall state the time and location of the hearing; the general nature of the work; the estimated cost of the work; and the method by which the cost of the work is to be paid, including the cost to be allocated to each affected county, municipality or the state government.

- Additional notice to landowners as required by local rule.

The question was on the adoption of the Resolution and there were 4 yeas and 0 nays as follows:

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Upon vote, the Chair declared resolution 2015-35 adopted.

Michael Bradley, Secretary

Dated: October 28, 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 28th day of October 2015.

Michael Bradley, Secretary