RESOLUTION NO. 2016-11

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS

ORDER ACCEPTING PLANS AND SPECIFICATIONS; DIRECTING THE SOLICITATION OF BIDS AND ALLOWING COSTS FOR THE REPAIR OF ANOKA COUNTY DITCH 31

Manager Wagar offered the following Resolution and moved its adoption, seconded by Manager Haake.

WHEREAS, on January 13, 2016, the Rice Creek Watershed District Board of Managers ("Board"), Drainage Authority for Anoka County Ditch 31 ("ACD 31") adopted Resolution 2016-03 which was the Final Order directing the repair of ACD 31 and implementing water management district charges for the repair;

WHEREAS, Resolution 2016-03 directed the District's administrator to coordinate and take all subsequent actions necessary for implementation of the repair in a manner consistent and compliant with existing law;

WHEREAS, as directed by the administrator, the engineer has prepared and submitted plans and specifications for the repair;

WHEREAS, the Board's practice is to review and approve the plans and specifications prior to directing the solicitation of bids for any project;

WHEREAS, the Board has reviewed the plans and specifications as well as the Engineer's recommendation;

WHEREAS, based on the Board's review, the Board finds the plans and specifications for the project to be complete and to represent the intent of the Board's repair order;

WHEREAS, the Board has reviewed the costs incurred to date for the project and finds them to be reasonable and necessary in furtherance of the Board's repair order;

WHEREAS, in conjunction with the repair of ACD 31, the Board conducted a records correction process pursuant to statutes section 103E.101, subd. 4a, reestablishing and correcting the drainage system record of the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system;

WHEREAS, by Resolution 2015-01, the Board described the right-of-way of the drainage system as follows:
a right-of-way easement for ACD 31 to include the area physically occupied by the open ditch or tile drainage system, a one-rod (16 ½ foot) perennially vegetated buffer strip adjacent to open ditch, and an area of reasonable set-back to protect and provide for maintenance of the drainage system as required by Minnesota Statutes Chapter 103E, together with rights of entry to parcels containing the drainage system for inspection and maintenance purposes, as well as any and all secondary easements recognized by law and necessary to exercise statutory obligations related to the ditch.

WHEREAS, in its draft construction plans, dated May 25, 2016, the engineer further refined the work area to be impacted by the drainage system repair;

WHEREAS, the Board provided mailed notice to the owners of all properties affected by the proposed repair of a June 6, 2016, meeting to discuss the impact of repair activities on the properties;

WHEREAS, the notice included an extract from the engineer's draft construction plans indicating the areas on each property to be impacted by the repair, the nature of the work to be performed, and the limits of construction;

WHEREAS, on June 6, 2016, the Board held the meeting as noticed, provided information to affected landowners regarding the repair, and solicited comments from those present regarding ways to further limit the impact of repair on individual properties;

WHEREAS, based on the engineer's prior analysis of the drainage system, historical review of the drainage system records, the records correction process, and the comments of those present at the June 6, 2016, meeting, the Board finds that the areas proposed to be impacted by the repair of ACD 31 are within the limits of the area contemplated and included in the original establishment of the drainage system for which damages were awarded and paid at the time of establishment;

WHEREAS, based on the foregoing finding, the Board further finds that the repair may proceed without appointment of viewers to determine additional damages related to the repair.

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

A. The Board of Managers accepts the plans and specifications for the repair of ACD 31, as revised and dated June 14, 2016, and directs the solicitation of bids according to the Engineer's recommendation for implementation of the repair and as required by law.

B. The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for implementation of the repair in a manner consistent and compliant with existing law. The Board reserves to itself, however, all subsequent actions required by law to proceed upon Board approval.

C. The Board of Managers authorizes modifications of the construction plans by the engineer to further limit impacts on individual properties based on comments from landowners following the June 6, 2016, meeting.

D. The Board of Managers further authorizes expenditures for the repair of ACD 31 and the collection of revenues consistent with this order.

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 2016-11 passed.

Barbara Haake
Acting Secretary

Dated: June 21, 2016
I, Barbara Haake, Acting 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 21st day of June, 2016.

Barbara Haake, Acting Secretary