RESOLUTION NO. 2016-22

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

FINDINGS AND ORDER CORRECTING DRAINAGE SYSTEM RECORDS
FOR WASHINGTON COUNTY JUDICIAL DITCHES 5, 6 AND 7 (103E.101, subd. 4a)

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

FINDINGS

1. The Rice Creek Watershed District (RCWD) is the Drainage Authority for Washington County Judicial Ditches (WJD) 5, 6 and 7.

2. The Board of Managers has reviewed a historical and technical analysis for the drainage systems which is contained in the Engineer's Historical Review Memorandum dated January 8, 2015; a Revised Historical Review Memorandum dated June 13, 2016; and a Historical Review Addendum dated August 12, 2016. Said analyses are incorporated by reference into this Resolution.

3. Inspection of the drainage systems reveals several documented and undocumented modifications of the drainage systems, lack of written documentation describing elevations and grades throughout the system, several areas of disrepair, and portions of branches or laterals absent from the landscape as a result of changed land uses.

4. Owners of land benefitted by the drainage systems have inquired of the RCWD regarding future land uses and the level of expected service provided by the drainage systems as an outlet for beneficial drainage.

5. As part of her analysis of the drainage systems, the engineer has identified the existing functional alignment, dimension and grade of the drainage systems as they provide beneficial public drainage today. This functional alignment, dimension, and grade match the basic functional efficiency of the system as designed and established to provide beneficial public drainage.

6. The engineer has also identified the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage systems in their as constructed and subsequently improved state.

7. The engineer's study included evaluation of existing records and evidence, including, but not limited to, applicable aerial photographs, soil borings or test pits, culvert dimensions and invert elevations, field investigation and bridge design records.
8. In order to properly manage the drainage systems in a way that recognizes its intended, beneficial, public function, the RCWD initiated proceedings to identify the extent of its jurisdiction over the system as currently existing and providing beneficial public drainage.

9. On February 25, 2015, the Drainage Authority adopted Resolutions 2015-05, 2015-06 and 2015-07 to follow the procedures of statutes section 103E.101, subdivision 4a, to reestablish and correct the drainage system record of WJDs 5, 6 and 7.

10. The February 25, 2015 Resolutions directed the district engineer to investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations; materials; dimensions; elevations; and right-of-way of the drainage system as a final addendum to the January 8, 2015 Historical Review Memorandum.

11. The intent of the proceedings was to reconcile the historical record of the drainage system with the functional alignment, dimension and grade of the system to describe the equivalent of the As- Constructed and Subsequently Improved Condition.

12. Future work on the drainage system will utilize the As- Constructed and Subsequently Improved Condition, established in these proceedings, as a baseline for determining repair or improvement of the system.

13. The Board noticed and held an informational meeting on April 27, 2016 at 7:00 p.m. in the Forest Lake City Hall community room. The purpose of the informational meeting was to inform the public of the proceedings and the proposed action. At the informational meeting, the Board’s staff reviewed the information contained in the engineer’s Historical Review Memorandum, describing the history of the system, its current condition and the proposal to establish a functional alignment, grade and capacity of the system which continues to perform a beneficial public drainage function.

14. On June 13, 2016, District Engineer, Nancy Stowe of Houston Engineering, Inc. delivered a Revised Historical Review Memorandum after considering comments gathered at the informational meeting. On August 12, 2016, the engineer filed an Addendum to the Historical Review Memorandum describing the drainage system rights of way after field investigation.

15. The Board noticed and held a public hearing on the correction of the drainage system record on September 21, 2016, at 6:30 p.m. in the Forest Lake City Hall council chambers. Evidence of all notices is on file with the District office.

16. During the public hearing portion of the proceedings, members of the public appeared and provided comment. The Board and staff responded to comments as presented. No comments were received that indicated necessary changes in the engineer’s analysis of the drainage systems. The comments and discussion are reflected in the minutes of the hearing.
17. At the close of the public hearing, Manager Haake moved to direct staff to prepare findings and an order consistent with the proceedings, including responses to all comments received through the public comment process; that the draft findings and order be written to affect the reestablishment and correction of the public drainage system records consistent with the engineer's findings; direct recording of the order to reflect the reestablishment and correction of the public drainage system record; and that the hearing be recessed until the Board's regular meeting on September 28, 2016. Manager Waller seconded and the motion Passed by a vote of 5 yes and 0 no.

18. The proposed functional alignment and grade of WJDs 5, 6 and 7, as described in the engineer's Historical Review Memoranda and Final Addendum, reflects the level of performance similar in nature to the as-constructed, subsequently improved condition of the drainage system considering the function required by the change in land use to reestablish the historic drainage function to benefited lands.

19. Correction of the drainage system records to adopt the proposed functional alignment and grade of drainage systems, as described in the engineer's review memoranda, will provide for the efficient administration of the drainage system.

20. Adopting the proposed functional alignment and grade of the drainage systems, as described in the engineer's Historical Review Memoranda and Final Addendum, will reconcile the historical record of the drainage systems with the functional alignment, dimension and grade of the system as it has historically provided public benefit.

Therefore, the RCWD Board of Managers makes the following:

ORDER

A. The Board of Managers hereby corrects the drainage system records of WJDs 5, 6 and 7 to reflect the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions and elevations; and right-of-way of the drainage systems as detailed in the Engineer's Historical Review Memorandum dated January 8, 2015 (Exhibit A); the Revised Historical Review Memorandum dated June 13, 2016 (Exhibit B); and the Historical Review Addendum dated August 12, 2016 (Exhibit C).

B. The Board of Managers further directs filing and recording of documents necessary to reflect the reestablishment and correction of the public drainage system records established herein.
The question was on the adoption of the Findings and Order and there were 5 yeas and 0 nays as follows:

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Upon vote, the Chair declared the Findings and Order passed.

Michael Bradley, Secretary

Dated: September 28, 2016

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I, Michael Bradley, Secretary of the Rice Creek Watershed District, do hereby certify that I have compared the above Findings and Order 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 September 2016.

Michael Bradley, Secretary