RESOLUTION NO. 2018-07

RICE CREEK WATERSHED DISTRICT BOARD OF MANAGERS
FINAL ORDER DIRECTING THE REPAIR OF BRANCHES 1 AND 2 OF WASHINGTON COUNTY JUDICIAL DITCH 2

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

WHEREAS, the Rice Creek Watershed District Board of Managers ("Board"), Drainage Authority for Washington Judicial Ditch (WJD) 2, by resolution 2015-34, adopted findings and an order initiating the repair of WJD 2, Branch 1; and

WHEREAS, resolution 2015-34 directed the engineer to investigate the condition of Branch 1 and to prepare a report recommending a scope of repair; and

WHEREAS, during the investigation of repair for Branch 1, upon request of local residents and the City of Hugo, the Board expanded its direction to its engineer to also investigate and prepare a repair report for Branch 2 of WJD 2; and

WHEREAS, the Engineer has provided, after consultation with the Board, a repair plan to implement the recommended repair alternative for Branch 2 of WJD 2; and

WHEREAS, the Engineer provided a repair report for Branch 1 dated April 24, 2017, and a repair report for Branch 2 dated December 4, 2017; and

WHEREAS, the engineer’s recommended scope of repair for each Branch of WJD 2, contained in the repair reports, provides for the restoration of beneficial drainage within the drainage area of the Branches and minimize adverse environmental impacts; and

WHEREAS, repairs, consistent with the engineer’s recommendations, will restore predicable drainage efficiency to the Branches in order to support current beneficial land uses and future stormwater management demands; and

WHEREAS, the engineer’s recommendations are consistent with the Watershed Management Plan and District rules; and

WHEREAS, by Resolution 2017-32, the Board accepted the engineer’s final repair reports for the repair of Branches 1 and 2 of WJD 2 and concurred with the Engineer’s recommended scope of repair for each Branch; and
WHEREAS, by that same resolution the Board directed further action including noticing and holding a final hearing on January 30, 2018 at Hugo City Hall to gather public testimony on the proposed repairs; and

WHEREAS, the Board provided notice of the hearing as follows:

By Publication:

- The District’s webpage January 8, 2018, through the date of the final hearing.

By Electronic Mail:

- District email notice January 8, 2018 to those on the District’s email distribution list and those requesting of email notice of hearings and special meetings.

By Posting:

- District office commencing on January 8, 2018 and through the date of the hearing.

By Mail:

- Postcard mailing to the owners of property within the drainage area affected by the proposed repairs on January 8, 2018.
- To the City of Hugo, BWSR, DNR, ACOE, MCES, MPCA, MnDOT, Washington County, Washington County Public Works Dept., and Washington Conservation District January 8, 2018; and

WHEREAS, at the January 30, 2018 Public hearing, the President called for and accepted public comment on the proposed repair; and

WHEREAS, no substantive oral comments were received; and

WHEREAS, at the close of public comment, Manager Bradley moved, seconded by Manager Waller to leave the comment period open for written comments through 5:00 p.m. on Tuesday, February 6, 2018. The motion passed by unanimous vote of the managers; and

WHEREAS, subject to any further written comment, Manager Bradley moved, seconded by Manager Waller to direct staff to prepare findings and an order for the repair of Branches 1 and 2 of Washington JD 2 according to the engineer’s recommendations; that the findings and order be consistent with the proceedings including any comments and evidence presented; and that the hearing be continued to the Board’s regular meeting on February 28, 2018 for the purpose
of considering and adopting findings and an order for the repair of Branches 1 and 2 of WJD 2. The motion passed by unanimous vote of the managers; and

WHEREAS, no written comments were received during the extension period; and

WHEREAS, statutory notices throughout these proceedings, as required by Statutes Chapters 103B, 103D and 103E, as well as notices required by local rule were provided and are contained within the record of proceedings maintained by the District; and

WHEREAS, the proposed repair of Branches 1 and 2 of WJD 2, according to the engineer’s recommendation, will be conducive to public health, will promote the general welfare of the District and within the drainage area of the system, complies with the Watershed Management Plan, and otherwise complies with the requirements of state statute; and

WHEREAS, the repair of Branches 1 and 2 of WJD 2, according to the engineer’s recommendation, is necessary and in the best interest of owners of property benefitted by the drainage system.

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

ORDER

A. The Board of Managers orders implementation of the repair of Branches 1 and 2 of WJD 2 consistent with the engineer’s recommended repair alternative, and consistent with the capital improvement program contained in the District’s Watershed Management Plan.

B. Because WJD 2 is designated as a “Trunk Drainage System” in the District’s Watershed Management Plan, repairs of the drainage system are funded by the District rather than by assessment to benefitted landowners or by water management district charges within the drainage area of the drainage system.

C. 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.

D. The Board of Managers Authorizes the bidding of the repairs in separate components and under separate contracts distinguished by both branch and construction method.

E. The Board of Managers further authorizes expenditures for the repair of Branches 1 and 2 of WJD 2.
The question was on the adoption of the Resolution and there were 7 yeas and 0 nays as follows:

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Upon vote, the Chair declared Resolution 2018-07 passed.

Michael Bradley, Secretary

Dated: February 28, 2018

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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 February, 2018.

Michael Bradley, Secretary