RESOLUTION NO. 2018-35

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

FINDINGS AND ORDER INITIATING REPAIR PROCEEDINGS FOR
ANOKA-WASHINGTON JUDICIAL DITCH 3

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

FINDINGS

1. The Rice Creek Watershed District (RCWD) Board of Managers (Board) is the Drainage Authority for Anoka-Washington Judicial Ditch 3 (AWJD 3). The Board has designated AWJD 3 (also known as Clearwater Creek) as part of the RCWD trunk conveyance system.

2. On May 13, 2015, by resolution 2015-18, the Board initiated proceedings under Minnesota Statutes Section 103E.101, subd. 4a, to reestablish and correct the drainage system record for AWJD 3 to reflect the functional alignment, dimension, grade and right-of-way of the system.

3. On September 23, 2015, by resolution 2015-32, the Board adopted corrected records for the drainage system.

4. In July of 2018, the RCWD staff, assisted by its engineers, performed as survey and inspection of AWJD 3. Based upon the inspection and survey, the Board determines that AWJD 3 is in systematic disrepair. Much of the system has accumulated sediment in excess of 1-foot. Additionally, there is thick vegetation, brush, and trees lining large portions of the open channel as well as portions of the open channel that are heavily vegetated, causing a reduction in hydraulic capacity. There are deadfalls within the channel in many of the treed areas and several culverts are above the established grade of the drainage system.

5. Based on the engineering analysis and other inspection of the drainage system, the Board determines that the drainage system is in need of major repair in order to make the drainage system efficient and to restore the drainage system as nearly as practicable to the same hydraulic capacity as originally constructed and subsequently improved.

6. The Board is seeking concurrence from the Cities of Centerville, Hugo and Lino Lakes, pursuant to statutes section 103D.621, subd. 4, to exercise alternative powers found in statutes chapters 103B and 103D to repair and manage the drainage system.

7. The engineer has provided a draft Repair Report, dated November 7, 2018, which includes a recommended scope of repair and option that is consistent with the Board’s current drainage system repair policy and with the Board’s Watershed Management Plan and associated rules and resource management plans.

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Therefore, the RCWD Board of Managers makes the following:

ORDER

A. The Board of Managers receives the draft engineer's Repair Report for AWJD 3 for filing.

B. The Board of Managers directs its administrator to send correspondence to the cities of Centerville, Hugo and Lino Lakes to seek their concurrence to exercise alternative powers found in statutes chapters 103B and 103D to repair and manage the drainage system. Upon the concurrence of the Cities of Centerville, Hugo and Lino Lakes, the Board shall conduct further proceedings for the repair of AWJD 3 utilizing the additional authorities provided in Minnesota Statutes Section 103D.621, subd. 4.

C. The Board of Managers further directs its administrator and staff to begin coordination with affected municipalities to coordinate municipal concerns as part of the repair process.

D. The Board of Managers further directs its administrator and staff to begin coordination with the required local, state and federal regulatory entities to ensure timely identification of regulatory issues and regulatory approvals for the proposed drainage system repair.

E. The Board of Managers further directs its administrator and staff, upon completion of necessary coordination as discussed above, to set a date, time and location for an informational meeting on the repair of AWJD 3. Following the informational meeting, the Board shall set a date for a hearing on the repair. Notice for said informational meeting shall be given by mail to all owners of property traversed by and adjacent to AWJD 3, and by publication to all other interested parties.

F. The Board of Managers directs its administrator to coordinate and take all subsequent actions necessary for preparation 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.

The question was on the adoption of the Findings and Order and there were 4 yeas and 1 nays as follows:

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Upon vote, the Chair declared the Findings and Order Dated: 7-7-18, 2018

Michael Bradley, Secretary

Dated: 11-14, 2018
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 14th day of November 2018.

Michael Bradley, Secretary