RESOLUTION 2019-26

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

FINDINGS AND ORDER DIRECTING PROCEEDINGS TO REESTABLISH AND CORRECT DRAINAGE SYSTEM RECORD FOR RAMSEY COUNTY DITCH 11 (Statutes §103E.101, subd. 4a)

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

FINDINGS

1. The Rice Creek Watershed District (RCWD) is the Drainage Authority for Ramsey County Ditch 11 ("RCD 11").

2. At the Drainage Authority's direction, the Board's engineer conducted a historical review of records and conditions of RCD 11 in order to determine whether the drainage system records were complete and sufficient to determine the as constructed and subsequently improved condition of the drainage system, along with the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system.

3. The engineer prepared and filed a Technical Memorandum describing its historical review of records and conditions dated July 17, 2019. The Memorandum describes existing records, gaps in the drainage system record as well as existing and historical conditions of the drainage system. The Memorandum makes recommendations related to corrections of the drainage system record in order to re-document the as constructed and subsequently improved condition of the drainage system, along with the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system.

4. Based upon the Technical Memorandum and after thorough investigation of the drainage system record, the Drainage Authority finds that the records establishing the alignment, profile, and right-of-way of RCD 11 are incomplete.

5. The Drainage Authority continues to perform minor maintenance on portions of the drainage system and is considering a more comprehensive repair of the system.
6. As part of its analysis of the drainage system, the engineer has identified the existing functional alignment and grade of the system which matches the functional efficiency of the system as designed and established.

7. Statutes Section 103D.335, subd. 8, allows the Board of Managers to “construct, clean, repair, alter, abandon, consolidate, reclaim or change the course or terminus of any public ditch...within the watershed district.”

8. Statutes Section 103E.101, subd. 4a allows the Drainage Authority to initiate proceedings to reestablish records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; or right-of-way of a drainage system as originally constructed or subsequently improved.

Therefore, the RCWD Board of Managers makes the following:

ORDER

A. The Board of Managers shall follow the procedures of Statutes Section 103E.101, subd. 4a to reestablish and correct the drainage system record for RCD 11 to reflect the functional alignment, dimension, grade and right-of-way of the system.

B. The engineer, to the extent not already accomplished in its analysis supporting the Technical Memorandum, shall investigate and report findings defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, elevations; and right-of-way of the drainage system.

C. In order to encourage early coordination, the engineer shall give notice to the DNR of these proceedings and invite the appropriate DNR staff to review and offer comments on the Technical Memorandum and any addenda thereto and invite appropriate DNR staff to attend and participate in any field review or verification of site conditions.

D. Drainage Authority staff, upon completion of the engineer’s investigation and in coordination with the Board, shall set a date, time and location for an informational meeting on the reestablished and corrected drainage system records.

E. Drainage Authority staff, upon completion of the informational meeting and refinement of the engineer’s investigation, shall set a date, time and location for a hearing on the reestablished and corrected drainage system records.

F. Drainage Authority staff shall give notice of the hearing by mail to the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, and all
property owners benefited or damaged by the drainage system and shall give additional notice either in a newspaper of general circulation in the drainage system area or by publication on Drainage Authority’s web-site and in all other ways as required by Board policy.

The question was on the adoption of the Resolution and there were 5 yea's and 0 nay's as follows:

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

Michael Bradley, Secretary
Dated: September 11, 2019

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 11th day of September 2019.

Michael Bradley, Secretary