

**RESOLUTON NO. 2025-02**

**RICE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**FINDINGS AND ORDER REESTABLISHING AND CORRECTING DRAINAGE SYSTEM RECORD FOR  
RAMSEY COUNTY DITCH 1 (Statutes §103E.101, subd. 4a)**

Manager Weinandt offered the following Resolution and moved its adoption, seconded by Manager Waller :

**FINDINGS**

1. The Rice Creek Watershed District (RCWD) Board of Managers (Board) is the Drainage Authority for Ramsey County Ditch 1 (RCD 1).
2. The Board, in pursuit of its obligations as Drainage Authority, regularly inspects drainage systems under its authority to determine repair and other requirements related to the drainage systems.
3. The Board directed its engineer to review the condition of RCD 1, including records defining the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system.
4. In response to the Board's request, the engineer conducted its review and produced a Technical Memorandum, dated April 10, 2024. In its Technical Memorandum, the engineer noted the absence of records clearly indicating the as constructed grade and alignment of the drainage system. Specifically, the engineer noted the absence of either design or as-built plans for the system.
5. The Technical Memorandum included the engineer's recommendation to define the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system based on the engineer's physical investigation of the drainage system, soil borings, historic air photography and available documentation in the drainage system record.
6. As is common practice for the Board, it directed the engineer to provide a copy of the Technical Memorandum to the Minnesota Department of Natural Resources (DNR) and to

invite early coordination and review of the available data in order to better inform the evidence and resolve any concerns of the DNR related to the recommended, as-constructed condition and natural resources of the State.

7. The Board of Managers has reviewed the Technical Memoranda and adopts it as the official report and recommendation in these proceedings. Said amended Technical Memorandum is incorporated by reference into this Resolution.
8. Inspection of RCD 1 reveals several documented and undocumented modifications of the drainage system, lack of written documentation describing elevations and grades throughout the system, and several areas of disrepair.
9. As part of its analysis of the drainage system, the engineer has identified the existing functional alignment, dimension and grade of this system as it provides beneficial public drainage today. This functional alignment, dimension and grade match the basic functional efficiency of the system as designed, established and subsequently improved to provide beneficial public drainage.
10. Future work on the drainage system will utilize the As-Constructed and Subsequently Improved Condition, established in these proceedings, as a baseline for determining future repair or improvement of the system.
11. The Board noticed and held an informational meeting on the engineer's Technical Memorandum.
12. During the informational meeting, the Board's staff reviewed the information contained in the engineer's Technical Memorandum – describing the history of the system, its current condition, the evidence gathered by the engineer and the engineer's recommended reestablishment of records to define the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system.
13. The Board noticed and held a public hearing on the reestablishment and correction of the drainage system record on Wednesday, January 22, 2025. Evidence of all notices is on file with the RCWD.
14. The Board opened the public comment portion of the hearing and received public comment on the proposed adoption of corrected records as outlined in the Technical Memorandum.

15. Comments were received as follows:

- a. DNR Comment Letter: A comment letter from the Department of Natural Resources, dated January 21, 2024 [sic], but received on January 21, 2025, was read into the record.
- b. Community members: Three community members residing in the vicinity of the drainage system attended the hearing, asked questions and shared general observations regarding localized flooding/water management issues in their neighborhoods.

16. After calling for additional public comment at the hearing and hearing none, the Board President closed the public comment portion of the hearing.

17. The DNR comments focused on the upstream public water (Marsden Lake, #62-59P), the elevation of which has, since at least 1944, been maintained by the culvert crossing at County Road I / Hamline Avenue (Station 49+18) between, approximately, elevations 883.5 and 883.83 (unknown vertical datum).

18. Based on the evidence, the engineer recommends an as-constructed elevation of the County Road I / Hamline Avenue crossing of approximately 882.0 ft (datum NGVD 1988).

19. The proposed ACSIC elevation is approximately 1.5 feet below the upstream invert of the existing culvert, which is 883.49 ft (datum NGVD 1988) and the DNR notes that modification of the current County Road I / Hamline Avenue crossing to a lower elevation will require analysis of public waters impacts and permitting requirement.

20. Following discussion, the Board directed its engineer to conduct further research and analysis of the impacts of the County Road I / Hamline Avenue crossing at its current elevation and at the proposed as-constructed elevation. The Board further directed the engineer to evaluate whether any of the community comments about localized flooding and water management issues can either be attributed to the function of RCD 1 in its current condition, including the current culvert elevation at the County Road I / Hamline Avenue crossing, or would be remedied by lowering the County Road I / Hamline Avenue crossing to the proposed, as-constructed elevation. Finally, the Board, on the record, continued the hearing to the Board's regular meeting on March 26, 2025, at 9:00 a.m., or by adjournment to an appropriate time on the Board's agenda, at which meeting the Board will consider findings and an order for the proposed reestablishment and correction of the public drainage system records.

21. The engineer filed a technical report, dated February 28, 2025, addressing the issues directed by the Board. The Board adopts this report as final and directs its filing in the drainage system record.
22. In its report, the engineer concludes, generally, that the current conditions on RCD 1 and the culvert elevation at the County Road I / Hamline Avenue crossing do not influence the local flooding and water management issues identified by the public commentators. Similarly, while lowering the culvert elevation at the County Road I / Hamline Avenue crossing will lower the elevation in Marsden Lake, such an action would not result in any measurable change in available land use in the vicinity of the drainage system.
23. The Board finds that current conditions in and adjacent to Marsden Lake, as influenced by the elevation of the County Road I / Hamline Avenue crossing, have existed since at least 1944 and various land uses, land use expectation and stormwater management practices have been established reliant upon the current condition of the drainage system. Additionally, the Board finds that inventory of Marsden Lake as a public water and the adoption of its ordinary high water level were based upon the current elevation of the County Road I / Hamline Avenue crossing.
24. Should the Board encounter a request or petition to repair RCD 1 by lowering the elevation of the County Road I / Hamline Avenue crossing to the proposed, as-constructed elevation, it shall comply with all regulatory requirements related to public waters and shall give proper consideration to the conservation of soil, water, wetlands, forests, wild animals, and related natural resources, and to other public interests affected, together with other material matters as provided by law in determining whether the project will be of public utility, benefit, or welfare.
25. The proposed alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of RCD 1, as described in the engineer's amended Technical Memorandum and Final Addendum, is supported by the weight of evidence in these proceedings.
26. The DNR has asserted valid concerns regarding changes to the elevation of the County Road I / Hamline Avenue crossing.
27. RCD 1 was originally constructed and established in 1901, designated at that time as the "Marsden Lake Ditch". This indicates a public drainage system established to provide an improved outlet to Marsden Lake, among other purposes.

28. At the time of establishment, neither County Road I nor Hamline Avenue were constructed. Therefore, at the time of original construction, no culvert was present at the current crossing location. Rather, an open ditch traversed that reach of RCD 1.
29. Soil borings were made adjacent to and up- and down-stream of the County Road I / Hamline Avenue crossing. Additional borings were made along the entire length of RCD 1. The grade line created by the boring elevations is uniform and consistent with historic documents present in the drainage system record. Borings are consistent with a conclusion that the County Road I / Hamline Avenue crossing was installed above the as-constructed elevation and grade of the ditch.
30. Despite the Board's conclusion regarding the elevation of the County Road I / Hamline Avenue crossing, the crossing has existed in its current location and at its current elevation since at least 1944 and certain public and private expectations and interests have been established by the current elevation of the crossing.
31. Correction of the drainage system record to adopt the proposed alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of RCD 1, as described in the engineer's amended Technical Memorandum, will provide for the efficient administration of the drainage system.
32. Adopting the proposed alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of RCD 1, as described in the engineer's amended Technical Memorandum, will reconcile the historical record of the drainage system 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:

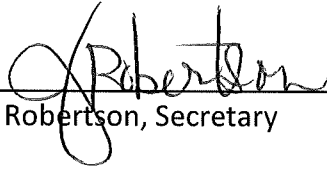
### ORDER

The Board of Managers hereby reestablishes and corrects the drainage system record of RCD 1 to reflect the alignment; cross-section; profile; hydraulic structure locations, materials, dimensions, and elevations; and right-of-way of the drainage system as detailed in the engineer's Technical Memorandum dated April 10, 2024, attached as **Exhibit A** to this Order.

The question was on the adoption of Resolution 2025-02 and there were 5 years and 10 days as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BRADLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERTSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WAGAMOM	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WALLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WEINANDT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the Chair declared the Findings and Order passed

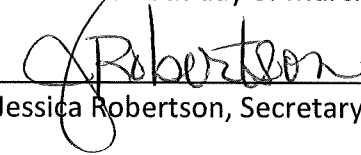
  
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 Jessica Robertson, Secretary

Dated March 26, 2025

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I, Jessica Robertson, 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 26th day of March, 2025.

  
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 Jessica Robertson, Secretary