

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

RESOLUTION NO. 10-08

A RESOLUTION ORDERING 2011 IMPROVEMENTS,
DESIGNATING MEMBERS
RESPONSIBLE FOR CONSTRUCTION, AND MAKING FINDINGS
PURSUANT TO MINNESOTA STATUTES, SECTION 103B.251

WHEREAS, on September 16, 2004, the Commission adopted the *Bassett Creek Watershed Management Commission, Water Management Plan, July 2004* (the "Plan"); and

WHEREAS, the Plan includes a Capital Improvement Program ("CIP") listing capital projects in Table 12-2 of the Plan; and

WHEREAS, the CIP, as amended by Resolution No. 10-07 adopted on September 23, 2010, includes the following capital projects for the year 2011:

Restoration of the Main Stem of Bassett Creek from Wisconsin Avenue to Rhode Island Avenue in the City of Golden Valley and from Duluth Street in Golden Valley to the City of Crystal boundary (the "Bassett Creek Project").

Restoration of the channel of the North Branch of Bassett Creek from 200 feet upstream of Douglas Drive to 32nd Avenue North in the City of Crystal (the "North Branch Project").

(hereinafter collectively referred to as the "2011 Projects"); and

WHEREAS, the Plan specifies a county tax levy under Minn. Stat., § 103B.251 as the source of funding for the 2011 Projects; and

WHEREAS, on September 23, 2010, following published and mailed notice in accordance with the Commission's Joint Power Agreement and Minn. Stat., § 103B.251, the Commission conducted a public hearing on the 2011 Projects; and

WHEREAS, by Resolution 09-05, adopted on September 17, 2009, the Commission approved a project to restore the channel of the Main Stem of Bassett Creek from the Crystal City Boundary to Regent Avenue in the City of Golden Valley (the "2010 Project"); and

WHEREAS, Resolution 09-05 provided that funds would be raised for the 2010 Project by tax levy, pursuant to Minn. Stat., § 103B.251, in 2010 for collection in 2011 in the amount of Six Hundred One Thousand Three Hundred Dollars (\$601,300); and

WHEREAS, a grant for the 2010 Project has been approved in the amount of One Hundred Thirty-Five Thousand Dollars (\$135,000) from Hennepin County (the “Hennepin County Grant”); and

WHEREAS, One Hundred Eighty Thousand Dollars (\$180,000) has been allocated to the 2010 Project out of a grant in the amount of Three Hundred Sixty Thousand Dollars (\$360,000) from the Minnesota Board of Water and Soil Resources (“BWSR”) (the “BWSR Grant”); and

WHEREAS, the Hennepin County Grant and the portion of the BWSR Grant allocated to the 2010 Project have reduced the amount needed to be raised by tax levy pursuant to Minn. Stat., § 103B.251 to Two Hundred Eight-Six Thousand Three Hundred Dollars (\$286,300).


NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Bassett Creek Watershed Management Commission as follows:

1. The 2011 Projects will be conducive to the public health and promote the general welfare and are in compliance with Minnesota Statutes, Sections 103B.205 to 103B.255 (the “Act”) and with the Plan as adopted and amended in accordance with the Act. The 2011 Projects are hereby ordered.
2. The estimated cost of the Bassett Creek Project is Five Hundred Eighty Thousand Two Hundred Dollars (\$580,200). Of this amount, Four Hundred Nineteen Thousand Five Hundred Dollars (\$419,500) will be paid from the Commission’s Capital Improvement Program Closed Project Account. Up to One Hundred Sixty Thousand Seven Hundred Dollars (\$160,700) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251, levied in 2010 for collection in 2011.
3. The estimated cost of the North Branch Project is Eight Hundred Thirty-Four Thousand Nine Hundred Dollars (\$834,900). Of this amount, Four Hundred Nineteen Thousand Five Hundred Dollars (\$419,500) will be paid from the Commission’s Capital Improvement Program Closed Project Account. Up to Four Hundred Fifteen Thousand Four Hundred Dollars (\$415,400) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251 levied in 2010 for collection in 2011.
4. Of the costs of the 2011 Projects, the Commission hereby certifies costs to Hennepin County in accordance with Minnesota Statutes, Section 103B.251 of One Hundred Sixty Thousand Seven Hundred Dollars (\$160,700) for the Bassett Creek Project and Four Hundred Fifteen Thousand Four Hundred Dollars (\$415,400) for the North Branch Project. For the 2010 Project, the Commission hereby certifies costs to Hennepin County in accordance with Minnesota Statutes, Section 103B.251 of Two Hundred Eight-Six Thousand Three Hundred Dollars (\$286,300). The total amount certified to Hennepin County for the 2010 Project and the 2011 Projects is Eight

Hundred Sixty-Two Thousand Four Hundred Dollars (\$862,400) for payment by the county in accordance with Minnesota Statutes, Section 103B.251, Subd. 6.

5. The Commission receives, accepts and approves the feasibility reports for the 2011 Projects.
6. The costs of each of the 2011 Projects will be paid by the Commission up to the amounts specified in paragraphs 2 and 3 above from proceeds received from Hennepin County pursuant to Minnesota Statutes, Section 103B.251. Additional costs may be paid by the cities in which the Projects are constructed, but no costs will be charged to other members of the Commission.
7. The City of Golden Valley is designated as the member responsible for contracting for the construction of the Bassett Creek Project, and the engineer designated for preparation of plans and specifications is the Golden Valley City Engineer, or other substitute engineers selected and retained by the City of Golden Valley. Contracts for construction shall be let in accordance with the requirements of law applicable to the City of Golden Valley.
8. The City of Crystal is designated as the member responsible for contracting for the construction of the North Branch Project, and the engineer designated for preparation of plans and specifications is the Crystal City Engineer, or other substitute engineers selected and retained by the City of Crystal. Contracts for construction shall be let in accordance with the requirements of law applicable to the City of Crystal.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 23rd day of September, 2010.


Chair

ATTEST:


Secretary 9/23/10