

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

RESOLUTION NO. 12-09

A RESOLUTION ORDERING 2013 IMPROVEMENTS,
DESIGNATING MEMBERS
RESPONSIBLE FOR CONSTRUCTION, MAKING FINDINGS
PURSUANT TO MINNESOTA STATUTES, SECTION 103B.251,
CERTIFYING COSTS TO HENNEPIN COUNTY, AND APPROVING CONTRACTS
FOR CONSTRUCTION OF IMPROVEMENTS

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, includes the following capital projects for the year 2013:

A water quality project referred to as Lakeview Park Pond, ML-8 in the City of Golden Valley (the "Lakeview Park Pond Project").

A water quality project originally identified as Northwood Lake Project NL-2, Dredge Pond ND-07 and now referred to as the Four Seasons Mall Area Water Quality Improvement Project in the City of Plymouth (the "Four Seasons Mall Project")

(hereinafter collectively referred to as the "2013 Projects"); and

WHEREAS, the Plan specifies a county tax levy under Minn. Stat., § 103B.251 as the source of funding for the 2013 Projects; and

WHEREAS, on September 20, 2012, 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 2013 Projects.

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

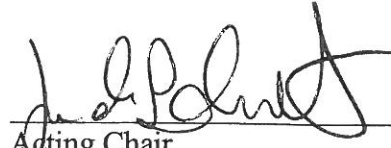
1. The 2013 Projects will be conducive to the public health and promote the general welfare and are in compliance with Minnesota Statutes, Sections 103B.205 to 103B.255 (the "Act") and with the Plan as adopted and amended in accordance with the Act. The 2013 Projects are hereby ordered.
2. The estimated cost of the Lakeview Park Pond Project is One Hundred Ninety-Six Thousand Dollars (\$196,000). Of this amount, Thirty-Four Thousand Dollars

(\$34,000) will be paid from the Commission's Capital Improvement Program Closed Project Account and up to One Hundred Sixty-Two Thousand Dollars (\$162,000) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251, levied in 2012 for collection in 2013.

3. The estimated cost of the Four Seasons Mall Project is Nine Hundred Ninety Thousand Dollars (\$990,000). Of this amount One Hundred Sixty-Six Thousand Dollars (\$166,000) will be paid from the Commission's Capital Improvement Program Closed Project Account and up to Eight Hundred Twenty-Four Thousand Dollars (\$824,000) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251 levied in 2012 for collection in 2013.
4. Of the costs of the 2013 Projects, the Commission hereby certifies costs to Hennepin County in accordance with Minnesota Statutes, Section 103B.251 of One Hundred Sixty-Two Thousand Dollars (\$162,000) for the Lakeview Park Pond Project and Eight Hundred Twenty-Four Thousand Dollars (\$824,000) for the Four Seasons Mall Project. The total amount certified to Hennepin County for the 2013 Projects is Nine Hundred Eighty-Six Thousand Dollars (\$986,000) 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 2013 Projects.
6. The costs of each of the 2013 Projects will be paid by the Commission up to the amounts specified in paragraphs 2 and 3 above from the Capital Improvement Program Closed Project Account and proceeds received from Hennepin County pursuant to Minnesota Statutes, Section 103B.251. Additional costs may be paid by the cities constructing the Projects, 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 Lakeview Park Pond 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. The Cooperative Agreement with the City of Golden Valley for the construction of the Lakeview Park Pond Project is approved, and the Chair and Secretary are authorized to execute the agreement on behalf of the Commission.
8. The City of Plymouth is designated as the member responsible for contracting for the construction of the Four Seasons Mall Project, and the engineer designated for preparation of plans and specifications is the Plymouth City Engineer, or other substitute engineers selected and retained by the City of Plymouth. Contracts for construction shall be let in accordance with the requirements of law applicable to the City of Plymouth. The Cooperative Agreement with the City of Plymouth for the

construction of the Four Seasons Mall Project is approved, and the Chair and Secretary are authorized to execute the agreement on behalf of the Commission.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 20th day of September, 2012.



Acting Chair

ATTEST:


Secretary