

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

RESOLUTION NO. 09-05

A RESOLUTION ORDERING 2010 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. 09-04 adopted on July 16, 2009, includes the following capital projects for the year 2010:

Plymouth Creek Restoration (PC-1), a project to restore the channel of Plymouth Creek from Medicine Lake to 26<sup>th</sup> Avenue in the City of Plymouth (the "Plymouth Creek Project"); and

Bassett Creek Main Stem Restoration, 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 "Bassett Creek Project").

(hereinafter collectively referred to as the "2010 Projects"); and

WHEREAS, the Plan specifies a county tax levy under Minn. Stat. § 103B.251 as the source of funding for the 2010 Projects; and

WHEREAS, on September 17, 2009, 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 2010 Projects;

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

1. The 2010 Projects will be conducive to the public health and promote the general welfare and are in compliance with Minnesota Statutes 103B.205 to 103B.255 (the "Act") and with the Plan as adopted and amended in accordance with the Act. The 2010 Projects are hereby ordered.
2. The estimated cost of the Plymouth Creek Project is Nine Hundred Sixty-Five Thousand Two Hundred Dollars (\$965,200). Of this amount, Sixty-Two Thousand

Seven Hundred Thirty-Eight Dollars (\$62,738) will be paid from the Commission's Capital Improvement Program Closed Project Account and up to Nine Hundred Two Thousand Four Hundred Sixty-Two Dollars (\$902,462) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251, levied in 2009 for collection in 2010.

3. The estimated cost of the Bassett Creek Project is Six Hundred Thirty-Six Thousand One Hundred Dollars (\$636,100). Of this amount Two Thousand Two Hundred Sixty-Two Dollars (\$2,262) will be paid from the Commission's Capital Improvement Program Closed Project Account. Up to Thirty-Four Thousand Eight Hundred Dollars (\$34,800) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251 levied in 2009 for collection in 2010, and up to Six Hundred One Thousand Three Hundred Dollars (\$601,300) 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 2010 Projects the Commission hereby certifies costs to Hennepin County in accordance with Minnesota Statutes, Section 103B.251 of Nine Hundred Two Thousand Four Hundred Sixty-Two Dollars (\$902,462) for the Plymouth Creek Project and Thirty-Two Thousand Five Hundred Thirty-Eight Dollars (\$32,538) for the Bassett Creek Project for a total amount certified of Nine Hundred Thirty-Five Thousand Dollars (\$935,000) 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 2010 Projects.
6. The costs of each of the 2010 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 Plymouth is designated as the member responsible for contracting for the construction of the Plymouth Creek 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 Commission approves the Cooperative Agreement for Plymouth Creek Improvements dated as of September 17, 2009, with the City of Plymouth and authorizes and directs the execution thereof on behalf of the Commission by the Chair and Secretary.
8. 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. ~~The Commission approves the Cooperative Agreement for Bassett Creek Improvements dated as of September 17, 2009, with the City of Golden Valley and authorizes and directs the execution thereof on behalf of the Commission by the Chair and Secretary.~~

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 17<sup>th</sup> day of September, 2009.

 9/17/09  
Chair

ATTEST:

 9/17/09  
Secretary