

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION  
RESOLUTION NO. 21-05

A RESOLUTION ORDERING THE 2022 IMPROVEMENTS,  
DESIGNATING ENTITIES RESPONSIBLE FOR CONSTRUCTION,  
MAKING FINDINGS PURSUANT TO MINNESOTA STATUTES, SECTION  
103B.251, CERTIFYING COSTS TO HENNEPIN COUNTY, AND APPROVING  
AGREEMENTS FOR CONSTRUCTION OF THE IMPROVEMENTS

WHEREAS, on September 17, 2015, the Bassett Creek Watershed Management Commission (“Commission”) adopted the *Bassett Creek Watershed Management Commission, Water Management Plan, September 2015* (the “Plan”);

WHEREAS, the Plan, as amended since its adoption, includes a capital improvement program (“CIP”) listing capital projects in Table 5-3 of the Plan;

WHEREAS, the CIP includes the following capital projects for the year 2022 (collectively, the “2022 Projects”):

- a) Medley Park Stormwater Treatment Facility (ML-12); and
- b) SEA School – Wildwood Flood Reduction Project (part of the Medicine Lake Rd & Winnetka Ave Long Term Flood Mitigation Plan Project) (BC-2, 3, 8, 10);

WHEREAS, the Plan specifies a county tax levy under Minnesota Statutes, section 103B.251 as a source of funding for said 2022 Projects and one previously ordered 2021 project, Dredging Accumulated Sediment in Main Stem Bassett Creek, Theodore Wirth Regional Park Project;

WHEREAS, on September 16, 2021, following published and mailed notice in accordance with the Commission’s Joint Power Agreement and Minnesota Statutes, section 103B.251, the Commission conducted a public hearing on the 2022 Projects; and

WHEREAS, the 2022 Projects will be conducive to the public health, promote the general welfare and is 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.

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

1. The 2022 Projects are hereby ordered.
2. The estimated cost of the Medley Park Stormwater Treatment Facility is Two Million Dollars (\$2,000,000). Of this amount, Four Hundred Thousand Dollars (\$400,000) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, section 103B.251 levied in 2021 for collection in 2022. Additional funds of up to One Million One Hundred Thousand Dollars (\$1,100,000) will be paid from funds received from county tax levies pursuant to Minnesota Statutes, section 103B.251, levied in years 2022 and 2023 for collection in 2023 and 2024, respectively. Up to \$500,000 is expected to be paid by the City of Golden Valley.

3. The estimated cost of the SEA School – Wildwood Flood Reduction Project is Three Million One Hundred Thousand Dollars (\$3,100,000). Of this amount, Three Hundred Thousand Dollars (\$300,000) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, section 103B.251 levied in 2021 for collection in 2022. Additional funds of up to One Million Dollars (\$1,000,000) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, section 103B.251 levied in 2022 for collection in 2023. Another One Million Seven Hundred Thousand Dollars (\$1,800,000) will be paid by state grant funding and the City of Golden Valley.
4. The cost of the Dredging Accumulated Sediment in Main Stem Bassett Creek, Theodore Wirth Regional Park Project was partially paid from a county tax levy collected in 2021 totaling One Hundred Thousand Dollars (\$100,000). Another Three Hundred Twenty-Five Thousand Dollars (\$325,000) will come from grants. Additional funds of up to Eight Hundred Thousand Dollars (\$800,000) will be paid from Commission Closed Project Account funds. The remaining estimated cost of the project is One Million Five Hundred Thirty-Four Thousand Dollars (\$1,534,000). Of this amount, One Million Dollars (\$1,000,000) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, section 103B.251 levied in 2021 for collection in 2022. Additional funds of up to Five Hundred Thirty-Four Thousand Dollars (\$534,000) will be paid from funds received from county tax levies pursuant to Minnesota Statutes, section 103B.251 levied in 2022 and 2023 for collection in 2023 and 2024, respectively.
5. The total amount certified to Hennepin County for the 2022 Projects is One Million Seven Hundred Thousand Dollars (\$1,700,000) for payment by the County in accordance with Minnesota Statutes, section 103B.251, subdivision 6.
6. The Commission has received, accepted, and approved the feasibility reports for the 2022 Projects.
7. The costs of the aforementioned projects will be paid by the Commission up to the amount specified in paragraphs 2 - 4 above from proceeds received from Hennepin County pursuant to Minnesota Statutes, section 103B.251 and grant funding, if awarded. Additional costs may be paid by the city constructing the particular project, but no costs will be charged to other members of the Commission.
8. The City of Golden Valley is designated as the member responsible for contracting for the construction of the Medley Park Stormwater Treatment Facility, and the engineer designated for preparation of plans and specifications is the Golden Valley City Engineer, or other 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 Medley Park Stormwater Treatment Facility as presented to the Commission on the date of this Resolution is approved, and the Chair and Secretary are authorized to execute said agreement on behalf of the Commission.
9. The City of Golden Valley is also designated as the member responsible for contracting for the construction of the drainage improvement components of the SEA School – Wildwood Flood Reduction Project, and the engineer designated for preparation of plans and specifications is the Golden Valley City Engineer, or other 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 SEA School – Wildwood Flood Reduction Project presented to the Commission on the date of this Resolution is

approved, and the Chair and Secretary are authorized to execute said agreement on behalf of the Commission.

10. As provided in Resolution 20-06, the Commission is the entity responsible for contracting for the construction of the Dredging Accumulated Sediment in Main Stem Bassett Creek, Theodore Wirth Regional Park Project, and contracts for construction thereof shall be let in accordance with the requirements of law applicable to the Commission.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 16<sup>th</sup> day of September, 2021.

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Chair

ATTEST: \_\_\_\_\_  
Secretary