



Item 6A
BCWMC 3-21-13

Bassett Creek Watershed Management Commission

March XX, 2013

City of XXXX
Address
City, State, Zip

RE: Amendment to BCWMC Joint Powers Agreement

Dear XXXX:

I am writing this letter to 1) inform you that the joint powers agreement (JPA) establishing the Bassett Creek Watershed Management Commission (Commission) currently expires on January 1, 2015; and 2) request that you review the current JPA and provide comments on the Commission's recommendation that the term of the JPA be extended.

The Commission is proposing to amend the JPA to extend the term of the agreement until January 1, 2025. The amendment to the JPA will need approval by the city council of each of the nine watershed communities in order for the JPA to take effect.

The current JPA is available to view online at www.bassettcreekwmo.org/about.htm. (Scroll halfway down that page under "BCWMC History.") Also for your review, a proposed amendment to the JPA extending the term of the JPA is attached.

At this time, the Commission is not requesting that your city approve or sign the proposed amendment. Rather, please provide comments on the proposed amendment to me by [date].

Please feel free to contact me at laura.jester@keystonewaters.com or 952-270-1990 with questions or comments. Thank you.

Sincerely,

Laura Jester
Administrator

Bassett Creek Watershed Management Commission

7800 Golden Valley Road | Golden Valley, MN 55427 | www.bassettcreekwmo.org | Established 1968

Crystal | Golden Valley | Medicine Lake | Minneapolis | Minnetonka | New Hope | Plymouth | Robbinsdale | St. Louis Park
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**AMENDMENT TO JOINT AND COOPERATIVE AGREEMENT
FOR THE ESTABLISHMENT OF A BASSETT CREEK WATERSHED
MANAGEMENT ORGANIZATION TO PLAN, CONTROL
AND PROVIDE FOR THE DEVELOPMENT OF BASSETT CREEK**

THIS AMENDMENT is made and entered into as of the date of execution by all of the cities of Crystal, Golden Valley, Medicine Lake, Minneapolis, Minnetonka, New Hope, Plymouth, Robbinsdale and St. Louis Park, Minnesota (hereinafter collectively referred to as the “Parties”).

WITNESSETH:

WHEREAS, the Parties entered into a Joint Powers Agreement entitled the JOINT AND COOPERATIVE AGREEMENT FOR THE ESTABLISHMENT OF A BASSETT CREEK WATERSHED MANAGEMENT ORGANIZATION TO PLAN, CONTROL AND PROVIDE FOR THE DEVELOPMENT OF BASSETT CREEK (the “Joint Powers Agreement”); and

WHEREAS, the Joint Powers Agreement established the Bassett Creek Watershed Management Commission (the “Commission”), a watershed management organization pursuant to and in accordance with the Metropolitan Surface Water Management Act, Minn. Stat. § 103B.201, et seq., and Minn. Stat. § 471.59; and

WHEREAS, the Joint Powers Agreement, as amended, expires by its terms on January 1, 2015; and

WHEREAS, the Parties have determined that it is reasonable, prudent and in the best interest of the public to extend the term of the Joint Powers Agreement as hereinafter provided.

NOW, THEREFORE, on the basis of the premises and mutual covenants and agreements hereinafter set forth, the Parties agree as follows:

1. Article X, Subdivision 1 of the Joint Powers Agreement is amended to read as follows:

Subdivision 1. Each member agrees to be bound by the terms of this agreement until January 1, 2025, and it may be continued thereafter at the option of the Parties.

2. Article X, Subdivision 2 of the Joint Powers Agreement is amended to read as follows:

Subdivision 2. This agreement may be terminated prior to January 1, 2025, by the unanimous consent of the parties. If the agreement is to be terminated, a notice of the intent to dissolve the Commission shall be sent to the Board of

Water and Soil Resources and to Hennepin County at least 90 days prior to the date of dissolution.

3. Except as modified herein, the Joint Powers Agreement shall remain in full force and effect.

4. This Amendment shall be effective upon approval by the City Councils of all of the Parties and the execution of this Amendment by all of the Parties. Upon receipt of certified copies of resolutions approving this Amendment and copies of the Amendment executed by all of the Parties, the Secretary of the Commission shall supply to the City Clerk of each of the Parties a copy of the resolutions and of the signed Amendment.

5. This Amendment may be executed in several counterparts, each of which, when assembled to include an original signature for each of the Parties, will constitute a complete and fully executed original.

IN WITNESS WHEREOF, the undersigned, as duly authorized by action of their City Council, have caused this Agreement to be executed in accordance with the Authority of Minn. Stats. §§ 103B.211 and 471.59.

CITY OF CRYSTAL

Dated: _____

By: _____
Jim Adams, Mayor

And by: _____
Anne Norris, City Manager

Dated: _____

CITY OF GOLDEN VALLEY

By: _____
Shep Harris, Mayor

And by: _____
Thomas Burt, City Manager

Dated: _____

CITY OF MEDICINE LAKE

By: _____
Gary Holter, Mayor

And by: _____
Nancy Pauly, City Clerk

Dated: _____

CITY OF MINNEAPOLIS

By: _____
RT Rybak, Mayor

And by: _____
Casey Carl, City Clerk

Dated: _____

CITY OF MINNETONKA

By: _____
Terry Schneider, Mayor

And by: _____
Geraldyn Barone, City Manager

Dated: _____

CITY OF NEW HOPE

By: _____
Kathi Hemken, Mayor

And by: _____
Kirk McDonald, City Manager

Dated: _____

CITY OF PLYMOUTH

By: _____
Kelli Slavik, Mayor

And by: _____
Laurie Ahrens, City Manager

Dated: _____

CITY OF ROBBINSDALE

By: _____
Regan Murphy, Mayor

And by: _____
Marcia Glick, City Manager

Dated: _____

CITY OF ST. LOUIS PARK

By: _____
Jeff Jacobs, Mayor

And by: _____
Tom Harmening, City Manager