

BASSETT CREEK WATERSHED MANAGEMENT COMMISSION

RESOLUTION NO. 11-09

A RESOLUTION ORDERING 2012 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, includes the following capital projects for the year 2012:

Restoration of the Main Stem of Bassett Creek from Irving Avenue North in Minneapolis to Golden Valley Road in the City of Golden Valley (the "Bassett Creek Project").

Modify the outlet of Wirth lake to prevent backflow from the Creek (the "Wirth Lake Outlet Project").

(hereinafter collectively referred to as the "2012 Projects"); and

WHEREAS, the Plan specifies a county tax levy under Minn. Stat., § 103B.251 as the source of funding for the 2012 Projects; and

WHEREAS, on September 15, 2011, 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 2012 Projects; and

WHEREAS, the Commission has secured a grant in the amount of Seventy-Five Thousand Dollars (\$75,000) for the Wirth Lake Outlet Project from the Minnesota Board of Water and Soil Resources ("BWSR") (the "BWSR Grant");

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

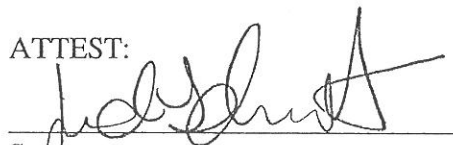
1. The 2012 Projects will be conducive to the public health and promote the general welfare and are in compliance with Minnesota Statutes, Sections 103B.205 to 103B.255 (the "Act") and with the Plan as adopted and amended in accordance with the Act. The 2012 Projects are hereby ordered.

2. The estimated cost of the Bassett Creek Project is Eight Hundred Fifty-Six Thousand Dollars (\$856,000). Of this amount, One Hundred Seventy-Seven Thousand One Hundred One Dollars (\$177,101) will be paid from the Commission's Capital Improvement Program Closed Project Account. Up to Six Hundred Seventy-Eight Thousand Eight Hundred Ninety-Nine Dollars (\$678,899) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251, levied in 2011 for collection in 2012.
3. The estimated cost of the Wirth Lake Outlet Project is One Hundred Eighty Thousand Dollars (\$180,000). Of this amount Twenty-One Thousand Eight Hundred Eighty-Nine Dollars (\$21,889) will be paid from the Commission's Capital Improvement Program Closed Project Account and Seventy-Five Thousand Dollars (\$75,000) will be paid from the BWSR Grant. Up to Eighty-Three Thousand One Hundred Eleven Dollars (\$83,111) will be paid from funds received from a county tax levy pursuant to Minnesota Statutes, Section 103B.251 levied in 2011 for collection in 2012.
4. Of the costs of the 2012 Projects, the Commission hereby certifies costs to Hennepin County in accordance with Minnesota Statutes, Section 103B.251 of Six Hundred Seventy-Eight Thousand Eight Hundred Ninety-Nine Dollars (\$678,899) for the Bassett Creek Project and Eighty-Three Thousand One Hundred Eleven Dollars (\$83,111) for the Wirth Lake Outlet Project. The total amount certified to Hennepin County for the 2012 Projects is Seven Hundred Sixty-Two Thousand Ten Dollars (\$762,010) 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 2012 Projects.
6. The costs of each of the 2012 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 constructing the Projects, but no costs will be charged to other members of the Commission.
7. The City of Minneapolis 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 Minneapolis City Engineer, or other substitute engineers selected and retained by the City of Minneapolis. Contracts for construction shall be let in accordance with the requirements of law applicable to the City of Minneapolis.
8. The City of Golden Valley is designated as the member responsible for contracting for the construction of the Wirth Lake Outlet 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.

Adopted by the Board of Commission of the Bassett Creek Watershed Management Commission the 15th day of September, 2011.


Chair

ATTEST:

Secretary