

## 2019 Resolutions

### RESOLUTION NO. 2019-01

#### REGARDING THE ROLE OF THE ELM CREEK WATERSHED MANAGEMENT COMMISSION AS THE LOCAL GOVERNMENT UNIT TO ADMINISTER THE WETLAND CONSERVATION ACT OF 1991

**WHEREAS**, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local government units (LGUs) to implement the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

**WHEREAS**, the WCA and Minnesota Rule Chapter 8420 authorizes a city to contract with and delegate to a watershed management organization local government unit responsibilities; and

**WHEREAS**, by Resolution 1993-124, the City of Corcoran (City) designated the Elm Creek Watershed Management Commission (Commission) to serve as its Local Government Unit; and


**WHEREAS**, on December 13, 2017, the Commission voted to invoice back to the member cities all future costs for WCA LGU activities performed by the Commission where the Commission is designated as the LGU for said communities; and

**WHEREAS**, it is the intention of the Commission and the City that effective March 1, 2019, the City will re-assume primary LGU responsibilities under the WCA and no longer delegate that primary role to the Commission, with the exception identified in paragraph 2 below, and the Commission will continue to provide the City with technical and support services as customarily provided to member communities


**NOW, THEREFORE BE IT RESOLVED**, by the Elm Creek Watershed Management Commission, as follows:

1. Effective March 1, 2019, the Commission will continue to provide watershed and transitional wetland services to the City at no cost to the City.
2. Effective March 1, 2019, the Commission will continue to provide services to the City for wetland replacement monitoring for the Ravinia Development as approved by the Commission under project 2016-005W.
3. Effective March 1, 2019, the City will assume LGU responsibilities for the Ernie Mayers wetland violation and wetland replacement plan as reviewed by the Commission under project 2017-050W with transitional technical support provided by Commission staff.
4. The City will reimburse the Commission for LGU expenses incurred by the Commission on the City's behalf between January 1 and March 1, 2019.

Adopted by the Commissioners of the Elm Creek Watershed Management Commission the thirteenth day of February, 2019.

  
DOUG BARNES, Chairman


Attest:

  
JUDIE A. ANDERSON Administrator

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

I, Judie A. Anderson, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of the Elm Creek Watershed Management Commission, that I have compared the above resolution with the original passed and adopted by the Board of said Commission at a regular meeting thereof held on the thirteenth day of February, 2019, at 11:30 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this thirteenth day of February, 2019.

  
Judie A. Anderson

(NO SEAL)

## 2019 Resolutions

ELM CREEK WATERSHED MANAGEMENT COMMISSION  
STATE OF MINNESOTA

### RESOLUTION NO. 2019-02

#### ADOPTING A MINOR AMENDMENT TO THE THIRD GENERATION PLAN

**WHEREAS**, on October 14, 2015, the Elm Creek Watershed Management Commission (Commission) adopted the *Elm Creek Watershed Management Commission Third Generation Watershed Management Plan*, (hereinafter, "Plan"); and

**WHEREAS**, the Plan includes a Capital Improvement Program (CIP); and

**WHEREAS**, the Commission has proposed a Minor Plan Amendment that would add three projects to the CIP; and

**WHEREAS**, the Commission has also proposed that the Minor Plan Amendment would remove one project from the CIP; and

**WHEREAS**, the Commission has also proposed that the Minor Plan Amendment would shift the timing or funding of six projects currently listed on the CIP; and

**WHEREAS**, Table 4.5 of the Capital Improvement Program will be revised to reflect these changes; and

**WHEREAS**, the proposed Minor Plan Amendment has been reviewed in accordance with the requirements of Minnesota Statutes, Section 103B.231; and

**WHEREAS**, on May 1, 2019, the Minnesota Board of Water and Soil Resources did approve proceeding to adoption by a Minor Plan Amendment; and

**WHEREAS**, on May 8, 2019, after legal and written notice duly given, the Commission held a public informational meeting to explain the proposed revisions; and

**WHEREAS**, the Commission has determined that it would be reasonable and appropriate and in the public interest to adopt the Minor Plan Amendment;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Elm Creek Watershed Management Commission that:

1. The Minor Plan Amendment is approved and adopted contingent upon approval by the Hennepin County Board of Commissioners, said approval anticipated forthwith.

2. Commission staff is directed to notify appropriate parties of the Amendment to the Plan.

Adopted by the Board of Commissioners of the Elm Creek Watershed Management Commission this eighth day of May, 2019.

  
\_\_\_\_\_  
Doug Baines, Chair


ATTEST:

  
\_\_\_\_\_  
Judie Anderson, Recording Secretary

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

I, Judie A. Anderson, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of the Elm Creek Watershed Management Commission, that I have compared the above resolution with the original passed and adopted by the Board of said Commission at a regular meeting thereof held on the eighth day of May, 2019, at 11:30 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this eighth day of May, 2019.

  
\_\_\_\_\_  
Judie A. Anderson  
Recording Secretary

(NO SEAL)

## 2019 Resolutions

### ELM CREEK WATERSHED MANAGEMENT COMMISSION

#### RESOLUTION NO. 2019-03

#### ORDERING 2019 IMPROVEMENT PROJECTS, DESIGNATING MEMBERS RESPONSIBLE FOR CONSTRUCTION, AND MAKING FINDINGS AND DESIGNATING COMMISSION COST-SHARE FUNDING

**WHEREAS**, on October 14, 2015, the Elm Creek Watershed Management Commission (Commission) adopted the *Elm Creek Watershed Management Commission Third Generation Watershed Management Plan*, (hereinafter, "Plan"); and

**WHEREAS**, the Plan includes a Capital Improvement Program (CIP); and

**WHEREAS**, on May 10, 2017, the Commission adopted a Minor Plan amendment that added two projects to the CIP, removed one project from the CIP, and shifted the timing of funding of four projects currently listed on the CIP; and

**WHEREAS**, on May 9, 2018, the Commission adopted a Minor Plan amendment that added eight projects to the CIP and shifted the timing of funding of one project currently listed on the CIP; and

**WHEREAS**, on May 8, 2019, the Commission adopted a Minor Plan amendment that added three projects to the CIP, removed one project from the CIP, and shifted the timing or funding of six projects currently listed on the CIP; and

**WHEREAS**, the Commission's Cost Share Policy, adopted April 11, 2012, specifies a county tax levy under Minn. Stat. § 103B.251 as a source of the Commission's share of funding for projects proposed in the Commission's CIP; and

**WHEREAS**, on April 10, 2019, the Commission received Feasibility Studies on Project 2019-01: Rush Creek Main Stem Stream Stabilization Phase 3, Maple Grove; Project 2019-02: Ranchview Wetland Restoration, Maple Grove (*withdrawn*); Project 2019-03: Agricultural BMPs Cost Share, watershedwide (*withdrawn*); 2019-04: Hickory Drive Stormwater Improvement, Medina; 2019-05: Downtown Regional Stormwater Pond, Corcoran, and Project 2019-06: Elm Creek Stream Restoration Phase IV, Champlin, (the "Projects"); and

**WHEREAS**, on September 11, 2019, following published and mailed notice in accordance with the Commission's Joint Powers Agreement and Minnesota Statutes Section 103B.251, the Commission conducted a public hearing on the Projects.

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

1. The Projects will be conducive to the public health and promote the general welfare and is in compliance with Minnesota Statutes Sections 103B.205 to 103B.255 (the "Act") and with the Commission's surface water management plan as adopted and amended in accordance with the Act.
2. The cost of the Projects is estimated to be \$2,663,830.

3. The Commission receives, accepts and approves the feasibility reports for the Projects, which Projects are hereby ordered.


4. Twenty-five percent of the final cost of the Projects, but not more than ~~\$427,701~~ <sup>\$295,138</sup>, will be paid by the Commission from proceeds received from Hennepin County pursuant to Minnesota Statutes, Section 103B.251, Subd. 6, and the Commission's Joint Powers Agreement. Additional costs will be paid by the respective cities wherein the projects reside, but no costs will be charged to other members of the Commission. The Commission understands that the County may pay such costs with taxes levied in 2019 and paid in 2020. The Administrator is directed to transmit a certified copy of this resolution to Hennepin County prior to October 1, 2019. +

5. The cities wherein the projects reside are designated as the members responsible for contracting for the construction of Projects. Contracts for construction shall be let in accordance with the requirements of law applicable to said cities. The Cooperative Agreements for the Projects between the Commission and the cities of Champlin, Corcoran, Maple Grove, and Medina are approved and the Chair and Administrator are authorized and directed to execute the agreements.

Adopted by the Commissioners of the Elm Creek Watershed Management Commission the eleventh day of September, 2019.

  
Doug Baines, Chair

ATTEST:

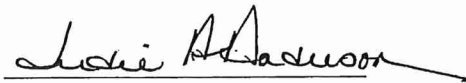
  
Judie A. Anderson, Administrator

(NO SEAL)

**STATE OF MINNESOTA  
COUNTY OF HENNEPIN**

I, Judie A. Anderson, do hereby certify that I am the custodian of the minutes of all proceedings had and held by the Board of the Elm Creek Watershed Management Commission, that I have compared the above resolution with the original passed and adopted by the Board of said Commission at a regular meeting thereof held on the eleventh day of September, 2019, at 11:30 a.m., that the above constitutes a true and correct copy thereof, that the same has not been amended or rescinded and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto placed my hand and signature this eleventh day of September, 2019.

  
Judie A. Anderson  
Recording Secretary

(NO SEAL)

