

**ELM CREEK WATERSHED MANAGEMENT COMMISSION
STATE OF MINNESOTA**

RESOLUTION NO. 2018-03

**ORDERING 2018 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, 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 11, 2018, the Commission received Feasibility Studies on Project 2018-01: Rush Creek Main Stem Stream Stabilization Phase 3, Maple Grove; Project 2018-02: Elm Creek Stream Restoration Reach D, Plymouth; Project 2018-03: Elm Creek Stream Restoration Phase III, Champlin; and Project 2018-04: Downs Road Trail Rain Gardens, Champlin, (the "Projects"); and

WHEREAS, on September 12, 2018, 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 \$3,200,000.

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 \$462,500, 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 2018 and paid in 2019. The Administrator is directed to transmit a certified copy of this resolution to Hennepin County prior to October 1, 2018.

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 and Rogers 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 twelfth day of September, 2018.

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 twelfth day of September, 2018, 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 twelfth day of September, 2018.

Judie A. Anderson
Recording Secretary

(NO SEAL)