

**RESOLUTION NO. 12-02
BROWN'S CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**ORDERING PUBLIC HEARING FOR
BLUFF & RAVINE STABILIZATION PROJECT - PART 1**

Manager Vanzwol offered the following resolution and moved its adoption, seconded by Manager Johnson:

WHEREAS the Brown's Creek Watershed District (District) has adopted a watershed management plan (plan) in accordance with Minnesota Statutes section 103B.231;

WHEREAS the plan describes the District's commitment to implementing activities that will contribute to sustaining a viable cold-water fishery in Brown's Creek, and the capital improvement program in the plan includes projects to restore stream quality;

WHEREAS a total maximum daily load (TMDL) study and an implementation plan have been completed to assess Brown's Creek fish biota and turbidity impairments and to describe a plan for improving fish habitat by reducing thermal impacts and improving clarity by reducing deposition of suspended solids to the creek;

WHEREAS the Brown's Creek Total Maximum Daily Load study was approved by the federal Environmental Protection Agency on December 21, 2010;

WHEREAS the Brown's Creek Total Maximum Daily Load Implementation Plan was approved by the Minnesota Pollution Control Agency on February 16, 2012;

WHEREAS the capital improvement program in the plan states that the District will implement projects to fulfill the Brown's Creek TMDL implementation plan to reduce sedimentation of the creek;

WHEREAS the District engineer has prepared studies and conceptual plans determining that stabilization through planting of selected bluff, ravine, and buffer areas along Brown's Creek will reduce thermal impacts and sedimentation of the creek and the District engineer has selected certain specific locations for an initial implementation of the such stabilization work (the Project);

WHEREAS on March 12, 2012 the Board of Managers approved the studies and conceptual plans for the Project;

WHEREAS the Minnesota Conservation Corps has extended to the District a commitment of donated labor that could be deployed to lower the cost of implementation of the Project;

WHEREAS Minnesota Statutes section 103B.251 authorizes the District to certify for payment to the county or counties wherein a project is located any or all costs of a capital improvement project contained in the District's capital improvement program; and

WHEREAS pursuant to Minnesota Statutes section 103B.251, subdivision 3, the District must issue notice of and hold a public hearing before ordering an improvement project.

THEREFORE BE IT RESOLVED that the Board of Managers directs the administrator to issue notice of and convene a public hearing in accordance with Minnesota Statutes section 103B.251 on April 9, 2012, as part of its regular meeting to allow the Board of Managers to hear and consider the statements of all interested parties prior to determining whether to order the Project.

THEREFORE BE IT FURTHER RESOLVED that, to facilitate the Board of Managers' ordering of the Project at its April 9, 2012, meeting, if it determines that the Project is conducive to public health and promote the general welfare and complies with the Metropolitan Surface Water Management Act, Minnesota Statutes chapter 103B, and the plan, the Board of Managers directs the administrator:

1. to solicit quotations for plant materials needed for the Project; and
2. to prepare for the Board of Managers' review a task order directing the District engineer to prepare plans and specifications for the Project and to provide implementation management and oversight of the Project.

The question was on the adoption of the resolution and there were __5__ yeas and __0__ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
JOHNSON	X			
LEISER	X			
PUNDSACK	X			
TAILLON	X			
VANZWOL	X			

Upon vote, the Chair declared the Resolution adopted.

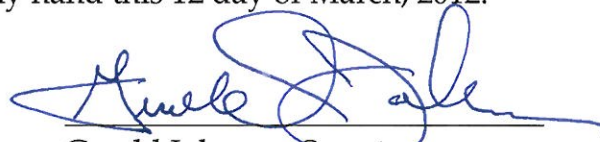
Dated: March 12, 2012.


Gerald Johnson, Secretary

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I, GERALD JOHNSON, Secretary of the Brown's Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 12 day of March, 2012.


Gerald Johnson, Secretary