

**RESOLUTION NO. 12-03
BROWN'S CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

ORDERING THE IRON-ENHANCED SAND FILTER PROJECT

Manager JANZLO offered the following resolution and moved its adoption, seconded by Manager T. Allen:

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 commits the District to developing, in collaboration with the Middle St. Croix Watershed Management Organization and the City of Stillwater, attainable water-quality improvement goals and a management plan for McKusick Lake;

WHEREAS the McKusick Lake Management Plan was completed cooperatively in 2007, and calls for the removal of 148 pounds of phosphorous from the portion of the Brown's Creek watershed tributary to McKusick Lake each year;

WHEREAS the capital improvement program in the plan states that the District will implement projects to achieve the goals in the lake management plan to improve of the quality of stormwater runoff to McKusick Lake from the Brown's Creek watershed;

WHEREAS the District Board of Managers has approved a conceptual design for a capital improvement project to incorporate an iron-enhanced sand filter into the Trout Stream Mitigation Project Diversion, an existing stormwater-treatment facility on property owned by the City of Stillwater, to reduce phosphorus in runoff to Lake McKusick (the Project) and the District is amending its plan to provide the details on the Project;

WHEREAS the District has received a \$158,800 Clean Water Fund grant from the state Board of Water and Soil Resources for the Project and the District has entered into an agreement to receive and use the funds;

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;

WHEREAS on April 9, 2012, the District held a duly noticed public hearing on the Project, in accordance with Minnesota Statutes section 103B.251, subdivision 3, to give interested members of the public an opportunity to provide comment to the Board of Managers on the Project; and

WHEREAS the District engineer has evaluated the technical elements and cost-effectiveness of the Project, and the engineer's views have been fully considered by the Board.

THEREFORE BE IT RESOLVED that the Board of Managers finds that the Project will be conducive to public health and promote the general welfare, and is in compliance with the Metropolitan Surface Water Management Act in Minnesota Statutes chapter 103B and the Plan and hereby orders the Project;

BE IT FURTHER RESOLVED that the Board of Managers directs the District administrator, with advice of counsel, to develop an agreement with the City of Stillwater for the Project, providing for the conveyance by the city to the District of the rights necessary to enter the property, owned by the city, on which the Project will be built to build and maintain the Project, and to present such agreement to the Board of Managers for approval; and

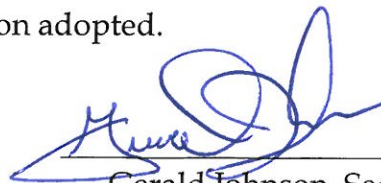
BE IT FINALLY RESOLVED that the Board of Managers authorizes the District administrator to prepare for the Board of Managers' review and approval a task order directing the District engineer to prepare plans and specifications for the Project and to provide implementation management and oversight of the Project.

The question was on the adoption of the resolution and there were 4 yeas and 0 nays as follows:

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

Upon vote, the Chair declared the Resolution adopted.

Dated: April 9, 2012.

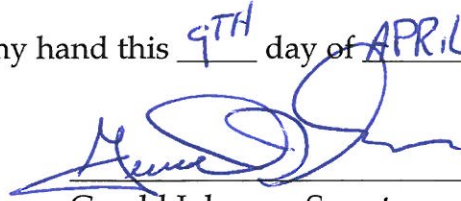


Gerald Johnson, Secretary

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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 9TH day of APRIL, 2012.



Gerald Johnson, Secretary