

**RESOLUTION NO. 12-04  
BROWN'S CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**ORDERING BLUFF & RAVINE STABILIZATION PROJECT - PART 1**

Manager TAILLON offered the following resolution and moved its adoption, seconded by Manager VANZWOL:

**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 TMDL study was approved by the federal Environmental Protection Agency on December 21, 2010;

**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 sedimentation of the creek and thermal impacts, and the District engineer has selected certain specific locations for an initial implementation of the stabilization work (the Project) and the District is amending its plan to add the details of 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 Project implementation;

**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 conducted a duly noticed public hearing on the Project, in accordance with Minnesota Statutes section 103B.251, subdivision 3, and interested members of the public were given the opportunity to provide comment to the District 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 are in compliance with 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 authorizes the District administrator, with advice of counsel, to develop with counsel and enter agreements with the owner of the property on which the Project is to be implemented providing for conveyance to the District of the rights to enter the property and implement and maintain the Project, so long as such agreement requires no payment by the District; and

**BE IT FINALLY RESOLVED** that the Board of Managers authorizes the District administrator to enter an agreement with the District engineer at a cost not to exceed \$11,875 to prepare designs and plans for and to provide implementation management and oversight for 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.

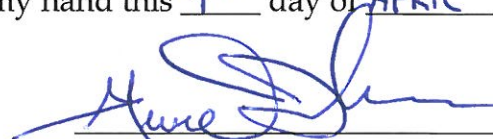
Dated: April 9, 2012.

  
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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 9<sup>th</sup> day of APRIL, 2012.

  
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Gerald Johnson, Secretary