

Resolution No. 24-__
**Brown's Creek Watershed District
Board of Managers**

**Ordering the 62nd Street Trail Flood-Resilience Improvement Project and
authorizing work in support of the project by the administrator**

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

Whereas Brown's Creek Watershed District has an adopted watershed management plan in fulfillment of Minnesota Statutes section 103B.231, and the plan includes policies supporting flood-risk reduction strategies and climate resilience, including:

- In subsection 3.11.4 and Table 41, pertaining to BCWD's response to the impacts of climate change, BCWD commits to evaluating its role in addressing and responding to impacts of climate change, and encouraging cities to increase resilience of the stormwater-management system;
- In subsection 4.1, BCWD commits to assisting local units of government with planning and design related to resource protection needs and promoting resiliency of infrastructure to withstand changes in climate such as rainfall events of increasing intensity and volatility.

Whereas the BCWD plan also provides, in subsection 4.4.5, for incentive programs, including a program that provides cost-share funding support for water-quality retrofit projects by other local units of government, the structure of which could be applied to flood-risk mitigation projects;

Whereas the Long Lake Flood Risk Assessment, completed by the BCWD engineer in January 2021 at the direction of the BCWD Board of Managers, determined that under current and future rainfall conditions, the 100-year water level in the 62nd Street Pond in Stillwater would exceed the lowest-opening elevation of two adjacent homes and would be within 0.25 feet of the lowest-opening elevation of another six homes;

Whereas the BCWD engineer assessed the flood-risk mitigation that would be achieved by lowering the elevation of the 62nd Street Trail (the 62nd Street Trail Project), and the engineer determined that lowering the trail to an elevation 903.5 would bring several adjacent homes into compliance with the BCWD flood-freeboard standard of 2 feet, providing greater flood resilience in the area;

Whereas the 62nd Street Trail Project would be undertaken on property owned in fee by the City of Stillwater and on an easement on private property held by Stillwater;

Whereas the City of Stillwater prepared the necessary technical documents and solicited a contractor for implementation of the 62nd Street Trail Project, receiving a quote

for \$19,970, and proposed that BCWD and the city pay equal shares of the construction costs;

Whereas the BCWD Board of Managers held a noticed public hearing on the 62nd Street Trail Project pursuant to Minnesota Statutes section 103B.251, subdivision 3, at the May 8, 2024, regular meeting of the managers, at which interested members of the public were provided with the opportunity to comment on the 62nd Street Trail Project, and [NO COMMENTS WERE OFFERED]; and

Whereas in consideration of the above-cited plan basis and record in the matter, along with the managers' interest in undertaking a pilot project to assess possible roles BCWD could take in the future to mitigate flood risks in the watershed while maintaining its present policy of supporting efforts of other watershed governmental entities to mitigate flooding and flood risks through establishment of policy and provision of technical assistance, the board of managers finds that the 62nd Street Trail Project will be conducive to public benefit and promote the general welfare, and represents a cost-effective contribution to the implementation of the watershed plan and the fulfillment of BCWD's powers and purposes under Minnesota Statutes chapters 103B and 103D.

Now, therefore, be it resolved that the Brown's Creek Watershed District Board of Managers hereby orders the 62nd Street Trail Project, and directs that BCWD's costs thereof be funded through a watershed-wide levy;

Be it further resolved that the BCWD Board of Managers authorizes the president to enter into an agreement for reimbursement of 50 percent of the City of Stillwater's costs of implementation of the 62nd Street Trail Project or \$10,000, whichever is less, comports in material form with the attached.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Eckles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LeRoux	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sahulka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wirth	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the president declared the resolution adopted May 8, 2024.

* * * * *

I, Debra Sahulka, 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 BCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this _____.

Debra Sahulka, Secretary

DRAFT

Attachment A
62nd Street Trail Project Cost-Share Agreement

DRAFT