

**BROWN'S CREEK WATERSHED DISTRICT
BOARD OF MANAGERS RESOLUTION 05-03**

**ADOPTING AN AMENDMENT TO THE
WATERSHED MANAGEMENT PLAN FOR THE
KERN CENTER POND PROJECT
AND ORDERING THE PROJECT**

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

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

WHEREAS, the Kern Center Pond project is a cooperative effort between the BCWD and the City of Oak Park Heights to expand a regional stormwater basin to incorporate groundwater infiltration features and improve water quality treatment, with construction performed by Oak Park Heights pursuant to a December 12, 2004 cooperative agreement between the parties;

WHEREAS the BCWD has prepared an amendment to the watershed management plan to incorporate the Kern Center Pond project as a capital project;

WHEREAS the BCWD has provided for review of the proposed plan amendment by other governmental bodies and interested persons, all in accordance with Minnesota Statutes §103B.231, has received comments on the proposed amendment and has revised the amendment appropriately in response to those comments, which revised plan amendment is appended as Attachment A hereto;

WHEREAS on October 26, 2005, the Minnesota Board of Water and Soil Resources approved the revised plan amendment;

WHEREAS pursuant to Minnesota Statutes §103B.251, subdivision 3, on November 14, 2005 the BCWD Board of Managers held a duly noticed public hearing on the ordering of the Kern Center Pond project, at which time all governmental bodies and interested members of the public were given the opportunity to comment on the ordering of the project and the amount of the project cost to be assumed by the BCWD;

WHEREAS the BCWD Board of Managers finds that the proposed capital improvement will be conducive to public health and promote the general welfare; and is in compliance with Minnesota Statutes §§103B.205 to 103B.255; and is in compliance with the BCWD's watershed management plan adopted pursuant to §103B.231;

WHEREAS the BCWD has expended funds to perform feasibility work related to the project design and for related purposes, and the BCWD Board of Managers has considered the cooperative agreement between the BCWD and Oak Park Heights and all facts and circumstances bearing on the question of the additional project cost to which the BCWD should contribute;

THEREFORE BE IT RESOLVED that the BCWD Board of Managers, pursuant to Minnesota Statutes §§103B.231 and 103B.251, the implementing rules thereof, and the BCWD's watershed

management plan, amends the plan to include the Kern Center Pond project and orders the project as set forth in the plan;

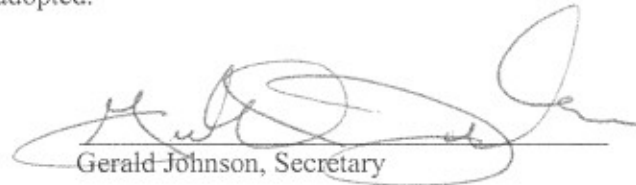
THEREFORE BE IT FURTHER RESOLVED that the BCWD will contribute to the project, in addition to all funds contributed to date, the further amount of \$40,000, from funds raised thru *ad valorem* levy on all properties within the BCWD.

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>
JOHNSON	X	
LEISER	X	
PUNDSACK	X	
TAILLON	X	
VANZWOL	X	

Upon vote, the Chair declared the Resolution adopted.

Dated: November 14, 2005.


Gerald Johnson, Secretary