RESOLUTION 18-08

NINE MILE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

Ordering the Normandale Lake Water-Quality Improvement Project and authorizing the president to enter a cooperative agreement with the City of Bloomington

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

WHEREAS in 2005 NMCWD completed a scientific assessment of Normandale Lake's physical, chemical and biological condition that called for protective and remedial measures to improve water quality in the lake;

WHEREAS on July 26, 2007, the City of Bloomington petitioned Nine Mile Creek Watershed District to undertake a basic water management project to improve water quality in Normandale Lake, which is wholly located within the city, in accordance Minnesota Statutes section 103D.605, the goals of which petition were to improve water quality; to facilitate recreational uses of the lake, in part by improving the fishery; to diversify and improve the quality of vegetation in the lake; and to improve the aesthetics of the lake;

WHEREAS on October 18, 2017, an updated watershed management plan (Plan) was adopted by the NMCWD Board of Managers pursuant to Minnesota Statutes section 103B.231, and the Plan articulates NMCWD's approach to collaborating with cities and others to implement the capital improvements program in the Plan under the statutory procedures and funding authority provided in Minnesota Statutes section 103B generally and 103B.251 specifically;

WHEREAS in response, in part, to strong citizen support expressed in the development of the Plan for improvement of Normandale Lake, the capital improvements program in the Plan includes a project to improve water quality in Normandale Lake and at the direction of the NMCWD Board of Managers the NMCWD engineer developed an analysis of the specific improvements that could be undertaken, including drawdown of the lake and application of alum to and herbicide treatment of lake waters, followed by consideration of additional herbicide treatments, aquatic plant harvesting, aeration and other watershed projects (the Project);

WHEREAS NMCWD and the City of Bloomington have developed a draft cooperative agreement for joint implementation of the Project, specifying each party's responsibilities and rights and expressing the parties' concurrence in the determination that implementation of the Project as a capital project under the Plan fulfills the intent, purposes and goals of the 2007 petition;

WHEREAS because of the importance of Normandale Lake as a recreational and aesthetic amenity to neighbors and the city, on April 18, 2018, NMCWD prepared a environmental assessment worksheet to assess whether the Project has the potential for causing significant environmental effects, and after distribution of the EAW and solicitation of comment in accordance with the Minnesota Environmental Policy Act, the NMCWD Board of Managers, sitting as the responsible governmental unit, reviewed the comments and determined on June 20, 2018, that the Project does not have the potential for significant negative environmental effects and that further environmental review is not necessary;

WHEREAS on June 12, 2018, NMCWD Board of Managers held a duly noticed public hearing pursuant to Minnesota Statutes section 103B.251 to consider ordering the Project, and the Board of Managers considered all comments received on the Project; and

WHEREAS in consideration of the above record in the matter, the NMCWD Board of Managers finds that the Project will be conducive be public health, will promote the general welfare, and complies with Minnesota Statutes chapters 103B and 103D and the Plan, and that the Project will fulfill the purposes and goals of the 2007 petition from the City of Bloomington.

NOW, THEREFORE, BE IT RESOLVED that the NMCWD Board of Managers hereby orders the Project and directs that NMCWD's costs thereof be funded through a watershed-wide levy;

BE IT FURTHER RESOLVED that the board of managers authorizes the president of the NMCWD Board of Managers, on advice of counsel, to enter the cooperative agreement with the City of Bloomington for the Project, attached hereto, with such nonsubstantive changes as may be necessary to effect the parties' purposes and intent;

BE IT FURTHER RESOLVED that the board of managers directs the NMCWD engineer to prepare final designs, plans and specifications for the Project and to provide construction and implementation management and oversight for the Project at a total cost not to exceed $ _____; and

BE IT FINALLY RESOLVED that the board of managers directs the NMCWD administrator to utilize final designs, plans and specifications to solicit a contractor or contractors for the construction and implementation of the Project in accordance with applicable public procurement law, and to timely present a contract or contracts for the work necessary to complete the Project to the managers for approval.

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

	Yea	Nay	Absent	Abstain
HUNKER	☐	☐	☐	☐
KLOIBER	☐	☐	☐	☐
PETERSON	☐	☐	☐	☐

SHEELY	☐	☐	☐	☐
TWELE	☐	☐	☐	☐

Upon vote, the chair declared the resolution adopted.

_____   Dated: June ___, 2018

Grace Sheely, Secretary

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I, Grace Sheely, secretary of the Nine Mile 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 transcript thereof.