RESOLUTION NO. 2014-15

RICE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS

ORDERING THE
LOCKE COUNTY PARK RAINGARDEN PROJECT
PURSUANT TO MINNESOTA STATUTES §103B.251

Manager Ogata offered the following Resolution and moved its adoption, seconded by Manager Hageman:

WHEREAS the Rice Creek Watershed District (District) has adopted a water resource management plan (WRMP) in accordance with Minnesota Statutes §103B.231;

WHEREAS the Southwest Urban Lakes Study contains a Management Action Plan for Locke Lake, located in Anoka County, that identifies several projects that could be implemented to improve water quality within Lower Rice Creek and Locke Lake;

WHEREAS Locke Lake was impacted by the fallout of a BNSF train derailment in July 2011 that discharged approximately seventeen railcars of corn product into waters within and immediately upstream of Locke Lake;

WHEREAS BNSF was required to pay $10,000 to the Minnesota Department of Natural Resources as restitution for damages to Locke Lake in addition to conducting an emergency cleanup immediately after the spill;

WHEREAS the District has executed a $10,000 grant contract 3000045365 with the Minnesota Department of Natural Resources requiring the District to construct a water quality improvement project upstream of Locke Lake, specifically the Locke County Park Raingarden Project, also identified as “Locke 23” in the Management Action Plan for Locke Lake within the Southwest Urban Lakes Study (the “Project”);

WHEREAS the City of Fridley (City) owns the property where the Project is to be constructed and has agreed to provide the District with access to the site for construction of the Project and has also committed to providing long-term maintenance for the Project after it is constructed;

WHEREAS the WRMP capital improvement program (CIP) includes implementation of the Southwest Urban Lakes Study and identifies a cost of $1,000,000 for that purpose;

WHEREAS the District is required to provide for any funding necessary to complete the Project in excess of those provided under the DNR grant contract and the total estimated project cost is about $16,000;

WHEREAS in accordance with Minnesota Statutes § 103B.251, subdivision 3, the District held a duly noticed public hearing on March 26, 2014, at the Shoreview City Council Chambers, at which time all interested parties had the opportunity to speak for and against the Project;
WHEREAS the District engineer has evaluated the technical design of the Project and its cost-effectiveness and the engineer’s views have been fully considered by the Board;

WHEREAS the Board finds that the Project, as constructed in accordance with the terms and responsibilities of the intergovernmental agreement attached hereto, will be conducive to public health and promote the general welfare, and is in compliance with Minnesota Statutes §§103B.205 to 103B.255 and the WRMP adopted pursuant to §103B.231;

THEREFORE BE IT RESOLVED that pursuant to Minnesota Statutes § 103B.251 and the WRMP, the Project is ordered and the District Administrator is authorized to execute the attached intergovernmental agreement with the City of Fridley, with any non-material changes to the agreement as he may find appropriate.

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

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Upon vote, the Chair declared the Resolution passed.

Harley Ogata, Secretary

Dated: March 26, 2014

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I, Harley Ogata, Secretary of the Rice 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.

IN TESTIMONY WHEREOF I hereunto set my hand this 26th day of March, 2014.

Harley Ogata, Secretary