

**RESOLUTION NO. 25-032
RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**Adopting an amendment adding the Round Lake In-Lake Phosphorus Load-Control Project
to the watershed management plan and ordering the project**

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

WHEREAS Riley Purgatory Bluff Creek Watershed District's 2018 10-Year Watershed Management Plan (Plan) recognizes the need to control phosphorus levels in the lakes to reduce the occurrence of algal blooms, improve water clarity, and promote diverse vegetation growth; the Plan commits RPBCWD to implementing watershed, in-lake, and housekeeping best-management practices to reduce phosphorus and other nutrients in watershed lakes to improve water quality and prevent watershed lakes from being listed by the State of Minnesota as impaired for their intended uses;

WHEREAS water quality in Round Lake in Eden Prairie has been managed by the city using alum to remove phosphorus from the water column and in 2023, the city requested that RPBCWD evaluate the efficacy of another alum application and sediment data were collected by RPBCWD staff and analyzed by the RPBCWD engineer in 2024;

WHEREAS at the RPBCWD Board of Managers workshop March 4, 2025, the engineer presented an analysis showing that a followup alum treatment would benefit Round Lake water quality and support efforts to keep Round Lake unimpaired;

WHEREAS RPBCWD issued a draft plan amendment to add the Round Lake In-Lake Phosphorus Load-Reduction Project to the capital improvements program (Table 9-1) with an associated estimated cost of \$60,000, indicating that RPBCWD was following the minor plan amendment process and soliciting comments as specified in Minnesota Rules 8410.0140, subpart 2;

WHEREAS City of Eden Prairie staff have agreed in principle to reimburse RPBCWD for the cost of the project, and the parties and watershed taxpayers will benefit from RPBCWD's soliciting a contractor for applying alum to Round Lake and Rice Marsh Lake under the same contract;

WHEREAS RPBCWD duly issued notice of a public hearing at 7 p.m., April 2, 2025, as part of the board's regular meeting for the dual purposes of soliciting comments on the proposed Round Lake In-Lake Phosphorus Load Control Project plan amendment pursuant to Minnesota Statutes section 103B.231 and on whether the board should order the proposed project pursuant to Minnesota Statutes section 103B.251;

WHEREAS in proposing the amendment and providing notice of its intent to consider ordering the project, RPBCWD noted its intention to fund project costs through an ad valorem tax

levy authorized by Minnesota Statutes section 103B.241 on all properties within RPBCWD's jurisdiction with approximately 77 percent of the levy paid by properties in Hennepin County, and 23 percent paid by properties in Carver County; and

WHEREAS the City of Eden Prairie commented in writing in advance of the hearing in support of the project, and Larry Koch, a Chanhassen resident, offered comment at the April 2 public hearing wherein he questioned whether RPBCWD had followed the legally required procedures for considering the amendment and ordering the project and asserted that the RPBCWD Board of Managers was not legally constituted or authorized to act, contrary to state court rulings to date, and on the basis of the procedural steps cited here the board finds Mr. Koch's comments unavailing.

NOW, THEREFORE, BE IT RESOLVED that the Riley Purgatory Bluff Creek Watershed District Board of Managers hereby adopts the Round Lake In-Lake Phosphorus Load Control Project amendment to the Plan attached hereto and directs the administrator to update the published Plan on the RPBCWD website and to transmit a copy of the Plan as amended to the clerks of each of the local government units within the watershed and Carver County and Hennepin County in accordance with Minnesota Rules 8410.0140, subparts 4 and 5;

BE IT FURTHER RESOLVED that the RPBCWD Board of Managers orders the implementation of the project and directs that RPBCWD's costs thereof be funded through a watershed-wide levy, apportioned between Hennepin County and Carver County as stated herein;

BE IT FURTHER RESOLVED that the board directs the administrator to develop, with the assistance of RPBCWD legal counsel, an agreement providing for reimbursement of the costs of the project from the City of Eden Prairie; and

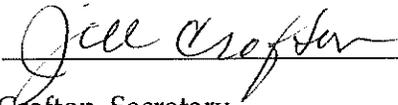
BE IT FINALLY RESOLVED that the board directs the RPBCWD administrator, after approval of the complete final design and plans for the project by the RPBCWD Board of Managers, to utilize final the designs, plans and specifications prepared by the engineer to seek contractor quotes for the project in accordance with applicable public procurement law, and to timely present a contract or contracts for the work necessary to implement the project to the board for authorization.

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>	<u>Abstain</u>	<u>Absent</u>
CRAFTON	X			
DUEVEL	X			
NELSON	X			
PEDERSEN	X			
ZIEGLER	X			

Upon vote, the president declared the resolution adopted.

Dated: May 07, 2025.



 Jill Crafton, Secretary

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I, Jill Crafton, secretary of the Riley Purgatory Bluff 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 RPBCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this 13 day of May, 2025.



 Jill Crafton, Secretary

