



Please note the meeting date has changed from Wednesday to Monday and the meeting will be held at the Scott County Law Enforcement Center, 301 Fuller Street South, Shakopee

# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting  
Monday, September 17, 2018

### Agenda Item

**Item 4. D. - Resolution 18-12 Approving the Local Surface Water Management Plan for the City of Mendota Heights**

### Prepared By

Linda Loomis, Administrator

### Summary

This item is a housekeeping item. In 2017, the LMRWD received the Local Surface Water Management Plan (SWMP) from the city of Mendota Heights. LMRWD staff reviewed the SWMP and provided comments to the City. The city responded to our comments and revised the SWMP accordingly. The LMRWD reviewed the revision and recommended Board approval of the SWMP. In preparing the 2017 Annual Report, I discovered that the Resolution approving the SWMP was never placed on a Board agenda.

Therefore, a new resolution has been prepared and placed on the Consent Agenda for the September 17, 2018 Board meeting.

### Attachments

Resolution 18-12 Approving the Local Surface Water Management Plan for the City of Mendota Heights

### Recommended Action

Motion to adopt Resolution 18-12 Approving the Local Surface Water Management Plan for the City of Mendota Heights

Manager \_\_\_\_\_ introduced the following resolution and moved its adoption:

LOWER MINNESOTA RIVER WATERSHED DISTRICT

RESOLUTION 18-12

RESOLUTION APPROVING THE LOCAL SURFACE WATER MANAGEMENT PLAN  
FOR THE CITY OF MENDOTA HEIGHTS

**WHEREAS**, the Lower Minnesota River Watershed District ("LMRWD") is a special purpose unit of government, established in accordance with Minnesota Statute 1013D; and

**WHEREAS**, On December 14, 2011, the LMRWD adopted a Watershed Management Plan (LMRWD Plan) under Minnesota Statutes 103B.231 subdivision 10, which as amended, details the existing physical environment, land use and development in the watershed and establishes as plan to manage water resources and regulate water resource use to improve water quality, prevent flooding and otherwise achieve goals of Minnesota Statutes Chapters 103B and 103D; and

**WHEREAS**, Minnesota Statute 103B.235 Local Water Management Plans (LWMPs) require that local government units having land use planning and regulatory responsibility for territory within the watershed shall prepare or cause to be prepared a local water management plan, capital improvement program and official controls as necessary to bring local water management into conformance with the LMRWD Plan. Local Plans must meet the requirements of the LMRWD Plan as well as the general requirement of Minnesota Statutes 103B.235 and Minnesota Rules Chapter 8410; and

**WHEREAS**, the city of Mendota Heights ("City") lies partially within the LMRWD and therefore must meet the requirements of the LMRWD Plan; and

**WHEREAS**, that portion of the City that lies within the LMRWD also lies within the Mississippi River Critical Corridor Area (MCCRA) and the City must therefore comply with rules of the MCCRA; and

**WHEREAS**, after submission of a Surface Water Management Plan (SWMP), August 16, 2017, and a process of LMRWD review and comment which was completed on October 5, 2017, the City requested LMRWD approval of the plan; and

**WHEREAS**, Minnesota Statutes, Section 103B.235, Subd, 3 authorizes the watershed district to review and approve local water management plans and to take other actions necessary to assure that the local plan is in conformance with the LMRWD's plan and standards set forth therein.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Managers of the LMRWD hereby approved the SWMP for the City of Mendota Heights, dated August 7, 2017 with the conditional understanding that:

- 1) In accordance with LMRWD Plan Goal 2: Strategies 2.2.3 and 2.2.4 - "Cost Share Incentive Program and Water Quality Restoration Program" should be referenced in the SWMP.
- 2) In accordance with Minnesota Statutes, Section 103B.235, Subd. 4, the Mendota Heights plan shall be adopted and implemented by the City within 120 days of this action, and the City shall amend its official controls in accordingly within 180 days.
- 3) After the LMRWD plan amendment is approved and adopted or otherwise amended pursuant to Minnesota Statute 103B.231 the City shall bring it's LWMP into conformance with the LMRWD Plan within the time period prescribed in the implementation program of the LMRWD Plan.

- 4) Pursuant to Minnesota Statutes, Section 103B.235, Subd. 5 and consistent with the Lower Minnesota River Watershed Management Plan, the City shall submit amendments to the local water management plan to the LMRWD for review and approval in accordance with State Statutes and Minnesota Rules.
- 5) The LMRWD Managers believe that regulation is most properly performed by the local governmental unit (LGU), provided that regulation by the LGU is consistent with the goals and policies of the LMRWD Plan. The city of Mendota Heights shall implement water management policies, standards and criteria as least as strict as those in the LMRWD Plan, as amended, on all projects within the boundaries of the LMRWD in the City of Mendota Heights.
- 6) For properties that are split between the LMRWD and any other watershed management organization, the most restrictive water management policies, standards and criteria will be implemented.

**BE IT FURTHER RESOLVED** that the city has complied with the above conditions, revised the plan accordingly and has approved and adopted the SWMP dated July 2018.

The Motion was seconded by Manager \_\_\_\_\_ and adopted by a unanimous vote by the Board of Managers of the LMRWD this 17th day of September, 2018.

\_\_\_\_\_  
Jesse Hartmann, Vice President

ATTEST:

\_\_\_\_\_  
David L. Raby, Secretary