

**MINUTES OF THE PUBLIC HEARING  
OF THE  
BOARD OF MANAGERS  
OF THE  
NINE MILE CREEK WATERSHED DISTRICT**

**WEDNESDAY, FEBRUARY 21, 2018**

**Call to Order**

Chair Kloiber called the public hearing of the Board of Managers of the Nine Mile Creek Watershed District to order at 7:00 p.m., Wednesday, February 21, 2018, at the Nine Mile Creek Watershed District Office, 12800 Gerard Drive, Eden Prairie, MN 55346.

Managers Present: Twele, Hunker, Kloiber, Sheely and Peterson

Managers Absent: None.

Advisors Present: Randy Anhorn, Louis Smith, Bob Obermeyer, Janna Kieffer, Erica Sniegowski, and Gael Zembal

**Public Hearing**

Administrator Anhorn stated that the District authorized release of the draft rule revisions and supporting documentation and minor plan amendment incorporating the eventual rules into the District's 5<sup>th</sup> generation Water Management Plan for the 45-day statutory review and comment period at its January 17, 2018 regular meeting. He stated that comments will be accepted through March 6, 2018. He noted that the purpose of the public hearing is to seek additional input on the draft rules for the managers to consider. He said that the public hearing notices were published in the District's official papers during the weeks of February 5, 2018 and February 12, 2018. He further stated that throughout the rulemaking process, the District had utilized its technical and citizen advisory committees to assist in the rule development and to provide the District Board of Managers with feedback on the proposed amendments.

Chair Kloiber introduced himself and the other four managers present and opened the public hearing. He asked if there was anyone in the audience that had signed in to comment on the District's draft rules and if so, to please come forward and state your name and address for the record.

Carl Hansen, 5090 Kelsey Terrace in Edina, stated that he owns a development company that has owned land in Edina since the 1940s and has completed a series of development additions throughout the years. He stated that in 2007 they commenced the final, 27<sup>th</sup> addition to the development which was approximately 15 acres in size. He noted that all of the stormwater and ponding elements were designed to meet the criteria at that time. He stated that the original plan included 65 lots and was decreased to 40 lots in order to meet the requirements of the District at that time. He stated that he agrees with the need to incorporate stormwater elements

when parcels are redeveloping because the footprint of that development is most of the time increasing. He stated that since the original addition to the development was approved in 2007, the District has revised its rules twice. He noted that under the new rules there are lots that will be rendered unbuildable. He asked if he District could consider grandfathering on some of the lots that were created prior to the rule revision. He asked for some kind of help on finishing something that has been started and paused because of the downturn in the economy.

Attorney Smith asked for one example of a challenging lot and how the new provision would make it more difficult than the existing rules.

Mr. Hansen referenced the requirements for onsite ponding. He stated that there are topography challenges with sloping. He noted that some of the onsite alternatives have a cost of \$50,000 per lot. He stated that they are trying to enhance the neighborhood and build out the development. He stated that the direction of the streets and stormwater elements were all created to meet the requirements of the District. He noted that they also accepted water from adjacent development and routed that into wetlands and ponds within this development.

Manager Sheely asked if this would be an example of a project which planned to store water in advance of development and perhaps credits were not banked to support the future development. She asked if perhaps there were elements of city rules that are also playing into this challenge.

Mr. Hansen stated that the City of Edina has worked with him.

Chair Kloiber stated that so much of this issue would depend on site specifics. He stated that the issue seems to be that the stormwater treatment rules were expanded to single-family home construction within a certain distance to a waterway.

Administrator Anhorn noted that staff sent a copy of the proposed rule revision to Mr. Hansen because of his experience as a developer in the District and advised that he asked Mr. Hansen to come tonight to share his input.

Mr. Hansen stated that he only has about 12 lots left out of the total 1,000 lots.

Chair Kloiber thanked Mr. Hansen for his comments, and invited him to review his project further with District staff.

**It was moved by Manager Peterson, seconded by Manager Sheely, to close the public hearing at 7:17 p.m. Upon a vote, the motion carried.**

Respectfully submitted,

  
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Grace Sheely, Secretary