

**RESOLUTION 18-10**

**NINE MILE CREEK WATERSHED DISTRICT  
BOARD OF MANAGERS**

**Conditionally approving City of Minnetonka Water Resources Management Plan**

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

**WHEREAS** on October 18, 2017, in accordance with Minnesota Statutes section 103B.231, Nine Mile Creek Watershed District (NMCWD) adopted its fifth-generation Water Management Plan (the NMCWD Plan), which details the existing physical environment, land use and development in the watershed and establishes a plan to manage water resources and improve water quality, prevent flooding and otherwise achieve the purposes of Minnesota Statutes chapters 103B and 103D;

**WHEREAS** the NMCWD Plan incorporates the rules adopted by the NMCWD under Minnesota Statutes section 103D.341 to improve water quality, protect high-quality water resources, prevent flooding and otherwise achieve the goals of Minnesota Statutes chapters 103B and 103D;

**WHEREAS** on September 17, 2018, the City of Minnetonka (Minnetonka) submitted its draft local water management plan – titled Water Resources Management Plan (WRMP) – for NMCWD review and approval pursuant Minnesota Statutes section 103B.235, subdivision 3;

**WHEREAS** section 103B.235 requires NMCWD to consider the comments of the Metropolitan Council on the draft WRMP, and NMCWD has received and duly considered Met Council's October 26, 2018, comments in reviewing the WRMP;

**WHEREAS** NMCWD has determined that the WRMP must be revised as outlined and specified in the November 13, 2018, memo attached to and incorporated into this resolution (the Memo), to meet the requirements for approval set forth in the Minnesota Rules 8410 and the NMCWD Plan; and

**WHEREAS** the NMCWD Board of Managers' conditional approval of the Minnetonka plan is premised on indications from city staff since the issuance of the draft WRMP that the city intends to clarify its intent to defer exercise of regulatory authority over the use and development of land within the territorial limits of the City of Minnetonka within NMCWD's jurisdiction pursuant to Minnesota Statutes section 103B.211, subdivision 1(a)(3)(iii), though the city may at a later date elect to submit for NMCWD approval an amendment to the WRMP providing for exercise of sole regulatory authority by the city.

**NOW THEREFORE BE IT RESOLVED** that the Board of Managers of the Nine Mile Creek Watershed District approves the WRMP conditioned on revision of the WRMP in accordance with the Memo, as well as consideration of further comments in the Memo that do not necessarily require revision to the WRMP, and provision by the city of a copy of the final revised WRMP to NMCWD, along with a record documenting consideration of comments in the Memo not requiring revisions and the city's determination thereon; and

**BE IT FURTHER RESOLVED** that the Board of Managers directs the NMCWD administrator to provide such assistance, at NMCWD's sole expense, to the City of Minnetonka to facilitate satisfaction of the condition of approval herein.

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

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
CUTSHALL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HUNKER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KLOIBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PETERSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHEELY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the chair declared the resolution adopted.

Dated: November 13, 2018

\_\_\_\_\_  
Grace Sheely, Secretary

\* \* \* \* \*

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.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 13<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
Grace Sheely, Secretary