

RESOLUTION 18-14

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

Conditionally approving City of Hopkins Surface Water 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 12, 2018, the City of Hopkins (Hopkins) submitted its draft local water management plan – titled Surface Water Management Plan (SWMP) – for NMCWD review and approval pursuant Minnesota Statutes section 103B.235, subdivision 3, and Hopkins subsequently granted an extension of the statutory approval period to December 20, 2018;

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

WHEREAS NMCWD has determined that the SWMP must be revised as specified in the December 19, 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 Hopkins plan is premised on indications from city staff that Hopkins 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 Hopkins within NMCWD's jurisdiction pursuant to Minnesota Statutes section 103B.211, subdivision 1(a)(3)(iii).

NOW THEREFORE BE IT RESOLVED that the Board of Managers of the Nine Mile Creek Watershed District approves the SWMP conditioned on revision of the SWMP in accordance with the Memo, as well as consideration of further comments in the Memo that do not necessarily require revision to the SWMP, and provision of a copy of the final revised SWMP 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 Hopkins 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: December 19, 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 __th day of December 2018.

Grace Sheely, Secretary