



Nine Mile Creek Discovery Point
12800 Gerard Drive

Eden Prairie, MN 55346

(952) 835-2078

www.ninemilecreek.org

MEMO

TO: Nine Mile Creek Watershed District Board of Managers

FROM: Randy Anhorn

DATE: April 8, 2019

RE: Minor Plan Amendment Incorporating Planning Grant Projects into the CIP Section of the District's Water Management Plan

Background

At the Board's February 20, 2019 meeting the Manager's authorized staff to distribute a minor plan amendment adding the construction of the projects developed under the accelerated implementation grant to the capital improvement program and shift funding for those projects in the budget in the table to the CIP table.

The resulting minor plan amendment that was sent out for 30-day comment period on Friday, March 15, 2019. The comment period runs through Monday, April 15, 2019.

No comments were received during the 30-day comment period.

Attached for your review and consideration for adoption or approval are:

- A clean and strike-out version of the District's proposed minor Plan amendment
- Associated resolutions adopting:
 - The proposed rule amendments (19-01)

Request

As discussed at the March regular board meeting staff is recommending the board adopt resolution 19-01, and direct the administrator to distribute the adopted Plan amendment.

RESOLUTION 19-01

**Nine Mile Creek Watershed District
Board of Managers**

Adopting an amendment adding nonprofit best management practices projects to the watershed management plan capital improvements program and ordering the implementation of best management practices on nonprofit properties

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

WHEREAS pursuant to Minnesota Statutes section 103B.231, subdivision 3, Nine Mile Creek Watershed District prepared and, in October 2017, adopted a watershed management plan, entitled *Nine Mile Creek Watershed District: 2017 Water Management Plan* (the Plan) and the Plan included a 10-year capital improvements program;

WHEREAS the Plan also provided for the continuation of a pilot program started in 2016 under which NMCWD identified and assessed opportunities to work with nonprofit landowners to install water-quality improvement best management practices;

WHEREAS NMCWD staff prioritized six properties owned by nonprofits willing to and capable of facilitating installation and subsequently maintaining BMPs that would reduce stormwater runoff rates, volumes and pollutant loadings to downstream waterbodies (the Nonprofit BMP Project), and the NMCWD engineer developed preliminary designs for BMPs for the sites;

WHEREAS NMCWD determined that NMCWD leadership and resources were necessary to ensure effective installation of the BMPs, and developed a draft amendment adding the BMPs to the capital improvements program in the Plan, along with text describing and supporting the Nonprofit BMP Project.

WHEREAS NMCWD issued the draft amendment of the CIP on March 15, 2019, indicating that NMCWD was following the minor plan amendment process and soliciting comments as specified in Minnesota Rules 8410.0140, subpart 3;

WHEREAS NMCWD submitted the draft amendment and preliminary plans for the Nonprofit BMP Project to Hennepin County for review in accordance with the state rules, and NMCWD received no comment in response;

WHEREAS NMCWD also submitted the draft amendment to the state Board of Water and Soil Resources for review in accordance with Minnesota Rules 8410.0140, subpart 3, and the agency tacitly concurred that the draft amendment constituted a minor amendment to the Plan that did not require agency approval;

WHEREAS, after having received no substantive written comments on the amendment, NMCWD held a duly noticed public hearing on the proposed amendment on April 17, 2019 and no additional comments were received at the public hearing;

WHEREAS NMCWD also noticed the public hearing in accordance with Minnesota Statutes section 103B.251 as an opportunity for all interested parties to comment on the proposed Nonprofit BMP Project and no substantive comments were received on the proposing ordering of the project;

WHEREAS NMCWD finds that the adoption of the Nonprofit BMP Project amendment and ordering the project are in accordance with watershed law and conducive to public health and the general welfare, and will serve the best interests of the public and water resources in the Nine Mile Creek watershed.

NOW THEREFORE BE IT RESOLVED that the NMCWD Board of Managers adopts the Nonprofit BMP Project amendment of the 2017 Water Management Plan attached hereto;

BE IT FURTHER RESOLVED that the board of managers directs the administrator to update the published Plan on the NMCWD website and to transmit a copy of the Plan as amended to the clerks of each of the local governmental units within the watershed and Hennepin County in accordance with Minnesota Rules 8410.0140, subparts 4 and 5;

BE IT FURTHER RESOLVED that the board of managers orders the implementation of the Nonprofit BMP Project and directs that NMCWD's costs thereof be funded through a watershed-wide levy;

BE IT FURTHER RESOLVED that the board of managers directs the NMCWD engineer to prepare final designs, plans and specifications for the Nonprofit BMP Project and to provide construction and implementation management and oversight for same; and

BE IT FINALLY RESOLVED that the board of managers directs the NMCWD administrator to present for the managers' approval an amendment of the NMCWD's annual budget as necessary for the Nonprofit BMP project, and to utilize final designs, plans and specifications to solicit a contractor or contractors for the Nonprofit BMP Project in one or more stages and in accordance with applicable public procurement law, and to timely present a contract or contracts for the work necessary to complete implementation to the managers for approval.

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

Yea Nay Abstain Absent

CUTSHALL
HUNKER
KLOIBER

PETERSON
SHEELY

Upon vote, the chair declared the resolution _____.

* * * * *

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 NMCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this _____ day of _____, 2019.

Grace Sheely, Secretary

DRAFT