



LOWER MINNESOTA RIVER WATERSHED DISTRICT

Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, March 20, 2024

Agenda Item

Item 5. E. - Adopt Resolution 24-04 Rescinding Resolution 23-14 Supporting Change of Boundary Between Minnehaha Creek Watershed District, and Lower Minnesota River Watershed District

Prepared By

Linda Loomis, Administrator

Summary

In December 2023, the Board of Managers adopted Resolution 23-14 Supporting Change of Boundary between Minnehaha Creek Watershed District (MCWD) and the Lower Minnesota River Watershed District (LMRWD). After the Resolution was adopted staff from the MCWD, LMRWD, and the Metropolitan Airport Commission (MAC) met to confirm the boundary change. At the time alterations were made to the boundary change. The petition for the boundary change was submitted to the MN Board of Water and Soil Resources (BWSR), who asked that the LMRWD amend the language of Resolution 23-14 to reflect the alterations made after adoption of the Resolution by the LMRWD.

After consultation with legal counsel Resolution 24-04 has been drafted. Resolution 24-04 rescinds Resolution 23-14 and adopts new language to support the change of boundary between the MCWD and the LMRWD. In addition to Resolution 24-04, the petition is attached for the Boards information.

Attachments

- Resolution 24-04 Rescinding Resolution 23-14 Supporting Change of Boundary Between Minnehaha Creek Watershed District, and Lower Minnesota River Watershed District
- Petition for Boundary Change between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District pursuant to Minnesota Statutes section 103B.215

Recommended Action

Motion to adopt Resolution 24-04 Rescinding Resolution 23-14 Supporting Change of Boundary Between Minnehaha Creek Watershed District, and Lower Minnesota River Watershed District

Manager _____ offered the following Resolution and moved its adoption:

RESOLUTION 24-04

RESOLUTION OF THE LOWER MINNESOTA RIVER WATERSHED DISTRICT BOARD OF MANAGERS

Rescinding Resolution 23-14 Supporting Change of Boundary Between Minnehaha Creek Watershed District, and Lower Minnesota River Watershed District

WHEREAS, on November 15, 2023, the Board of Managers of the Lower Minnesota River Watershed District (LMRWD) adopted Resolution 23-13 to support the submission of a petition to the Minnesota Board of Water and Soil Resources pursuant to Minnesota Statutes 103D to alter the boundaries between the LMRWD and the Minnehaha Creek Watershed District (MCWD); and

WHEREAS, after adoption of said Resolution, the parties further reviewed the topography, in geographic information system format, to confirm the storm sewer drainage areas around the proposed boundary change and amended the portions of the parcels divided between the two districts; and

WHEREAS, the LMRWD and the MCWD continue to support alteration of the legal boundary of each watershed to include the identified parcels, as amended.

NOW, THEREFORE, BE IT RESOLVED, that, the Board of Managers of the Lower Minnesota River Watershed District rescinds Resolution 23-14 and adopts the following in its place:

WHEREAS, the Lower Minnesota River Watershed District (LMRWD), a public body with purposes and powers set forth in Minnesota Statutes Chapters 103B and 103D, hereby petitions the Minnesota Board of Water and Soil Resources for an order approving the adjustment of the common jurisdictional boundary between the LMRWD and the Minnehaha Creek Watershed District (MCWD) pursuant to Minnesota Statutes Section 103B.215, and;

WHEREAS, as a result of storm sewer updates at the Minneapolis/St. Paul Airport (MSP) by the Metropolitan Airport Commission (MAC) which changed the drainage boundaries between the LMRWD and MCWD within MAC boundaries; and

WHEREAS, the MAC requested a watershed boundary change due to said updates; and

WHEREAS, the LMRWD completed a review of the boundary change requested by examining the storm sewer connections in the MAC 2019 Master Drainage Plan and area topography; and

WHEREAS, topography, in geographic information system format, was then used to confirm storm sewer drainage areas around the proposed boundary change and connections were confirmed to drain to either the LMRWD or the MCWD; and

WHEREAS, the analysis results show that six (6) parcels should be reassigned from the MCWD to the LMRWD to ensure that the boundary more closely conforms to the hydrologic watershed divide between the two districts; and

WHEREAS, the parcels changing watersheds are listed on Exhibit A, attached to and incorporated into this Resolution; and

WHEREAS, the purpose of Minnesota Statutes Chapters 103B and 103D is to facilitate water resource management on a watershed basis, and that the legal boundaries of watershed management organizations should conform as closely as is practicable to hydrologic boundaries; and

WHEREAS, the parcels to be allocated to each district are contiguous to each, and the alteration of the legal boundary of each watershed to include the identified parcels will advance the purposes of Minnesota Statutes Chapters 103B and 103D.

BE IT FURTHER RESOLVED, the Lower Minnesota River Watershed District supports the submission of a petition to the Minnesota Board of Water and Soil Resources pursuant to Minnesota Statutes 103D to alter the boundaries between the LMRWD and MCWD.

The question on the adoption of the Resolution was seconded by Manager _____.

Upon a vote being taken there were __ yeas and __ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
AMUNDSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARISONZI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KUPLIC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAMMERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALVATO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Managers of the Lower Minnesota River Watershed District this 20th day of March, 2024.

Joseph Barisonzi, President

ATTEST:

Lauren Salvato, Secretary

I, Lauren Salvato, Secretary of the Lower Minnesota River 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 hereunto set my hand this 20th day of March 2024.

Lauren Salvato, Secretary

LOWER MINNESOTA RIVER WATERSHED DISTRICT
PETITION FOR BOUNDARY CHANGE

In the matter of boundary change between the
Lower Minnesota River Watershed District and
Minnehaha Creek Watershed District
Pursuant to Minnesota Statutes section 103B.215

TO: Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

Lower Minnesota River Watershed District (LMRWD; petitioner), a Minnesota special-purposes unit of government with powers set forth at Minnesota Statutes chapters 103B and 103D, hereby petitions the Board of Water and Soil Resources for an order approving the adjustment of the common jurisdictional boundary between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District (MCWD), pursuant to Minnesota Statutes section 103B.215, for the following reasons:

1. LMRWD is an existing watershed district within jurisdiction entirely within the Twin Cities metropolitan area, as defined at Minnesota Statutes section 471.121, subdivision 2;
2. In 2023, Metropolitan Airports Commission (MAC), requested a watershed boundary change due to storm sewer updates at MAC which changed the drainage boundaries between LMRWD and MCWD within MAC boundaries. LMRWD completed a review of the boundary change request by examining the storm sewer connections in the MAC 2019 Master Drainage Plan and area topography. The storm sewer connections were confirmed to drain to either MCWD or the LMRWD. Topography, in geographic information system format, was then used to confirm storm sewer drainage areas around the proposed boundary change. The analysis results show that six (6) parcels, totaling approximately 579 acres, should be reassigned from MCWD to LMRWD (specified in Exhibit A, attached to and incorporated into this petition) to ensure that the boundary more closely conforms to the hydrologic watershed divide between the two districts.
3. The six parcels to be reassigned are within the jurisdictional borders of the Metropolitan Airports Commission (MAC). Maps of the proposed reassignments are attached hereto and incorporated herein as Exhibit B.
4. The petitioned adjustments will serve the public benefit by causing the common jurisdictional boundary to more closely conform to the hydrological divide between the two entities and would facilitate watershed-based water resource planning and management, making the petitioned adjustment consistent with the purposes and requirements of the Metropolitan Surface Water Management Act, Minnesota Statutes sections 103B.205 to 103B.255;

5. In fulfillment of the requirements of Minnesota Statutes section 103B.215, subdivision 2(c), the watershed management organizations and governing body (Metropolitan Airports Commission) affected by the boundary change have concurred in this petition, as evidence by the resolution and letter from each attached to and incorporated into this petition as follows: Minnehaha Creek Watershed District (Exhibit C) and Metropolitan Airports Commission (Exhibit D);
6. LMRWD, as a petitioner, represents that none of the parcels in the area of the proposed boundary change, as listed in Exhibit A, are subject to any outstanding indebtedness or assessment from either LMRWD or MCWD and that the boundary change will not affect any benefits or damages for previously constructed improvements, making the petition consistent with Minnesota Statutes 103B.225, as required by Minnesota Statutes section 103B.215, subdivision 2(b)(3).
7. A copy of the LMRWD Board of Managers resolution is attached hereto and incorporated herein as Exhibit E.

WHEREFORE, in accordance with Minnesota Statutes 103B.215, LMRWD respectfully petitions the Board of Water and Soil Resources to issue an order implementing the boundary change requested herein.

Lower Minnesota River Watershed District

President

Date: _____

Exhibit A
Parcels to be reassigned from MCWD to LMRWD

Portions of parcels reassigned from MCWD to LMRWD

<i>Map ID</i>	<i>Property Identification Number</i>	<i>Property Owner</i>	<i>Area (acres)</i>
1	2502824110002	Metropolitan Airports Commission	464.3
2	2502824210015	Metropolitan Airports Commission	1.5
3	2502824210030	Metropolitan Airports Commission	2.4
4	2502824230153	Metropolitan Airports Commission	80.6
5	2502824240057	Metropolitan Airports Commission	15.5
6	2502824330070	Metropolitan Airports Commission	14.6
		Total Acres	578.9

Exhibit B
Map

Figure 1 Proposed LMRWD boundary change

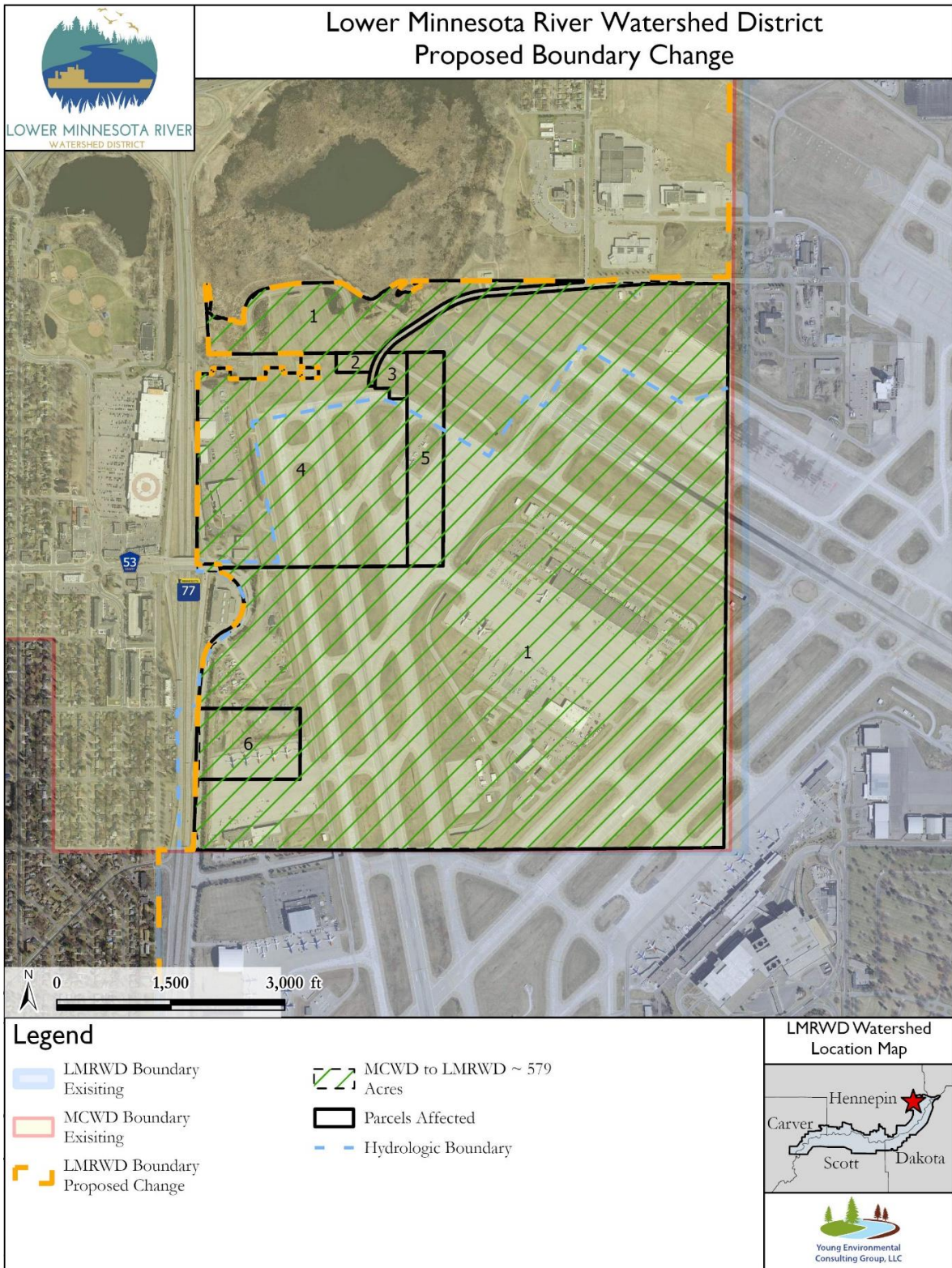


Exhibit C
Minnehaha Creek Watershed District – Resolution & Letter of Concurrence

MINNEHAHA CREEK

QUALITY OF WATER



WATERSHED DISTRICT

QUALITY OF LIFE

January 16, 2024

Lower Minnesota River Watershed District
ATTN: Linda Loomis, Administrator
Naiad Consulting, LLC
112 5th Street East, Suite 102
Chaska, MN 55318

Ms. Loomis,

The Minnehaha Creek Watershed District has considered the petition to change the common legal boundary between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District. Pursuant to Resolution 24-005, the Minnehaha Creek Water District Board of Managers concurs with the petition titled "*Lower Minnesota River Watershed District Petition for Boundary Change*" approved by Lower Minnesota River Watershed District on November 15, 2023 via Resolution 23-14.

Minnehaha Creek Watershed District looks forward to continued coordination and collaboration with Lower Minnesota River Watershed District on projects and permits that occur along our shared legal boundary.

Please contact me at jwisker@minnehahacreek.org as necessary regarding this concurrence and the proposed boundary change petition.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Wisker', written over a white background.

James Wisker, Administrator
Minnehaha Creek Watershed District

We collaborate with public and private partners to protect and improve land and water for current and future generations.



15320 Minnetonka Boulevard, Minnetonka, MN 55345 • (952) 471-0590 • Fax: (952) 471-0682 • www.minnehahacreek.org



RESOLUTION

Resolution number: 24-005

Title: Resolution Supporting Boundary Adjustment Between Lower Minnesota River Watershed District and Minnehaha Creek Watershed District

WHEREAS, as a result of more precise topographic and storm sewer data, the hydrologic boundaries between the Lower Minnesota River Watershed District (LMRWD) and the Minnehaha Creek Watershed District (MCWD) can be more precisely determined; and

WHEREAS, storm sewer updates at the Minneapolis/St. Paul Airport (MSP) by the Metropolitan Airport Commission (MAC) changed the drainage boundaries between LMRWD and MCWD; and

WHEREAS, improved data allow for the common legal boundary between MCWD and LMRWD to better follow the hydrologic boundary; and

WHEREAS, the purpose of Minnesota Statutes Chapters 103B and 103D is to facilitate water resource management on a watershed basis, and the legal boundaries of watershed management organizations should conform as closely as is practicable to hydrologic boundaries; and

WHEREAS, Minnesota Statutes Chapter 103B establishes a procedure for petition to the Minnesota Board of Water and Soil Resources (BWSR) to adjust watershed management organization boundaries; and

WHEREAS, the parcels to be allocated to each district are contiguous to each, and the alteration of the legal boundary of each watershed to include the identified parcels will advance the purposes of Minnesota Statutes Chapters 103B and 103D; and

WHEREAS, the parcels changing watersheds are listed in Attachment B and shown in Attachment A; and

WHEREAS, MCWD and LMRWD will continue to closely coordinate on projects and permits along the shared legal boundary at MSP;

NOW, THEREFORE, BE IT RESOLVED that the Board of Managers supports the submission LMRWD's petition to BWSR pursuant to Minnesota Statutes 103B to alter the boundaries of the LMRWD and MCWD.

BE IT FURTHER RESOLVED that the MCWD Board of Managers supports a boundary adjustment as described in Attachment B, and authorizes the MCWD District Administrator to sign a Letter of Concurrence in accordance with Minnesota Statutes 103B to be included in the petition to BWSR to adjust the common boundary of the LMRWD and MCWD; and

BE IT FURTHER RESOLVED that the MCWD Administrator is authorized to fulfill all responsibilities of the MCWD to implement the boundary adjustment as approved by BWSR.

Resolution Number 24-005 was moved by Manager Olson, seconded by Manager Sardo. Motion to adopt the resolution 6 ayes, 0 nays, 0 abstentions. Date: 1/11/2024

Ernest J. Mahall
Secretary

Date: 1-11-2024

Exhibit D
Metropolitan Airports Commission – Letter of Concurrence



Metropolitan Airports Commission

6040 - 28th Avenue South, Minneapolis, MN 55450 • 612-726-8100 • metroairports.org

December 7, 2023

Minnesota Board of Water and Soil Resources
520 Lafayette Road North
Saint Paul, MN 55155

Re: In the Matter of Boundary Change Between the Lower Minnesota River Watershed District and Minnehaha Creek Watershed District Pursuant to Minnesota Statutes Section 103B.215

To Whom It May Concern:

Earlier this year, the Metropolitan Airports Commission (MAC), a public corporation established pursuant to Minnesota Statutes chapter 473, submitted a request to the Lower Minnesota River Watershed District (LMRWD) to change the watershed-district boundary between LMRWD and Minnehaha Creek Watershed District (MCWD) within MAC's jurisdiction at the Minneapolis-St. Paul International Airport (MSP). The purpose of the requested change was to align the watershed-district boundaries with the actual hydrological boundaries, which have changed following recent storm sewer updates at MSP.

MAC has engaged in productive conversations with LMRWD and MCWD regarding the proposed boundary change and has carefully reviewed LMRWD's petition to the Board. Based upon these conversations and upon MAC's review, MAC concurs with the petition and urges the Board to issue an order granting the requested boundary change.

MAC has appreciated the opportunity to work with LMRWD and MCWD on this matter and looks forward to assisting in any way we can as the Board reviews LMRWD's petition.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Brian Ryks".
CB1F3ED5E9AD4C1...

Brian Ryks

Executive Director/CEO

Metropolitan Airports Commission

Exhibit E
Lower Minnesota River Watershed District Resolution