

**AGENDA
MAPLE PLAIN CITY COUNCIL – WORKSHOP
MAPLE PLAIN CITY HALL
MARCH 23, 2015
5:30 PM**

- 1. CALL TO ORDER**
- 2. ADOPT THE AGENDA**
- 3. LMCC SURVEY**
- 4. MEETING TIME CHANGE DISCUSSION**
- 5. WATERSHED DISCUSSION**
 - A. Stantec Memo
 - B. Survey
- 6. DOWNTOWN REDEVELOPMENT UPDATE**
- 7. OTHER**
- 8. ADJOURNMENT**

2015 LMCC SURVEY



The Lake Minnetonka Communications Commission (LMCC) is seeking input from member city councils to help guide budget decisions in the future. Please complete this quick survey (**one per city council**) and return by April 2, 2015 to jim@lmcc-tv.org or to LMCC, 4071 Sunset Drive, PO Box 385 Spring Park, MN 55384. Your input is appreciated!

How high a priority is each of the following for your city?

	Very High Priority	High Priority	Neutral	Low Priority	Very Low Priority
Broadcasting and posting city council meetings on LMCC channels and website	<input type="checkbox"/>				
Agenda parsing* city council meetings that are posted on the LMCC website	<input type="checkbox"/>				
Broadcasting and posting other local government** meetings on LMCC channels and website	<input type="checkbox"/>				
Broadcasting and posting voter forums and candidate statements on LMCC channels and website	<input type="checkbox"/>				
Broadcasting and posting school concerts and sports on LMCC channels and website	<input type="checkbox"/>				
Broadcasting and posting community concerts and events on LMCC channels and website	<input type="checkbox"/>				
Creating, broadcasting, and posting LMCC-produced programming*** on LMCC channels and website	<input type="checkbox"/>				
Upgrading LMCC equipment and TV broadcasting to high definition (HD)	<input type="checkbox"/>				

Your City Name: _____

* *Agenda parsing allows the online user to click on an agenda topic to go directly to that section of the video recording.*

** *Examples of other local government meetings: police boards, fire boards, school boards, Lake Mka Conservation District, LMCC, etc.*

*** *Examples of LMCC-produced programs are: The Pulse, First Responder TV, Lakeside News, Sound Check, Around the Lake, etc.*

To: Dan Boyum
St. Paul MN Office

From: Peter Allen
St. Paul MN Office

File: 193801808

Date: March 13, 2015

Reference: Watershed Management Options

The City of Maple Plain has requested that Stantec research several options that the City has regarding its watershed management organization. The City, as well as other communities, has expressed concerns about the Pioneer-Sarah Creek Watershed Management Organization (PSCWMO). The purpose of this memo is to provide the City with information regarding the three options listed below, so the City can make an informed decision regarding the future of watershed management within its community.

- Option 1: Stay with PSCWMO
- Option 2: Transfer the portion of the City that is currently within the PSCWMO into the Minnehaha Creek Watershed District (MCWD)
- Option 3: The City of Maple Plain become its own WMO

The information within this memo was collected from a research of PSCWMO, MCWD and Minnesota Board of Water and Soil Resources (BWSR) Rules, as well as communications with MCWD and BWSR. No communication was conducted with PSCWMO or other communities.

Option 1: Stay with PSCWMO

This is a no action option and entailed research into the status of PSCWMO's watershed management plan with BWSR and the financial obligations the City has to the PSCWMO. According to the PSCWMO website, BWSR approved the PSCWMO Third Generation Watershed Management Plan on January 28, 2015. This suggests that the PSCWMO has resolved any differences it may have had with BSWR. Financially, the City's fees to PSCWMO have ranged from \$7,464.54 in 2012 to \$9,855.62 in 2015.¹

If the City stays with PSCWMO, we might recommend that the City:

- Work with PSCWMO to determine the derivation for the City's annual fee and consideration of a revision to this fee, and
- Work with the other cities in PSCWMO to change the membership of the PSCWMO Commission to better reflect the priorities of the cities.

¹ 2015 Budget – Pioneer Sarah Creek Watershed Management Commission – Approved 2015 Member Assessments

Reference: Watershed Management Options

Option 2: Transfer the PSCWMO portion of the City to the MCWD

This option would result in the approximately 0.78 sq. miles of the City of Maple Plain that are currently within the boundaries of PSCWMO being transferred into the MCWD. This would require the boundaries of both PSCWMO and MCWD to be changed. Through discussion with BWSR and MCWD, the coordination and implementation of this option will have financial, administrative, and likely political implications.

Board of Water and Soil Resources

BWSR has expressed that the best option is to work towards an agreement with MCWD regarding a boundary change. Along with MCWD approval, a petition will be required to be submitted to BWSR. If MCWD does not approve the change, a petition may still be submitted to BWSR requesting that the MCWD boundary be modified to include the entire City of Maple Plain, but additional scrutiny will likely be made by BWSR due to MCWD not approving the change. Regardless of MCWD approval, the petition must follow Minnesota Statute 103D.261 as described below:

"(a) Proceedings to enlarge an existing watershed district must be initiated by a petition filed with the board. The required signatures on a petition to enlarge are the same as for an establishment petition, but the percentages must be calculated only with reference to the territory that is proposed to be added to the watershed district. The petition must:

- (1) state that the area to be added is contiguous to the existing watershed district;*
- (2) state that the area can be feasibly administered by the managers of the existing watershed district;*
- (3) state reasons why adding the area to the existing watershed district would be conducive to the public health and welfare;*
- (4) include a map of the affected area;*
- (5) state the name of the proposed enlarged watershed district, if other than that of the existing watershed district; and*
- (6) state a request for the addition of the proposed territory.*

(b) The petition must be served on the board and affected watershed districts, and the board must proceed as prescribed for an establishment petition.

(c) The requirement of notice and public hearings is as prescribed for the establishment petition."

Minnehaha Creek Watershed District

The MCWD is of the position that they are open to discussion regarding a boundary change, but stressed that there is not enough information at this time to give an educated determination as to

Reference: Watershed Management Options

the likelihood of an approval. MCWD also cautions that this effort will likely require coordination with the City, PSCWMO, MCWD, BWSR, and, if practical, other communities with similar interests. MCWD suggests that if the City is serious about pursuing this option that the City put forth the effort to further prepare for such a discussion. Also, the MCWD Board of Managers must vote to approve such a modification to the boundary which brings up a potential political atmosphere.

MCWD has modified their boundary in the past, but it is typically done to better align the legal boundary with the hydrologic boundary. Based on the current MCWD maps², the legal boundary appears to be in relative agreement with the hydrologic boundary through the City of Maple Plain.

Pioneer-Sarah Creek Watershed Management Organization

Section 8 of the PSCWMO Joint Powers Agreement (JPA) states that a member can withdraw from the WMO by giving the PSCWMO Commission and the other members written notice 60 days before the effective date of withdrawal.

Financial Implications

The financial implications of transferring from PSCWMO to MCWD have to do with how the finances are paid to the WMO/WD. The City currently pays annual fees to PSCWMO. For 2015, the City's fees totaled \$9,855.62. If the City decides to leave PSCWMO, the City will be responsible for paying their annual fees for the entire year in which the City leaves. MCWD raises its proceeds by assessing individual property owners. For 2015, the MCWD levy on property owners is estimated below.³

Home Value	MCWD 2015 Levy*
\$180,000	\$26.46
\$300,000	\$48.22
\$600,000	\$107.59

*2015 MCWD Tax Rate is 1.664%

It is worth noting that WMOs were typically established, in part, to promote the involvement and influence of the member cities. Watershed Districts are typically much more independent and the cities' influence is less. MCWD certainly falls into this category. There is a long history of tension between MCWD and the cities within its jurisdiction. Having the entire City within MCWD will probably result in reduced influence for the City. Once this influence is lost, it would probably never be regained.

² Minnehaha Creek Watershed District Comprehensive Water Resources Management Plan, Last Amended July 25, 2013

³ Minnehaha Creek Watershed District 2015 Budget and Levy, September 11, 2014

Reference: Watershed Management Options

Option 3: The City of Maple Plain becomes its own WMO

This option would result in Maple Plain becoming its own WMO. WMOs are based on watershed boundaries and can be organized in three ways⁴:

1. *As a JPA between cities and townships within the watershed district;*
 - a. Maple Plain cannot create a WMO on its own, but could create a new WMO with at least one other community that shares a common boundary. This would likely involve legal implication of creating a JPA WMO as well as coordination with BWSR. There are several other items that go into creating a WMO such as the development and implementation of a Watershed Management Plan.
2. *As a watershed district, a special unit of local government operating under Minnesota Statutes Chapter 103B, and concurrently operating under Minnesota Statutes Chapter 103D;*
 - a. This option was not researched as the City did not express interest in exploring this option.
3. *As a function of county government, usually administered by the county planning department.*
 - a. Based on information gathered from BWSR, communities within Hennepin County cannot have their watershed management run as a function of county government.

There are factors that make this option unlikely and, perhaps, undesirable:

- The resulting WMO would be quite small. It is unlikely that BWSR would support or allow the creation of such a small WMO.
- Because of a number of factors, the new WMO would be obligated to fulfill several functions. This would impose a set of non-trivial technical, legal, and financial responsibilities on the City.

Conclusion

This memo provides information regarding the City of Maple Plain's interest in exploring its watershed management options. Information was gathered from a desktop review of WMO, WD, and State rules, statutes, and budgetary information as well as discussions with MCWD and BWSR.

Steve Christopher of BWSR indicated that he is willing to come and discuss any further details or questions the City may have. Steve indicated that he recently discussed a similar topic with the City of Minnetrista. This may be a good idea if the City wishes to pursue Option 2 (withdrawal from PSCWMO), since it will show BWSR that it is serious about this. It would be a starting point in the coordination effort as well.

⁴ Board of Soil and Water Resources website, http://www.bwsr.state.mn.us/planning/WD-WMO_overview.html

Reference: Watershed Management Options

It may be advantageous for the City to collaborate with the communities of Minnetrista and Medina, as it appears that they have both had communications with MCWD, and Minnetrista with BWSR.

The City may wish to consider a dispute resolution process that is available through BWSR.

Dispute Resolution

The Board of Water and Soil Resources hears and settles local government disputes in a number of cases:

Through the Local Water Planning and Management Program, local units of government may ask for a meeting with the chair of the BWSR to informally resolve a dispute regarding a water plan (Minnesota Statutes 103B.345 subd. 2). If they are unable to resolve the dispute, they may officially petition the BWSR for a hearing if:

- *the interpretation and implementation of a comprehensive water plan is challenged by a local unit of government aggrieved by the plan;*
- *two or more counties disagree about the apportionment of the costs of a project implementing a comprehensive water plan; or*
- *a county and another local unit of government disagree about a change in a local water and related land resources plan or official control recommended by the county to make it consistent with the local water plan.*

Watershed district decisions and rules may be appealed to the Board of Water and Soil Resources:

- *Minnesota Statutes 103D.535 and .537*

BWSR will put considerable effort into assisting with an informal dispute resolution process before a dispute will go to the formal process.

If you have any questions, please feel free to contact me.

STANTEC CONSULTING SERVICES INC.



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Water Resources Engineer
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c. Dan Edgerton ; Randy Neprash

Design with community in mind

SURVEY

On January 28, 2015 the Board of Water and Soil Resources (BWSR) approved the Pioneer-Sarah Creek Watershed Management Commission's Third Generation Watershed Management Plan for a period of six years.

BWSR has suggested that the level of commitment by the member cities is not sufficient to fund capital improvement projects. The first two questions below are designed to measure support for increases in the yearly allocation charged to the member cities.

1. Would your City support increasing your yearly contribution to the Watershed Commission by 100% (e.g., if you are contributing \$15,000 in 2015, your yearly contribution for 2016 would be \$30,000). Funds would be used to support capital improvement projects through a cost-share program.

YES NO

2. Would your City support increasing your yearly contribution to the Watershed Commission by 200% (e.g., if you are contributing \$15,000 in 2015, your yearly contribution for 2016 would be \$45,000)? Funds would be used to support capital improvement projects through a cost-share program.

YES NO

The current policies of the Commission allow up to 25% of the cost of a project paid by the Watershed Commission. BWSR has suggested that with a cost share provision, individual cities will have to spend additional dollars on projects within their Cities. Question 3 is designed to measure support for increases in the yearly allocation charged to the member cities.

3. Is your City supportive of providing funding through city taxes for water improvement projects that are within your cities to improve water quality? This would be in addition to the tax dollars used to pay for your Cities allocation provided to the Watershed Commission.

YES NO

BWSR has suggested that the Watershed Commission more assertively use Ad Valorem taxation as a means of funding projects. This would allow the Watershed Commission to directly tax residents of the six member cities. Question 4 is designed to measure support for the use of the Ad Valorem tax.

4. Is your City supportive of empowering your Commissioner to approve Ad Valorem taxation of residents of your City to support water improvement projects?

YES NO

The Pioneer-Sarah Creek Watershed Management Commission is a joint powers organization, administered by a board whose members are appointed by the participating cities. There has been discussion as to whether becoming a Watershed District would be a more effective form of governance. Members of a watershed board of managers are accountable to the County Board of Commissioners that appointed them.

5. Is your City supportive of replacing the Commission with a Watershed District that will remove local control?

YES NO

We invite you to share your comments, concerns and questions on the back side of this survey.

City: _____ City Administrator: _____

*Please return this survey to Judie Anderson, judie@jass.biz, **no later than April 8, 2015.**
The Watershed Commission will review results of the survey before determining next steps.*