

RESOLUTION NO. 2017- 141

**A RESOLUTION OPPOSING THE PROPOSED LOWER MINNESOTA RIVER
WATERSHED DISTRICT BLUFF STANDARD**

WHEREAS, the City Council of the City of Bloomington is the official governing body of the City of Bloomington, Minnesota; and

WHEREAS, the Lower Minnesota River Watershed District (LMRWD) is in the process of amending its Watershed Management Plan; and

WHEREAS, as part of the plan amendment, the LMRWD is proposing to amend the bluff standards; and

WHEREAS, under the proposed bluff standard, the LMRWD is proposing to prohibit all grading, clear cutting, removal of vegetation and/or other land disturbing activities on the bluff and/or the bluff impact zone; and

WHEREAS, as part of the plan amendment, the LMRWD proposes to expand the current state definition of a bluff to lower the minimum average slope threshold of a bluff area from 30% to 18% and increase the bluff structure setback from 30 feet to 40 feet, thereby significantly increasing the land area subject to LMRWD bluff standards; and

WHEREAS, the proposed bluff amendments will prohibit structures and other land disturbing activities within the newly defined area of a bluff or bluff setback which will negatively impact hundreds of residential properties across the LMRWD; and

WHEREAS, the LMRWD has provided the minimum level of notice required by statute, and has not effectively communicated the proposed bluff standard to individual property owners who will be most impacted; and

WHEREAS, the LMRWD has not released a Statement of Need and Reasonableness (SONAR) related to the redefining of bluffs; and

WHEREAS, the LMRWD's proposed bluff standard will severely limit uses on existing residential properties; and

WHEREAS, the City Council of the City of Bloomington received notice from the Minnesota Department of Natural Resources on June 30, 2017, that a trout stream designation on the unnamed stream near the Mall of America (locally known as "Ike's Creek") was not necessary; and

WHEREAS, based on water temperature monitoring and dissolved oxygen levels sufficient protections already exist for Ike's Creek and any additional regulations or mapping will not materially add to the protections for Ike's Creek and should not occur; and

WHEREAS, the City of Bloomington already has in place extensive bluff protection provisions which the City actively enforces and have been effective for over 30 years; and

WHEREAS, the City Council of the City of Bloomington endorses the Bloomington staff comment letter submitted on September 20, 2017, and the presentation made by the City of Bloomington at the LMRWD public hearing on Wednesday, October 25, 2017, in the County Board

Room of the Carver County Government Center, 602 East 4th Street, Chaska, MN.

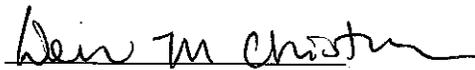
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, that the City Council does not support the LMRWD's proposed changes to the bluff standard.

Passed and adopted this 6 day of November, 2017.



Mayor

ATTEST:



Secretary to the Council

COPY



Resolution Number 2017- 141

The attached resolution was adopted by the City Council of the City of Bloomington on November 6, 2017.

The question was on the adoption of the resolution, and there were 6 YEAS and 0 NAYS as follows:

COUNCILMEMBERS:	YEA	NAY	OTHER
Gene Winstead	<u>X</u>	_____	_____
Jack Baloga	<u>X</u>	_____	_____
Tim Busse	<u>X</u>	_____	_____
Dwayne Lowman	<u>X</u>	_____	_____
Jon Oleson	<u>X</u>	_____	_____
Kim Vlasisavljevich	_____	_____	<u>Absent</u>
Eldon Spencer	<u>X</u>	_____	_____

RESOLUTION ADOPTED.

ATTEST:

Dee M. Christen

Secretary to the Council

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