

Steering Committee #6

March 24, 2026

Attendance:

Breanne Kennedy (Thrive), Terry Jeffery, Liz Forbes, Dylan Monahan, Scott Sobiech (Barr)

Eric Eckman	Water Resources Manager	City of Minnetonka
Leslie Yetka	Natural Resources Manager	City of Minnetonka
Jack Distel	Water Resources Specialist	City of Bloomington
Sophia Risch	Natural Resources Technician	City of Minnetonka
Karli Wittner	Forestry & Natural Resources Supervisor	City of Eden Prairie
Lori Haak	Water Resources Coordinator	City of Eden Prairie
Joe Seidl	Water Resources Engineer	City of Chanhassen
Ryan Toot	Area Hydrologist	MN Dept. of Natural Resources
Amy Riegel	Senior Water Resources Specialist	Hennepin County
Will Lytle	Administrator	Lower MN River WD
Eric Maass	Community Development Director	City of Chanhassen
Kristen Larson	Environmental Planner	Carver County
Brent Alcott	Water Resources Coordinator	City of Chaska

Introduction:

This is the group's first meeting focused solely on the regulatory program. Previous discussions focused on redundancies within regulations, issues with timelines, and the desire for earlier coordination in partnership projects.

Terry wants to see a better way to quantify the impact of the regulatory program.

Feedback on gaps, overlaps, and proposed amendments to rules:

- Most of the rules are triggered reactively based off a permit request. Lower MN is trying to find a way to legally defend a "proactive" regulatory program. "Cross-boundary conveyance" can mean a broader definition for how a property owner impacts nearby properties. Can be implemented even when not in development.
- "Progressive assessment process" at Comfort Lake-Forest Lake- determine responsible party and pollution sources to be able to act on it. Clearer structures in place.

- Taking a larger escrow and holding it for a longer time to ensure effective maintenance of BMPs. The District sees this as an opportunity to enforce maintenance agreement violations without land use authority.
- Review on BMP design from WD should be a “how can we help” framework rather than a simple yes or no.
- Design team is almost always different than who would be responsible for maintenance.
- City has more authority to enforce and maintain these private BMPs. Much of this issue could be solved if cities and District were aligned.
- City of Minnetonka holds conservation easements for private landowners. The city manages funds to hold property owners accountable for maintenance. This is more powerful than a maintenance agreement, city will perform the maintenance with the fund if it isn't performed by the landowner. They don't use this program for stormwater BMPs.
- Need to establish system for emerging contaminants (anticipating growing concern for PFAs and other contaminants)
- Free board rule variety between cities and District. One example- how do we find agreement?
- Discuss with cities which body will enforce what rules
 - Lori's example → WD take shoreland health rule, EP take another rule, etc
- Maintenance declarations of both the city and District → one of the most highlighted redundancies among developers and property owners
 - This is because District cannot enforce the City's agreements
 - District would potentially be interested in Three party agreements
 - Bloomington doesn't have maintenance agreements with developers, NMCWD 's agreements meet the MS4 requirements
 - Edina does enforcement, WD does inspections
- Fee in lieu: cost of complying with all rules
- Carver WMO has fee in lieu → they require developers to provide cost estimates of what they could do on site
- City of Chaska requires developers to consult with Watershed district prior to concept approval

Ideas/suggestions

1. Annual connection with city regulatory team (community development, water resources, and natural resources)
2. Review CIPs from cities annually and coordinate projects
3. Set criteria for deviations from rules – must do “better” than rules in some other aspects, particularly for the downstream resource. Assessing project based on “progressive” , upstream benefits.
4. Applicant initiated solutions for how they will meet the rules or do “better”
5. More administrative approvals
6. When sizing sureties or solutions, evaluating and considering long term maintenance and effectiveness as rules get updated. Life cycle costs must be incorporated somehow in solution development
7. Can we work with cities to do overlay districts to cover costs of maintenance and management over time (special tax district)
8. Watershed district could provide technical assistance for applicants up front
9. There is a need to expand the types of pollutants we look at when we evaluate the benefits of rules
10. A co-benefits analysis should be done upfront (as early as possible)
11. Early coordination is critical – how can we operationalize this?
12. How can WD and City partner on enforcement of BMPs? Can a 3 strikes policy be implemented? City has authority to assess, fine, and enter to do work...how can that be leveraged in partnership with WD?
13. Can a development fee be established as a carve out/increase to stormwater management fee (or in addition)?
14. WD rules should be coordinated and aligned with Cities and vice versa. That way when review or enforcement happens, we are all rowing in the same direction. Also, better for applicants. If cities then enforce the rules, can WD defer?
15. In Minnetonka, for natural resource protection, property owners put money into a fund to maintain it. Can that be done for stormwater?
16. Fee in lieu of meeting rules for WD projects?
17. Can we incentivize maintenance?
18. Can we coordinate our rules (example free board requirement/low floor opening)?
19. Can we put the rules into tabular format and compare and contrast with city rules?
For this update? Moving forward for stakeholders (staff and applicants)
20. Is there a way to consolidate the maintenance agreements (3 party?)
21. Can we coordinate inspections and enforcement? WD inspects, City enforces?
Look to other cities as example (Edina and Bloomington?)

22. Can we coordinate financial assurances?
23. Can an MOU between city and WD be executed for these purposes?
24. Incorporate options for applicants to meet rules, on site, off site or fee in lieu?
Example Carver WMO/Capitol River region
25. Invite WD to DRC meetings or concept plan meetings (even better).