



Legislation Details (With Text)

File #: Res. 2019-062 **Version:** 1 **Name:**

Type: Resolution **Status:** Passed

File created: 5/22/2019 **In control:** City Council

On agenda: 7/2/2019 **Final action:**

Title: Consider approving delegation of Wetland Conservation Act Authority to Dakota County Soil and Water Conservation District for properties located in Dakota County.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1 - WCA Resolution, 2. 2 - Resolution #94-355

Date	Ver.	Action By	Action	Result
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City Council Meeting Date: July 2, 2019

To: Mayor and City Council
City Administrator

From: David E. Bennett, Public Works Director/City Engineer
Sean M. Simonson, Engineering Manager
Cole Johnson, Water Quality Technician

Consider approving delegation of Wetland Conservation Act Authority to Dakota County Soil and Water Conservation District for properties located in Dakota County.

Action Requested:

The Northfield City Council approves the attached Resolution delegating Wetland Conservation Act Authority to Dakota County Soil and Water Conservation District (SWCD) for properties within the City municipal boundary located in Dakota County.

Summary Report:

The Minnesota Wetland Conservation Act (WCA) of 1991 requires local government units (LGU's) to implement this law by adopting the rules and regulations promulgated by the Minnesota Board of Water Resources (BWSR) pertaining to wetland draining, filling, and excavation. The BWSR also has defined metropolitan area cities and townships as LGU's under the WCA.

The City of Northfield accepted the responsibility and delegated the responsibility of the WCA to the Rice County SWCD for all lands contained within Rice County via Resolution #94-355 (Attachment 2). The lands within the City of Northfield that lie within Dakota County did not have responsibility transferred; therefore, the City of Northfield must pass the Resolution in order to accomplish this transfer of responsibility to the

Dakota County SWCD.

Staff is supportive of the delegation. If not delegated to the Dakota County SWCD, the City would need to consult for professional services related to wetland reviews and wetland related questions in Dakota County. Minnesota Wetland Rules allow for the City to delegate these responsibilities under Chapter 8420. An excerpt from the rules is below

8420.0200 E.

Implementation of this chapter and the act may be delegated from a county, city, or town, as applicable according to item A or B, to a soil and water conservation district or other governmental entity by the passage of resolutions by both parties. The delegation becomes effective when resolutions have been passed by both parties, or on the date specified in the resolutions, whichever is later. Both parties must provide notice to the board, the commissioner, and the soil and water conservation district within 15 business days of adoption of the resolution. The notice must include a copy of the resolution and a description of the applicable geographic area.

Alternative Options:

The City Council could choose not approve this Resolution; however, the City of Northfield does not have qualified personnel on staff to implement this portion of the WCA.

Financial Impacts:

The Dakota County SWCD charges an application fee when Wetland determinations are requested, which is paid for by the applicant. The City of Northfield will have no financial obligations for the passage of this Resolution.

Tentative Timelines:

The Resolution, if approved, will be sent to the Dakota County SWCD for approval on August 2.