



MINNEHAHA CREEK
WATERSHED DISTRICT
QUALITY OF WATER, QUALITY OF LIFE

Meeting: Board of Managers
Meeting date: 8/13/2026
Agenda Item #: 7.2
Item type: Consent

Title: Approving Joint Powers Agreement for Permitting of MnDOT Trunk Highway 62

Resolution number: 26-064

Prepared by: Name: Abigail Couture
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Reviewed by: Name/Title: Chuck Holtman/District Attorney

Recommended action: Authorize MCWD Board President to execute the proposed Joint Powers Agreement with the Lower Minnesota River Watershed District for permitting of the Trunk Highway 62 Road Reconstruction Project.

Summary:

The Minnesota Department of Transportation (MnDOT) is seeking regulatory approval associated with road reconstruction along Trunk Highway 62 in the city of Minneapolis ("Project"). The Project occurs within both Minnehaha Creek Watershed District (MCWD) and Lower Minnesota River Watershed District (LMRWD) boundaries, and both watershed districts have implemented rules requiring a permit for land disturbing activities. The Project will disturb approximately 23.6 acres with approximately 4 of these acres within the LMRWD boundary. All existing and proposed storm sewer systems receiving stormwater from the reconstructed roadway will drain to Minnehaha Creek immediately before it confluences with the Mississippi River.

MCWD staff met with LMRWD staff and discussed with MnDOT representatives, and all parties agree to have MCWD oversee the permitting for the Project in its entirety in the interest of administrative efficiency and consistency. LMRWD and MCWD have drafted a Joint Powers Agreement (JPA) that outlines MCWD's power to exercise its regulatory authority over the LMRWD boundary for the Project.

Recommendation:

Staff recommends the MCWD Board of Managers authorize the Board President to execute the proposed Joint Powers Agreement with Lower Minnesota River Watershed District for the permitting of the Trunk Highway 62 Road Reconstruction Project.

Supporting Documents:

- Joint Power Agreement (JPA) between the Lower Minnesota River Watershed District and MCWD
 - o Attachment 1: Location Map



RESOLUTION

Resolution number: 26-064

Title: Approving Joint Powers Agreement for Permitting of TH62 Road Reconstruction Project

WHEREAS, Minnehaha Creek Watershed District (MCWD) and Lower Minnesota River Watershed District (LMRWD) share a boundary and each, pursuant to Minnesota Statutes §103D.341, has adopted and implements rules requiring permits for land disturbing activities;

WHEREAS, the Minnesota Department of Transportation (MnDOT) is seeking regulatory approval for reconstruction work associated with the Trunk Highway 62 project;

WHEREAS, of the 23.6 acres to be disturbed by the project, approximately 19.6 acres lie within the legal boundary of MCWD, and approximately 4 acres lies within the legal boundary of LMRWD, and the area within LMRWD, on project completion, will drain to MCWD;

WHEREAS, MCWD, LMRWD, and MnDOT agree that for administrative efficiency, MCWD should exercise regulatory authority over the entirety of the project;

WHEREAS, the LMRWD and MCWD have drafted a Joint Powers Agreement that recognizes MCWD regulatory authority over the Project within both watershed district boundaries.

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers authorizes the MCWD Board President to execute the proposed Joint Powers Agreement, with any further non-substantive changes and on advice of counsel.

Resolution Number 26-064 was moved by Manager _____, seconded by Manager _____. Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: 8/13/26

Secretary Date: _____

Joint Powers Agreement

Between Minnehaha Creek Watershed District and Lower Minnesota River Watershed District

MnDOT TH62 Reconstruction Project

This agreement is made by and between Minnehaha Creek Watershed District (MCWD) and Lower Minnesota River Watershed District (LMRWD) each a political subdivision of the State of Minnesota with purposes and powers as set forth in Minnesota Statutes chapters 103B and 103D. This agreement is executed by both parties under authority of Minnesota Statutes section 471.59, which permits two or more governmental units to jointly and cooperatively exercise any power common to them.

Recitals

WHEREAS pursuant to Minnesota Statutes sections 103D.341 and 103D.345, MCWD and LMRWD each has adopted and implements rules and permitting requirements applicable to land-disturbing activity, to manage and protect water resources within its legal boundaries;

WHEREAS MnDOT is the proponent of a road project known as the TH62 reconstruction ("Project"), which will involve land-disturbing activity within the political boundaries of both MCWD and LMRWD;

WHEREAS the great majority of the land-disturbing activity will occur within the MCWD boundary, the area of activity within the LMRWD drains to MCWD territory, and the stormwater management practices proposed by MnDOT will be sited within MCWD political boundaries;

WHEREAS MCWD and LMRWD agree that for administrative efficiency, a single watershed district should exercise regulatory authority over the Project;

WHEREAS MnDOT, in the interest of permitting efficiency and consistency, concurs in MCWD exercise of regulatory authority over the entire Project and has confirmed this by providing signature in this document, incorporated herein.

THEREFORE it is mutually agreed by and between MCWD and LMRWD, as follows:

1. MCWD will exercise its permitting authority over that part of the Project within LMRWD boundaries as delineated on Attachment 1 hereto, incorporated herein, in the same manner as over that part of the Project within MCWD boundaries. LMRWD will refrain from exercising its permitting authority over the Project; however, it retains its statutory authority to enter and inspect the Project site.
2. If MnDOT should revise its plan and site a stormwater management practice outside of MCWD and within LMRWD boundaries, an MCWD permit for the Project may include a condition requiring that a stormwater management facility be installed, inspected and maintained for a term of years, or in perpetuity. The permit also may authorize MCWD to enter property to inspect, do work or otherwise occupy the Project site. By this JPA, any such permit condition or exercise of authority is not placed in question by the fact that the part of the site on which the facility is located, or that MCWD crosses or occupies, is not within the MCWD legal boundary.
3. Neither party to this agreement agrees to be responsible for the acts or omissions of the other within the meaning of Minnesota Statutes §471.59, subdivision 1a.

IN WITNESS WHEREOF, intending to be legally bound, the parties hereto execute and deliver this agreement.

Lower Minnesota River Watershed District

Joseph Barisonzi, Board President

Date:

Minnehaha Creek Watershed District

Sherry White, Board President

Date:

CONCURRENCE:

Minnesota Department of Transportation

Nicholas Greenly, Project Manager

Date:

Attachment 1

