

MEETING DATE: March 8, 2018

TITLE: Authorization to execute memorandum of understanding with the City of Shorewood to coordinate planning of water resources and City capital improvement planning

RESOLUTION NUMBER: 18-020

PREPARED BY: Renae Clark

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REVIEWED BY: Administrator Counsel Program Mgr. (Name): _____
 Board Committee Engineer Other

WORKSHOP ACTION:

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance Board Meeting for action.
<input type="checkbox"/> Refer to a future workshop (date): _____	<input type="checkbox"/> Refer to taskforce or committee (date): _____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input type="checkbox"/> Other (specify): _____	

PURPOSE or ACTION REQUESTED:

Request for Board Action to authorize the District Administrator to enter into a Memorandum of Understanding (MOU) with the City of Shorewood to coordinate the planning of water resources, roads, infrastructure, and parks improvements.

PROJECT/PROGRAM LOCATION:

City of Shorewood (see map attached)

PROJECT TIMELINE:

- Q1 2018 – Begin technical data analysis and opportunity mapping
- Q2-Q3 2018 – Draft plan review and prioritization of identified water and natural resource improvement opportunities that may be identified for District Capital Improvement Plan or future grant funding

PROJECT/PROGRAM COST:

Fund name and number: Planning and Projects 200-2002
Current budget: \$150,000
Expenditures to date: \$ 42,881
Requested amount of funding: 0

PAST BOARD ACTIONS:

December 21, 2017 PPC presentation on City of Shorewood coordination framework
January 25, 2018 Board of Managers review of draft Memorandum of Understanding

SUMMARY:

Background:

On December 21, 2017 the Planning and Policy Committee received a staff memorandum and presentation of a draft process and timeline for developing the strategic action plan and an introduction to the Land Use – Water Policy Plan which seeks to create systemic policy and formal processes for the integration of District and partner land use planning and investments. Staff provided briefings of two emerging project examples which were Comprehensive Plan coordination in the City of Victoria and capital improvement plan coordination in the City of Shorewood.

The Minnehaha Creek Watershed District's organizational strategy to accomplish its water and natural resources goals articulated in the 2017 Strategic Alignment Plan, adopted by the Board of Managers in February 2017, is two-fold:

1. Develop high impact capital improvement projects that make positive change within the watershed
2. Change the land use and water policy environment to increase early, value added partnerships with private development, public infrastructure, and public policy/planning

In 2014 the Minnehaha Creek Watershed District Board of Managers adopted the Balanced Urban Ecology policy (BUE) which recognizes the natural resource, economic and community benefits of working in partnership with our communities to pursue our water resources management goals. The Balanced Urban Ecology policy is the guiding framework for the District's recently adopted Watershed Management Plan (Plan). The implementation model for this approach as outlined in the Plan, requires awareness of local initiatives and the ability to pursue opportunities to work in partnership with our public and private partners to integrate water and natural resources goals with land use planning and development goals. The framework for this approach is summarized as follows:

1. Understand water resources needs and opportunities
2. Develop and maintain current knowledge as to land use and capital project planning by communities through protocols to maintain informal and formal coordination frameworks
3. Integrate and prioritize strategies looking for the intersection of MCWD and partner interest and developing cost-effective project initiatives through co-planning water/natural resources and land use changes
4. Formalize public and private partnership agreements that identify project roles and responsibilities.

The BUE policy also emphasizes focus in areas of highest resource need and the importance of being flexible to respond to opportunities created by land use change or partner initiatives across the watershed.

While the District seeks to maximize water resource and community benefit through a focused, subwatershed – systems planning approach, we also want to add value to all our communities, integrating land use and water planning locally when opportunities arise. The Plan specifies that if Cities come to the District early in the planning stages of small area plans, infrastructure planning, and redevelopment projects, we can be a resource in guiding those efforts and providing technical assistance to result in an optimal water resource outcome, efficient regulatory process, and in some cases leverage outside funding.

Memorandum of Understanding Summary:

The City of Shorewood has identified drainage and stormwater management issues in the western part of the City of Shorewood. The City expressed its desire to take a more systematic approach that integrates multiple City goals for road improvements, parks, trails, and open space planning and enhancements, with the resolution of drainage issues while using water as a community asset.

The draft Memorandum of Understanding establishes roles, responsibilities and desired outcomes for co-planning to integrate water and natural systems, with City capital investments in infrastructure and parks to produce a plan with prioritized strategies for implementation, costs, and funding.

**DRAFT for discussion purposes only and subject to Board approval and the availability of funds.
Resolutions are not final until approved by the Board and signed by the Board Secretary.**

The City will lead the development of this systems planning effort which includes developing an engineering basis to address identified drainage, groundwater, and flooding concerns.

The District will provide technical engineering evaluation for the identification of water and natural resource improvement opportunities and look for ways those opportunities can be incorporated and prioritized in the City's investment plan. Through this planning partnership, the District is in a supporting role, providing technical assistance through a systems lens in the form of data analysis, regulatory guidance, identification of outside grant sources, and potentially District funding.

The resulting prioritized investment plan will provide for a more streamlined regulatory process for Shorewood, efficiently solve local drainage issues, and improve water resources while implementing non-water capital improvements to roads, trails, and parks.

The MOU intends to establish clear roles and expectations to identify investments that cost-effectively achieve City and MCWD goals. The coordinated planning process aims to advance the District's organizational strategy to improve water quality and natural resources in a way that integrates natural systems and the built environment.

After the Board of Managers review of the draft MOU on January 25, 2018, it was presented again to City Council on February 12 and approved on February 26.

ATTACHMENTS:

1. Project location map
2. Memorandum of Understanding

RESOLUTION

RESOLUTION NUMBER: 18-020

TITLE: **Authorization to execute memorandum of understanding with the City of Shorewood to coordinate planning of water resources and City capital improvement planning**

WHEREAS, in 2014, the Board of Managers established the Balanced Urban Ecology Policy which emphasizes the importance of integrated land use and water planning in order to maximize water resource and community benefits;

WHEREAS the 2017 Strategic Alignment Plan identifies the following organizational strategies to achieve the District’s mission of protecting and improving land and water resources:

- Develop high impact capital projects integrated with non-water initiatives through multijurisdictional partnerships
- Change the land-use and water policy environment to increase early, value added partnership with private development, public infrastructure, and public policy/planning;

WHEREAS in its Watershed Management Plan (2018), the District outlines its commitment to serving as a resource to its communities through early coordination and planning of land use and water resource matters, including technical assistance, regulatory process facilitation and shared efforts to secure funding;

WHEREAS the City of Shorewood has initiated early coordination with the District to take a systematic approach to addressing identified drainage, groundwater and flooding concerns in the western portion of the City that integrates multiple goals for road improvements, parks, trails and open space management; and management of water as a community asset;

WHEREAS in addition to addressing drainage, groundwater and flooding concerns, collaboration between the City and District may create the opportunity for water quality, habitat and other water resource benefits;

WHEREAS the City and District wish to formalize a mutual commitment to integrating efforts and aligning resources in order to plan wisely, make sound public investments in infrastructure, and protect and improve natural systems so as to foster a vibrant and healthy community;

WHEREAS this MOU does not establish legally binding terms on the District and City, but establishes a cooperative framework to examine and pursue work within the area defined by the study that integrates and cost-effectively achieves the above City and District goals;

WHEREAS the City of Shorewood authorized the Memorandum of Understanding at its meeting on February 26.

NOW THEREFORE BE IT RESOLVED that the Minnehaha Creek Board of Managers authorizes the District Administrator to enter into a memorandum of understanding with the City of Shorewood to coordinate the planning and programming of water resource, road, infrastructure and park investments.

Resolution Number 18-020 moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: March 8, 2018.

Secretary Date: _____.



Wayzata

Minnetonka

Minnetonka Beach

Spring Park

Mound

Tonka Bay

Deephaven

County Rd 19

Excelsior

Shorewood

Hwy 41

Hwy 7

Chanhassen

Victoria

Sources: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

MEMORANDUM of UNDERSTANDING

This Memorandum of Understanding (MOU) is made between the City of Shorewood, a Minnesota municipal corporation ("City"), and the Minnehaha Creek Watershed District ("District"), a watershed district and political subdivision with powers at Minnesota Statutes Chapters 103B and 103D.

Recitals and Statement of Purpose

WHEREAS the City has identified drainage, groundwater and flooding concerns within certain defined catchments identified as:

- Shorewood Oaks Development
- Strawberry Lane
- Grant Lorenz Channel
- Alexander Lane Pond
- Church Road Ponding

and evaluated solutions to those concerns at a conceptual level as summarized in the "Freeman Park Feasibility Study" (April 5, 2017) ("Study");

WHEREAS the City would like to address these concerns through a systematic approach that integrates multiple goals for road improvements; parks, trails and open space; and management of water as a community asset;

WHEREAS in its Watershed Management Plan (2018), the District outlines its commitment to serving as a resource to its communities through early coordination and planning of land use and water resource matters, including technical assistance, regulatory process facilitation and shared efforts to secure funding;

WHEREAS in addition to addressing drainage, groundwater and flooding concerns, collaboration between the City and District may create the opportunity for water quality, habitat and other water resource benefits;

WHEREAS the City and District wish to formalize a mutual commitment to integrating efforts and aligning resources in order to plan wisely, make sound public investments in infrastructure, and protect and improve natural systems so as to foster a vibrant and healthy community;

THEREFORE this MOU establishes a cooperative framework to examine and pursue work within the area defined by the Study that integrates and cost-effectively achieves the above City and District goals.

Terms of Understanding

1. The City will lead further development of the engineering basis for a plan to address the identified areas of drainage, groundwater and flooding concern, including the evaluation of alternatives and costs.
2. The District, through its staff and engineer, will provide independent technical evaluation of the concerns; proposed solutions; and opportunities to integrate elements for water quality, habitat or other water resource benefits.

3. To facilitate technical review and collaboration, the City and District each will make relevant data available to each other on request. City data including but are not limited to technical data supporting the Study; City stormwater conveyance maps and system component specifications; City capital improvement programs for roads, trails and parks; and information on City land interests including ownership and rights under easements and covenants. District data include, but are not limited to, District hydraulic & hydrologic models and data sets and other District water quality and water resource data for relevant surface waters. Data sharing is subject to the ordinary licensing protocols of each party.

4. After initial mutual review of relevant data, the City and District will identify data gaps. The City will address gaps related to drainage, groundwater and related water quantity matters, as well as those related to City road, trails and parks improvements. The District will address gaps related to water quality and water resource matters other than quantity.

5. The City and District, through the working group formed under paragraph 8 below, will collaborate to identify and prioritize potential strategies and projects to address identified drainage, groundwater and flooding concerns while also advancing public natural resource, water quality, parks and trails, and infrastructure goals.

6. The strategies identified in paragraph 5 will be incorporated into an Area Plan developed by the City for the study area identified in Exhibit A. Through the collaborative analysis, the Plan will include a prioritized, phased City investment strategy that integrates City infrastructure priorities for road improvements, trails, park improvements and water resource improvements for volume, rate, and load reduction and ecological enhancements.

7. The Area Plan developed by the City will include a funding plan for the City investments identified. There are no funding commitments by MCWD at this time beyond the technical services provided herein. MCWD funding may be available for strategies with a water resources or ecological benefit through a MCWD grant program to be developed in 2018 or considered by the Board of Managers as part of its annual Capital Improvement Program. Formal request for funding are prioritized annually. MCWD will identify applicable outside funding opportunities as they relate to the integration of water resource improvement strategies and assist the City in seeking those funds.

8. As each potential project or other capital work is developed, the City and District will:

a. Facilitate conceptual review by their respective regulatory staff to provide for early identification of potential regulatory criteria or obstacles. The District also will assist the City in understanding the potential regulatory requirements of other water resource agencies. Notwithstanding the foregoing, any project that is pursued as a result of coordination under this MOU will remain subject to the ordinary permit requirements and procedures of each party, as applicable.

b. Explore internal and external sources of funding for such work.

9. With the District's assistance, the City will coordinate outreach and engagement of the neighborhood and the broader interested public with respect to the work under this MOU, and will be responsible for

process facilitation including public notice, meeting space and similar administrative matters. The parties will co-lead public sessions.

10. The City and District each will designate a staff member and an engineering representative to serve as working group members to advance this MOU. These representatives will maintain contact and coordination in order to achieve progress under this MOU. Each staff member will draw on others within his or her organization as is appropriate to contribute to progress, and will coordinate briefing and action by his or her decision making body when appropriate.

11. This MOU is a statement of mutual interest and cooperation. Nothing herein is legally binding. At such time as the District and City proceed to implement a specific capital project or program, or to formalize other coordination in a binding manner, they will enter into a written agreement that establishes legally binding roles, responsibilities and financial obligations.

12. Each party will bear the costs of its participation in the activities described herein.

13. This MOU is effective when fully executed by the parties and expires two years thereafter. Either party may terminate this MOU on 30 days' advance written notice to the other party.

CITY of SHOREWOOD

By:  _____

Date: 3/1/18

MINNHAHA CREEK WATERSHED DISTRICT

By: _____

Date: