

MEETING DATE: March 26, 2015

TITLE: Authorization to Execute a Memorandum of Understanding with the City of Victoria

RESOLUTION NUMBER: 15-030

PREPARED BY: Courtney Hall

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

WORKSHOP ACTION:

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to 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 checked="" type="checkbox"/> Other (specify): FINAL ACTION on March 26, 2015	

PURPOSE or ACTION REQUESTED:

Authorize execution of a Memorandum of Understanding with the City of Victoria.

SUMMARY:

Background

The District Board of Managers has recognized that management and improvement of water resources is most effective when the District focuses and coordinates its programs and capital investments on specific high-need areas. This approach gives the District the best opportunity to form and develop relationships with local partners that are essential to support the District’s work and affords opportunities to integrate water resources into broader community goals to build sustainable, vibrant communities.

The District has identified Six Mile Creek subwatershed as a priority focal geography due to the complexity of current and anticipated factors that affect water resources in the area. The subwatershed drains to Halsted’s Bay, the waterbody requiring the largest load reduction of any waterbody in the District to meet state standards. Moreover, 58 percent of the subwatershed is classified as open water or wetlands and is subject to pressure from development activity, which may adversely impact or exacerbate existing water quality issues facing the area.

Memorandum of Understanding

Building upon successes in establishing partnerships in other focal geographies, the District has recognized the need to coordinate efforts with the City of Victoria, the largest land use authority in the Six Mile Creek subwatershed, to implement water resource objectives in coordination with land-use planning, and local initiatives and priorities.

The District and the City of Victoria have identified areas where integrating planning efforts and aligning resources would be mutually beneficial and have outlined a framework for collaboration between the agencies in a Memorandum of Understanding (MOU).

This framework includes agreement between the parties to collaborate in three main areas:

- Coordinated planning between the MCWD and the City of Victoria to understand and achieve an optimal intersection of land use and natural resource goals.
- Assessing specific water management issues around key water resource features in the City of Victoria such as Steiger Lake, Carl Krey Lake, Lake Zumbra, and Wasserman Lake.
- Early coordination of land development and water resource regulatory review, improving outcomes for the built and natural environment and providing greater public and private resource efficiency.

The City of Victoria Council discussed the framework of the MOU on March 9, 2015 and will be voting to enter into the MOU at the March 23, 2015 Council meeting.

Recommendation:

Staff is recommending that the Board authorize execution of this MOU with the City of Victoria, memorializing the respective policy maker's interest in integrating planning, programming and investment.

RESOLUTION

RESOLUTION NUMBER: 15-030

TITLE: **Authorization to Execute a Memorandum of Understanding with the City of Victoria**

WHEREAS, the Minnehaha Creek Watershed District Board of Managers (Resolution 14-009) has adopted a “balanced urban ecology” policy that recognizes the multi-sector value of integrating natural systems and land use planning; and;

WHEREAS, this approach incorporates geographic focus, facilitating a greater understanding of the threats and opportunities within a system and allowing the District to develop relationships with municipalities and other partners; and

WHEREAS, pursuant to Resolution 14-047 the MCWD Board of Managers has identified the Six Mile Creek subwatershed as a priority area for focusing District planning activities and coordination efforts with subwatershed partners; and

WHEREAS, the City of Victoria is a principal municipality and land use authority within the Six Mile Creek subwatershed;

WHEREAS, the City of Victoria and the District have partnered effectively in the recent past on matters affecting land development and water resource management through the coordination of development planning and permitting;

WHEREAS, the proactive use of the District’s Permitting Program to coordinate water resource and land development planning provides opportunities for improved outcomes in both the built and natural environments; and

WHEREAS, the City of Victoria acknowledges the District’s direction to coordinate efforts under the balanced urban ecology approach, and wishes to formalize a commitment to align efforts and resources to improve water quality within the subwatershed and to implement programs and projects that integrate water resources and community goals;

WHEREAS, the attached Memorandum of Understanding outlines opportunities to collaborate and integrate mutual efforts in the realms of coordinated planning of local water and land use plans, assessment of specific water management issues, and coordinated regulatory review of water and land development;

NOW, THEREFORE, BE IT RESOLVED that the Minnehaha Creek Watershed District Board of Managers hereby authorizes the Board President to execute a Memorandum of Understanding in its final form between MCWD and the City of Victoria.

NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers hereby authorizes minor non-substantive revisions to be made to the MOU prior to execution, on advice of District counsel;

Resolution Number 15-030 was moved by Manager _____, seconded by Manager _____.
Motion to adopt the resolution ___ ayes, ___ nays, ___ abstentions. Date: _____.

Secretary

**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.**

MEMORANDUM of UNDERSTANDING

This Memorandum of Understanding (MOU) is made between the City of Victoria, 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 is a developing community in an area of abundant natural environs and water resources in Carver County, with existing storm water systems within the Six Mile Creek subwatershed, and plans to continue expansion of the City under an orderly annexation agreement that will further the City’s presence in the subwatershed;

WHEREAS the District Board of Managers (Resolution 14-009) has adopted a “balanced urban ecology” approach, an integrated approach to planning that recognizes the relation among sound ecological systems, well-managed water resources and healthy communities, and which rests on an understanding of the needs and desires of communities, in order to guide more broadly conceived watershed programs and projects that protect and enhance water resources while promoting the economic and social well-being of the District’s local governments;

WHEREAS this approach incorporates a subwatershed focus because such a focus rewards an investment in a hydrologic, ecologic and land use knowledge base; allows the District to form and develop relationships with municipalities and other local partners; and fosters opportunities to integrate water resource goals with other community goals as to the built environment as well as local economic vitality, recreational assets and quality of life;

WHEREAS the District Board of Managers (Resolution 14-047) has identified the Six Mile Creek subwatershed as a District priority focus for reasons including the impaired condition of Halsted Bay, the present and anticipated level of growth and development activity and support among local governments and lake associations within the subwatershed;

WHEREAS every ten years the District is required to update its watershed management plan (WMP), and it is beginning an effort at this time toward completing its update in 2017, which will incorporate the balanced urban ecology approach;

WHEREAS reflecting its designation of the Six Mile Creek subwatershed as a priority focus, the District intends to establish a Six Mile Steering Committee to develop a subwatershed project and program implementation plan; and

WHEREAS the City is a principal municipality and land use authority within the Six Mile Creek subwatershed, has partnered effectively with the District in the recent past on matters affecting land development and water resource management through the coordination of development planning and permitting, and is experiencing growth that is anticipated to continue;

WHEREAS the City supports the District’s direction to coordinate efforts under the balanced urban ecology approach, and wishes to work with the District both to improve water quality within the subwatershed and to implement programs and projects that integrate water resource and community goals by capitalizing on development potential while reducing the demand on personnel resources and

utilizing the expertise each party, the City and District, holds independently which contributes to the betterment of both parties without duplication of efforts in a singular area;

WHEREAS it is, accordingly, an opportune time for the District and City to formalize their mutual commitment to integrating efforts and aligning resources in order to plan wisely, make sound investments in infrastructure, and protect and improve natural systems so as to foster a vibrant and healthy community;

THEREFORE this MOU documents mutual goals and establishes a cooperative framework within which the potential for beneficial and cost-effective projects and programs may be explored.

Terms of Understanding

1. **Areas of Collaboration.** The City and District will work together in a number of areas. Specifically, but not exclusively, areas of mutual efforts may include:

a. Coordinated Planning.

i. Early coordination between the District and the City as a part of the District's WMP update process and in advance of the City's local water and comprehensive land use plan revisions that will occur in 2017-18. Specifically, this may include the City's dedication of policy, planning and technical resources to the work of the Six Mile Steering Committee and the development of the Six Mile subwatershed implementation plan as there is a direct impact those efforts will have on the City's long-term development strategies. In addition, the parties will work together to understand the optimal intersection of land use, infrastructure and ecological considerations and to develop an integrated investment strategy toward mutual and complementary goals.

ii. Ongoing coordination with a continued District resource commitment in the City's development of its local water and comprehensive land use plans. In particular, but not exclusively, as the City looks for opportunities to enhance the ability for public interaction with Stieger Lake and its context as a potential downtown destination generator and amenity, the parties will coordinate planning, infrastructure, regulatory and capital project authorities to protect the lake's ecological and water quality and position it for beneficial community use.

City maintenance, road management and other housekeeping programs; cultivation of public and private partners and funding sources, coordination and integration of capital work and collaboration in public outreach.

b. Assessing Specific Water Management Issues.

i. Examining flooding issues at Deer Run Golf Club in context of regional flood storage, and identifying potential opportunities to improve flood storage and water quality enhancements in collaboration with the Golf Club.

ii. Technical assessment of Zumbra Lake outlet and water level issues, including coordination with Carver County, Three Rivers Park District and affected property owners; flood analysis; and option identification.

iii. Exploration of opportunities for wetland restoration and/or enhancement of City owned wetlands on the east side of Carl Krey Lake and provisions for public access to these resources through construction of a trail connection between the neighborhoods on the north side and south side of the Lake.

iv. Coordination of efforts to address impairment of Wassermann Lake as outlined in the MCWD Lakes TMDL approved by the US EPA on April 25, 2011.

c. Regulatory Coordination and Support.

i. Coordinating land development and water resource regulatory review to promote a clear expectation of the parties' individual and joint administration responsibilities with regard to new developments with the intent of establishing joint collaboration with the development community from conception through implementation; fostering applicant integration of water and natural resource management into development planning; and allowing the District and City to explore with applicants opportunities to creatively adjust development plans to produce greater private and public benefit.

ii. Combining regulatory review for greater efficiency, lower public cost and better service to applicants. This may include formalizing a communications protocol for mutual awareness of pending or submitted applications, shared technical resources to limit costs and focus expertise, and cooperation in site compliance inspection and enforcement activities.

iii. Exploring formal partnering for cost-efficient and effective implementing of stormwater pollution prevention programs under respective NPDES MS4 permits, including construction site management, stormwater facility maintenance, housekeeping and public education and outreach.

2. **Not Legally Binding.** 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.

3. **Primary Contacts.** The following individuals will be the primary contacts between the District and the City. Either party may change the designated contact by notifying the other party:

[insert]

4. **Term.** Either party may terminate this MOU upon written notice to the other party. This document should be revisited by both parties in a period of 3 years.

CITY of VICTORIA

By: _____
Laurie Hokkanen, City Manager

Date:

MINNHAHA CREEK WATERSHED DISTRICT

By: _____
Lars Erdahl, District Administrator

Date: