



**To:** MAYOR AND CITY COUNCIL

**Agenda Item #:** IV. I.

**From:** Laura Adler, Water Resources Coordinator

**Action**

**Discussion**

**Date:** August 19, 2014

**Information**

**Subject:** Memorandum of Understanding With Minnehaha Watershed District

### **Action Requested:**

Authorize City Manager to sign a Memorandum of Understanding between the City of Edina and the Minnehaha Creek Watershed District

### **Information / Background:**

The City of Edina and the Minnehaha Creek Watershed District (MCWD) have a long history of collaborating on water quality projects and storm water regulatory duties. As water quality concerns have grown more complex, there are increasing opportunities for the agencies to work together to meet common goals, while increasing efficiency and avoiding duplication of efforts.

Edina and MCWD each have organizational strengths that can come together to have a significant positive impact on water quality. Edina has close working relationships with developers working within the city, and can connect those developers with MCWD staff to ensure that stormwater and erosion control requirements are met and sites are inspected. MCWD produces expert content for stormwater and erosion control education material, and can engage residents and businesses on flooding, drainage and water quality concerns. There are opportunities for collaboration on capital projects, such as with the 54<sup>th</sup> Street bridge and in developing Living Streets in residential reconstruction areas.

Edina's Storm Water Pollution Prevention Plan (SWPPP) documents how the city will meet the requirements of the Municipal Separate Storm Sewer System (MS4) permit. This newly revised permit calls for formal partnership agreements with both Minnehaha Creek and Nine Mile Creek Watershed Districts. These agreements will detail how the agencies can specifically collaborate to meet the requirements of the MS4 permit. This proposed memorandum of understanding is a first step towards development of that partnership. Staff recommends authorizing the City Manager to sign the attached memorandum of understanding with the Minnehaha Creek Watershed District.

**Attachment:** Memorandum of Understanding

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## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (MOU) is made between the City of Edina, 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 Minnehaha Creek corridor has sustained damage to its water quality, channel stability, habitat and public use opportunities as the result of development, stormwater discharges and adjacent urban land uses;

WHEREAS Minnehaha Creek and downstream Lake Hiawatha do not meet State clean water standards in certain respects and are subject to a federal Total Maximum Daily Load with the goal of meeting those standards;

WHEREAS market forces, public investments and other external sources are expected to continue the evolution of current land use, development, redevelopment, infrastructure, and public land within the corridor;

WHEREAS for several years the District has been working with the City, and with other public and private stakeholders, to allow each party to achieve its goals and purposes in a manner that enhances and integrates the environmental, social, and economic value along the corridor;

WHEREAS the District and City recently have collaborated to develop and implement streambank enhancements and infrastructure improvements around West 54<sup>th</sup> Street;

WHEREAS the City recognizes and supports the District’s efforts within the urban corridor of Minnehaha Creek between Highway 169 and Excelsior Boulevard, and wishes to explore opportunities for connection;

WHEREAS the parties seek to build on their history of partnership and express a mutual commitment to integrating their work and aligning resources to make wise investments in infrastructure and to protect and improve natural systems in order to develop vibrant, healthy communities;

WHEREAS the parties acknowledge that in order to achieve these objectives it is necessary to plan collaboratively and integrate mutual efforts in realms of regulation, land use planning, transportation, stormwater management, economic development, flood mitigation, parks and public land management, greenway development and water resource improvements;

THEREFORE this MOU does not state any legally binding responsibilities or obligations but 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. Sphere of Collaboration. The City and District will continue collaboration in a number of areas. Specifically, but not exclusively, potential mutual efforts include:

a. Public Education and Outreach. Developing and implementing an education plan for stormwater pollution prevention that satisfies and exceeds obligations of municipal separate storm sewer system (MS4) operators, funded in part by the City.

b. Development Oversight. Developing efficient systems, capitalizing on respective organizational strengths to maximize compliance and administrative effectiveness, to ensure the coordinated review, permitting, and inspection of construction site erosion and sediment control and post-construction stormwater management controls, and to inspect and provide for maintenance of privately owned stormwater management infrastructure.

c. Integrated Capital Improvements. Integrating planning and capital investment in water resources, land use, economic development, parks and public land management and transportation infrastructure, to maximize overall public value. As one example, the City and District intend to develop a comprehensive plan to integrate land use planning and infrastructure investment with respect to park improvements, flood reduction, fish passage and stormwater management within the area surrounding and including Arden Park.

d. Planning Coordination. Coordinating the development of the District's watershed management plan and the City's comprehensive land use plan scheduled for completion in 2017 and 2018, respectively, to integrate land-use and water planning, align capital investments and programs, and maximize the overall public value of the work.

2. Legally Binding Agreement. When the Watershed and City are prepared to proceed to implement a specific capital project or program, the parties will establish binding roles, responsibilities and financial obligations in a written agreement.

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

City

MCWD

Ross Bintner, Environmental Engineer  
City of Edina  
7450 Metro Blvd.  
Edina, MN 55439  
952-903-5713  
[rbintner@edinamn.gov](mailto:rbintner@edinamn.gov)

James Wisker, Director of Planning  
MCWD  
15320 Minnetonka Blvd.  
Minnetonka, MN 55345  
952-641-4509  
[jwisker@minnehahacreek.org](mailto:jwisker@minnehahacreek.org)

4. Term. Either party may terminate this MOU on thirty (30) days advance written notice to the other party.

**CITY OF EDINA**

**MINNEHAHA CREEK  
WATERSHED DISTRICT**

By: \_\_\_\_\_  
Scott Neal, City Manager

By: \_\_\_\_\_  
Jeff Spartz, District Administrator