

**MEETING DATE:** July 26, 2018

**TITLE:** Approval of Excelsior Local Water Management Plan

**RESOLUTION NUMBER:** 18-073

**PREPARED BY:** Renae Clark

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**TELEPHONE:** 952-641-4510

**REVIEWED BY:**  Administrator  Counsel  Program Mgr.  
 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: Requesting approval at July 26 Board Meeting	

**PURPOSE or ACTION REQUESTED:**

Approval of the City of Excelsior Local Water Management Plan (LWMP)

**PROJECT/PROGRAM LOCATION:**

N/A

**PROJECT TIMELINE:**

- January 16, 2018 – Excelsior LWMP first draft submitted to MCWD
- March 16, 2018 – MCWD denial letter sent
- April 10, 2018 – Excelsior LWMP second draft submitted to MCWD
- May 22, 2018 – MCWD and City staff/consultant meeting to discuss plan revisions
- May 29, 2018 – MCWD letter regarding meeting follow up and requesting additional detail
- June 1, 2018 – Excelsior submitted draft response to MCWD
- July 10, 2018 – Excelsior submitted final draft LWMP

**PROJECT/PROGRAM COST:**

N/A

**PAST BOARD ACTIONS:**

- March 5, 2009, Resolution 09-026: MCWD approved Excelsior local water resources management plan
- March 28, 2013, Resolution 13-036: Authorization of Memorandum of Understanding with the City of Excelsior establishing the desire for early coordination of City and private projects to jointly explore opportunities to implement BMP's for treating stormwater runoff to Lower Lake South of Lake Minnetonka
- January 11, 2018, Resolution 18-004: Approval and adoption of MCWD Watershed Management Plan for the implementation period 2018-2027

## **SUMMARY:**

### Background:

MN Statutes § 103B.235 and MN Rules § 8410.0160 grant watershed districts the authority to review and approve local water management plans (LWMPs). Under this framework, watershed districts can assign responsibilities to local government units (LGUs) for carrying out implementation actions defined in the watershed plan. The LWMP is a required element of the LGU comprehensive land use management plan which LGU's must adopt by the end of 2018.

The Minnehaha Creek Watershed District (MCWD or District) adopted its new Watershed Management Plan (Plan) in January 2018. The Plan is rooted in the District's Balanced Urban Ecology policy (BUE) as the principle strategy to accomplish its mission. The BUE policy recognizes the inter-dependence of the natural and built environment and that both benefit through a holistic planning approach. The BUE policy establishes the guiding principles of focus in areas of highest resource needs, flexibility to respond to emerging opportunities as a result of land use change in real time, and pursuing clean water goals in partnership with our communities.

The Plan establishes the District as a regional water planning agency. The Plan provides rationale for subwatershed-based planning and prioritization by which to focus implementation efforts for the 2018-2027 Plan cycle. The District has prioritized the subwatersheds of Minnehaha Creek, Six Mile Creek-Halsted Bay and Painter Creek based on a combination of resource needs and opportunities for management of some of the State's most prized recreational natural resources of Lake Minnetonka and Minnehaha Creek – including the Minneapolis Chain of Lakes.

In addition to these focused planning and implementation efforts, the District's approach watershed-wide is to remain responsive to opportunities created by local land use change or partner initiatives. The District's responsive approach relies on early and effective coordination by the District's communities to help identify opportunities to integrate plans and investments. As opportunities arise, the District will evaluate them against the resource needs and priorities defined for each subwatershed in the District's Plan and determine the appropriate response. The District has a wide range of services it can mobilize to address resource needs and support partner efforts, including data collection and diagnostics, technical and planning assistance, permitting assistance, education and capacity building, grants, and capital projects.

Integration of land use and water planning is the primary focus of the LWMP requirements set forth in the District's Plan. To effectively integrate the goals of MCWD and its LGUs in a way that maximizes community benefits and effectively leverages public funds, the District has invited a partnership framework with its communities. In addition to the legally required elements of LWMPs, as defined in State statute and rules, the MCWD Plan requires communities to propose a coordination plan which describes how the LGU and MCWD will share information and work together to integrate land use and water planning. Specifically, the purpose of a MCWD/LGU coordination plan is to:

1. Establish a framework to be informed as to current LGU land use and infrastructure planning and enable early coordination of land use and water resources management
2. Foster LGU development regulation that integrates water resource protection before plans are fixed
3. Identify and capitalize on project opportunities for improved water resources outcomes while maximizing other public and private goals

As established in the District's Plan, MCWD will prioritize implementation efforts and resource deployment based on its established priorities and LGU commitment to coordination. This commitment is demonstrated through the coordination plan and its implementation by the LGU.

### Excelsior LWMP Summary:

The City of Excelsior (City) has submitted its LWMP for MCWD review and approval. District staff reviewed the LWMP and provided detailed comments for consideration and incorporation into the LWMP and met with City representatives to discuss the goals and requirements of the District's Plan. The City has revised the LWMP to address the District's comments.

The City of Excelsior is located wholly within the MCWD and drains primarily to the Lake Minnetonka subwatershed. Major bodies of water within Excelsior include Lake Minnetonka and Galpin Lake. Water quality in this portion of the subwatershed is fairly good, and the land is mostly developed. The primary management strategies identified for this area in the District's Plan are protection through regulation, promoting shoreline best management practices to improve ecological integrity, and implementation of opportunity-based projects that align with District goals. The Excelsior Commons is identified as one potential partnership opportunity.

In 2013, the District and City executed a Memorandum of Understanding (MOU) which stated that the City would like to partner with the MCWD to develop opportunities to implement best management practices for improving the water quality of runoff to the Lower Lake South of Lake Minnetonka. This desire to collaborate on project development is reiterated in the LWMP with potential projects including the Commons park improvements, downtown improvements, and road improvements.

The LWMP notes that the City has developed an Excelsior Commons Conceptual Guide Plan which includes potential water quality and shoreline improvements. While the District has not had input on the Conceptual Guide Plan, it is the City's intent to further develop alternatives for the Commons from the Conceptual Guide Plan in a way that may leverage District technical and financial resources. The District has emphasized, and the City has acknowledged in its LWMP, that early coordination at the concept phase is the key to maximizing shared water resource goals and community goals.

The City has developed a coordination plan under which it has committed to the following:

- Meet annually with District staff to exchange and review capital improvement plans and maintenance activities for stormwater infrastructure as part of the MS4 reporting process
- Route requests for land use approvals for District comment during concept plan review
- Send annually updated CIP and include MCWD early on in project initiation to utilize technical planning assistance and look for opportunities to incorporate water quality improvements
- Include the MCWD early in review of potential land use changes and redevelopment projects
- Require documentation of MCWD permit issuance as a condition of City approvals
- Seek support from MCWD for identifying grants and other funding opportunities for water quality projects
- Share any new or relevant data on an annual basis (e.g. studies, monitoring data, BMP performance)

The City has not proposed to exercise sole implementation authority for water resource regulation and has proposed that the MCWD retain Local Government Unit status for the Wetland Conservation Act.

The City's coordination plan is attached, and the full LWMP can be found at: <https://wsbeng.sharefile.com/share/view/s1fd09971e5d41c48>.

### Recommendation:

Staff has verified that the LWMP meets the requirements of Minnesota Statutes §103B.235, Minnesota Rules 8410.0160, and the MCWD Watershed Management Plan and recommends approval.

### **ATTACHMENT:**

Excelsior Coordination Plan

## RESOLUTION

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**RESOLUTION NUMBER: 18-073**

**TITLE: Approval of Excelsior Local Water Management Plan**

WHEREAS, on January 11, 2018, the MCWD adopted its Watershed Management Plan (WMP) pursuant to Minnesota Statutes §103B.231 and Minnesota Rules 8410, which describes how the MCWD will fulfill its responsibilities under the Metropolitan Surface Water Management Act for implementation over the period 2018-2027, and which is guided by the organizational strategy and approach defined through the Balanced Urban Ecology policy; and

WHEREAS, the Balanced Urban Ecology policy prioritizes partnership with the land use community to integrate policy, planning, and implementation in order to leverage the value created when built and natural systems are in harmony; and

WHEREAS, the Balanced Urban Ecology policy rests on the guiding principles of focusing in areas of highest resource needs, being flexible to respond to opportunities that arise through land use changes, and working in partnership to achieve the MCWD's goals; and

WHEREAS, on watershed district adoption of its WMP, cities and towns (local government units or LGUs) within the watershed must prepare local water management plans (LWMPs) that meet content requirements of Minnesota Statutes §103B.235, Minnesota Rules 8410.0160 and the WMP;

WHEREAS, the LWMP is a primary tool to provide a framework for increased early coordination of land use and water planning through the coordination plan that is a required component of the LWMP and the content of which is described in the WMP, Appendix A; and

WHEREAS, the MCWD will prioritize implementation efforts and resource deployment based on its established priorities and LGU commitment to coordination as demonstrated through the coordination plan and its implementation by the LGU; and

WHEREAS, the City of Excelsior has revised its LWMP and submitted it to the MCWD for review and approval; and

WHEREAS, MCWD staff reviewed the draft LWMP, provided detailed written comments on the LWMP, and thereafter worked with City staff to achieve the development of a proposed LWMP for consideration by the MCWD Board of Managers; and

WHEREAS, the Metropolitan Council has reviewed the LWMP and provided its written comments to the MCWD in a letter on February 23, 2018, and the MCWD has fully considered the comments; and

WHEREAS, the LWMP states that the City does not choose to exercise sole regulatory authority but, instead, wishes that the MCWD continue to require permits for the use and development of land, and otherwise exercise its regulatory authority, within the meaning of Minnesota Statutes §103B.211, subd. 1(a)(3); and

WHEREAS, the LWMP states that the City elects for the District to continue to act as the Local Government Unit responsible to implement the Minnesota Wetland Conservation Act; and

WHEREAS, the LWMP contains a coordination plan that meets the standards set forth in the MCWD WMP, Appendix A; and

WHEREAS, the MCWD has determined that the final revised LWMP meets the requirements of Minnesota Statutes § 103B.235, Minnesota Rules 8410.0160, and is consistent with the MCWD WMP including Appendix A, "Local Water Plan Requirements";

NOW, THEREFORE, BE IT RESOLVED, that the MCWD Board of Managers hereby approves the City of Excelsior LWMP;

BE IT FURTHER RESOLVED, that the Board approves the associated coordination plan and adopts it on behalf of the MCWD;

BE IT FURTHER RESOLVED that the City is to adopt and implement its LWMP within 120 days, and to notify the MCWD within 30 days thereafter that it has done so.

Resolution Number 18-073 was moved by Manager \_\_\_\_\_, seconded by Manager \_\_\_\_\_.  
Motion to adopt the resolution \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions. Date: July 26, 2018.

\_\_\_\_\_  
Secretary Date: \_\_\_\_\_.

## MINNEHAHA CREEK WATERSHED COORDINATION PLAN

The Minnehaha Creek Watershed District (MCWD) requests that local government units (LGU) establish a coordination plan that the LGU and MCWD can implement at a staff level to achieve common goals. Some of these goals include maintaining an awareness of needs and opportunities between the City or Excelsior (the City) and MCWD and implementing programs and projects that meet the needs of all partners, align financially, and are a part of the overall watershed planning effort. Improving coordination between land use planning at the City and watershed planning at the MCWD at the conceptual level planning phase will result in better projects that meet agency goals and are a more efficient use of public funds. Early coordination and collaboration between entities is the key to maximizing shared water resource goals and community goals for private redevelopment and public capital improvements. Through this coordination, it is the intent of the City to efficiently manage water quality concerns and maximize the asset value of the City's natural resources in the future.

The following is a summary of the coordination plan, which will be adjusted and expanded as deemed appropriate by the City and MCWD during project implementation. It is anticipated that the City Manager and Public Works Superintendent will be the primary contacts for the coordination plan.

- Annual meeting – Staff members will meet during the summer to review the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) reports and activity from the previous year. Staff will also discuss draft Capital Improvement Plans (CIPs) for each entity for the upcoming year. It is anticipated that the City Manager and Public Works Superintendent will be the primary contacts for the annual meeting.
- Land Use Planning – City Planning staff will continue to route requests for land use approvals including, but not limited to, subdivisions and site plan reviews to MCWD staff for comment. Coordination will occur during the concept plan review in the beginning stages of the project.

The City's ten-year CIP is a flexible schedule of projects and public improvements that the City wishes to do over the next ten years. The 2018-2028 CIP is the most recent version and can be found on the [City's website](#). The CIP is updated annually to ensure consistency of changing demands and funds available. When developing and updating the CIP, the City evaluates where projects are needed by taking input from Public Works and Planning staff, updates to regional planning, and from residents of the community.

The CIP includes projects and maintenance needs for transportation infrastructure, sewer and water infrastructure, park improvement, storm sewer infrastructure, as well as other City needs. Projects are prioritized by the current level of need for the project and the overlap of different department projects but are largely driven by the available funds. The City will send the MCWD the CIP when it is updated annually and ask for the MCWD for planning assistance and aid in finding funding sources for projects on the CIP. The City will include the MCWD early on in project initiation, even if projects are unfunded at the time, to utilize the technical planning assistance offered by the MCWD and to look for opportunities to incorporate water quality improvements in otherwise non-water related projects.

Because there is little land left for development, the City expects changes in land use to be driven by redevelopment and infill development. The City will include the MCWD early on in potential land use changes and redevelopment projects so the MCWD can be value added to projects.

- Regulatory Activities – Planning staff will require documentation of appropriate MCWD construction and land alteration permits for those projects located within district boundaries as a condition of City approval. Approved MCWD permits will be stored with other project documentation for future reference. Staff will consider additional coordination for erosion control inspection and enforcement and discuss opportunities at future annual meetings.

- Wetland Conservation Act (WCA) Enforcement – MCWD acts as the LGU for the City for the WCA applications. The City will continue to forward any concerns involving wetlands to MCWD as they arise, and will forward all land use applications with wetlands on site to MCWD for comment. Applications are submitted to the Planning Department.
- Funding – The City seeks support from the MCWD in terms of grant funding for water quality projects. The City requests that MCWD staff continue to provide information about upcoming grants and other funding opportunities internal and external to the MCWD.
- Data Sharing – City staff will coordinate with MCWD staff to share any new or relevant data on an annual basis to ensure consistency. This data could be related to any newly completed studies water quality monitoring, or Best Management Practice (BMP) performance monitoring, among other things.
- Public Improvement Projects – City staff members will provide yearly updates on plans for public improvement projects. This will be coordinated as part of the annual meeting while discussing the draft CIP. Maintenance activities for stormwater infrastructure will be provided to MCWD as part of the MS4 recording process and as part of City inspection reports.
- Public Outreach and Education – The City will continue to distribute an annual newsletter and post on the City website to spread awareness of stormwater related issues. The City will help promote the MCWD's educational workshop and events to private homeowners and developers. The MCWD's educational workshops cover topics such as winter maintenance training, installing turf alternatives, and informational sessions on the Master Water Steward program. The City will coordinate with the MCWD on other educational efforts when possible to avoid duplicating efforts.
- Future Project Coordination – The City wishes to continue to collaborate with MCWD on future projects. In 2013, a Memorandum of Understanding (MOU) was adopted which stated that the City would like to partner with the MCWD to develop opportunities to implement BMPs for improving the water quality of runoff to the Lower Lake South of Lake Minnetonka. Potential projects which the City and the MCWD could coordinate on include Commons park improvements, downtown improvements, and road improvement projects.

The Excelsior Commons Conceptual Guide Plan lays out possible improvements to the Commons park including adding multiple areas of infiltration for road and park runoff to improve the water quality of Lake Minnetonka and shoreline improvements to minimize erosion along the lake. The City is still determining the best option for updating the Commons but is using the Excelsior Commons Conceptual Guide Plan as a starting point and would like to collaborate with the MCWD on potential water quality improvement projects.

A feasibility study was completed by WSB in 2013 which included recommendations for constructing surface biofiltration areas within the two municipal parking lots downtown. Funding for this project has not yet been secured, but the City is interested in collaborating with MCWD on this potential project. The City has sent the MCWD the feasibility report from the 2013 WSB study for comments and recommendations. The City will continue to ask for technical assistance and locating potential funding sources from the MCWD with the downtown updates as the project moves forward.

Street reconstruction projects are planned for most upcoming years in the City. Some street reconstruction projects include storm sewer replacement. The City will send the MCWD where future street reconstruction projects are planned when they are added to the CIP, so the MCWD can provide recommendations and technical planning assistance for how water quality improvements could be incorporated into larger City projects.

The City of Excelsior and the City of Shorewood plan to partner on a Grant Street/Park Street drainage improvement project in the future with collaboration from the MCWD. The City will invite the MCWD to participate in early planning of the Grant Street/Park Street drainage improvement project to help guide the collaboration between the City and the City of Shorewood. The City will provide information early and often to the MCWD concerning project initiation and planning so the MCWD can be value added to the City including technical planning assistance, regulatory coordination which can save time and design costs, and in some cases grant funding opportunities. The City will continue to look for opportunities to partner with the MCWD on future drainage improvement projects.