



STAFF REPORT

DATE: April 16, 2019

REGULAR

AGENDA ITEM: Downtown Regional Stormwater District – Approve the Memorandum of Understanding with the Valley Branch Watershed District and establish Stormwater Rate and Volume Control Connection Charges

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Krintina Handt, City Administrator
Sarah Sonsalla, City Attorney
Ken Roberts, Planning Director
Chad Isakson, Assistant City Engineer

ISSUE BEFORE COUNCIL: Should the City Council approve the Memorandum of Understanding with the Valley Branch Watershed District to regulate the use of the excess stormwater rate and volume capacity of the Downtown Regional Infiltration Facility? Should the City Council establish a Downtown Regional Stormwater District Connection Charge and a Regional Infiltration Basin Volume Control Use Charge for the use of this excess capacity?

BACKGROUND: In 2015 the City of Lake Elmo in partnership with Washington County constructed a regional infiltration facility as part of the CSAH-17 (Lake Elmo Avenue) reconstruction project. The facility was constructed downstream of the Union Pacific railroad and west of the Easton Village subdivision. The project consisted of a regional drainage study which recommended the regional basin as one of the drainage improvements for the study area and satisfied the Valley Branch Watershed District (VBWD) stormwater management requirements for the road reconstruction projects. The regional basin was constructed with excess capacity to provide stormwater rate and volume control for future redevelopment within the Downtown Regional Stormwater District as shown on Figure 1. The regional basin was also constructed with excess volume control capacity for future development and redevelopment occurring within the Downs Lake subwatershed. The City cost share for the regional drainage improvements were \$2,826,470 of which \$1,154,190 consisted of land acquisition.

PROPOSAL DETAILS/ANALYSIS: To address this excess capacity the City has been working with the VBWD to establish a Downtown Regional Stormwater District for the use and allocation for this excess rate and volume control capacity for the purpose of permitting future projects through the City and VBWD.

The MOU outlines the following provisions and requirements:

1. A VBWD permit must still be prepared and submitted for review and approval following VBWD Rules and Regulations.
2. Stormwater erosion control, wetland standards, minimum floor elevations, and all other requirements of the VBWD Rules and Regulations must be provided at the site.
3. Lake Elmo and VBWD shall track the excess stormwater rate control and volume control capacity that is used and available at the Regional Facility. Lake Elmo shall submit an annual report to the VBWD that provides a current listing of all projects permitted for rate control throughout the lifespan of the Regional Facility; and provides a current tracking of volume control capacity used by projects throughout the lifespan of the Regional Facility and remaining at the end of each year.

4. The storm water model shall be maintained by VBWD and updated with each new application and to reflect any land use changes.
5. VBWD will allow a project to use the Regional Facility to satisfy the VBWD's stormwater rate control and volume control requirements if excess rate and volume is available at the Regional Facility and the City of Lake Elmo approves the use of Regional Facility.
6. If or when the excess stormwater rate control and volume control capacity is depleted at the Regional Facility, stormwater management must be provided elsewhere, as required by the VBWD Rules and Regulations.

In addition to the establishment of the MOU to address permitting requirements and processes, the City of Lake Elmo may establish a system of connection charges for the purpose of recovering some portion of the City costs for constructing the regional drainage improvements. Many properties located in the Downtown Regional Stormwater District will not have sufficient land available to construct storm water facilities when they redevelop. They will instead have the opportunity to request use of the Regional Infiltration Facility instead of constructing on-site stormwater facilities. Two connection charges are recommended to be established for the use of the basin.

1. Downtown Regional Stormwater District Connection Charge. This charge would be limited to properties located within the Downtown Regional Stormwater District shown on Figure 1 consisting of 46.5 acres. By submitting and receiving a VBWD permit and paying this connection charge the property would be allowed to capture its storm water and discharge it directly to the City's existing storm sewer system that discharges to the regional infiltration basin. No additional on-site storm water BMPs would be required to achieve rate and volume control permitting requirements. This strategy results in the property retaining full use of its property for development.
2. Regional Infiltration Basin Volume Control Use Charge. This charge would be limited to properties located within the Downs Lake subwatershed shown on Figure 2 *and* within the City of Lake Elmo. By submitting and receiving a VBWD permit and paying this connection charge the property would receive credit toward meeting the volume control requirements for the VBWD permit. The project, however would not be allowed to connect to the City storm sewer system and would not be allowed to discharge to the regional infiltration basin. It is likely that the project would require additional on-site storm water management BMPs to address the rate control requirements for the site.

It is recommended that the City establish the following initial storm water connection charges that may be reviewed and updated annually at the City's discretion along with the City Fee Schedule.

1. Downtown Regional Stormwater District Connection Charge. \$1.40 per square foot.
2. Regional Infiltration Basin Volume Control Use Charge. \$0.70 per square foot.

FISCAL IMPACT: Through the establishment of the Downtown Regional Stormwater District Connection Charge and the Regional Infiltration Basin Volume Control Use Charge, the City may begin to recapture some portion of the City's \$2,826,470 in costs related to the design and construction of the regional infiltration basin constructed downstream of the Union Pacific railroad and west of the Easton Village subdivision. In addition, as future redevelopment and new development projects take advantage of the excess capacity within the regional infiltration basin, those properties will result in higher use of their property and therefore increased land values.

RECOMMENDATION: Staff is recommending that the City Council adopt a resolution approving the Memorandum of Understanding with the Valley Branch Watershed District to regulate the use of the excess stormwater rate and volume capacity of the Downtown Regional Infiltration Basin, and establishing the Downtown Regional Stormwater District Connection Charge and a Regional Infiltration Basin Volume Control Use Charge. The recommended motion for this action is as follows:

“Move to approve Resolution No. 2019-030, approving the Memorandum of Understanding with the Valley Branch Watershed District to regulate the use of the excess stormwater rate and volume capacity of the Downtown Regional Infiltration Basin, and establishing the Downtown Regional Stormwater District Connection Charge in the amount of \$1.40 per square foot and a Regional Infiltration Basin Volume Control Use Charge in the amount of \$0.70 per square foot.”

ATTACHMENTS:

1. Resolution Approving MOU and Establishing Regional Stormwater District Connection Charges.
2. Memorandum of Understanding (MOU) with VBWD.
3. Figure 1. Downtown Regional Stormwater District.
4. Figure 2. Downs Lake Watershed.

**CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA**

RESOLUTION NO. 2019-030

**A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING WITH
THE VALLEY BRANCH WATERSHED DISTRICT AND ESTABLISHING REGIONAL
STORMWATER DISTRICT CONNECTION CHARGES**

WHEREAS, the City of Lake Elmo constructed a regional infiltration basin in 2015 as part of the CSAH-17 (Lake Elmo Avenue) reconstruction project, downstream of the Union Pacific railroad and west of the Easton Village subdivision; and

WHEREAS, the regional basin was constructed with excess capacity to provide stormwater rate and volume control for future redevelopment within the Downtown Regional Stormwater District as shown on Figure 1; and

WHEREAS, the regional basin was also constructed with excess volume control capacity for future development and redevelopment occurring within the Downs Lake subwatershed; and

WHEREAS, the City cost share for the regional drainage improvements were \$2,826,470 of which \$1,154,190 consisted of land acquisition; and

WHEREAS, a Memorandum of Understanding (MOU) between the Valley Branch Watershed District and the City of Lake Elmo was prepared to establish the requirements, procedures, and processes for permitting future projects that wish to utilize this excess capacity; and

WHEREAS, the City of Lake Elmo desires to establish Regional Stormwater District Connection Charges to recover some portion of the costs for constructing the regional drainage improvements.

NOW, THEREFORE, IT IS HEREBY RESOLVED,

1. The Memorandum of Understanding between the City of Lake Elmo and the Valley Branch Watershed District to regulate the use of the excess stormwater rate and volume capacity of the Downtown Regional Infiltration Basin is approved.
2. The Mayor and City Administrator are hereby directed to execute the Memorandum of Understanding with the Valley Branch Watershed District.
3. The Downtown Regional Stormwater District Connection Charge is hereby established in the amount of \$1.40 per square foot for properties located within the Downtown Regional Stormwater District shown on Figure 1 that propose to connect directly to the City's existing Downtown Regional drainage system to satisfy the VBWD permit requirements for a project.
4. The Regional Infiltration Basin Volume Control Use Charge is hereby established in the amount of \$0.70 per square foot for properties located within the Downs Lake subwatershed shown on Figure 2 *and* within the City of Lake Elmo that propose to receive credit toward meeting the volume control requirements for a VBWD permit.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE SIXTEENTH DAY OF APRIL,
2019.**

CITY OF LAKE ELMO

By: _____
Mike Pearson
Mayor

(Seal)
ATTEST:

Julie Johnson
City Clerk

MEMORANDUM OF UNDERSTANDING
Between the
VALLEY BRANCH WATERSHED DISTRICT
And the
THE CITY OF LAKE ELMO
For the

PRESERVATION, PROTECTION AND ENHANCEMENT OF
WATER AND RELATED LAND RESOURCES THROUGH
STORMWATER RUNOFF MANAGEMENT

ARTICLE I
BACKGROUND, INTRODUCTION, AND PURPOSE

- 1.1 In association with its Village Improvement project, the City of Lake Elmo (Lake Elmo) constructed a regional stormwater infiltration basin (Facility) downstream of the Union Pacific railroad and west of the East Village subdivision. The facility was constructed with capacity to provide stormwater rate control and volume control for future development and redevelopment within the Downtown Regional Stormwater District as shown on Figure 1. The City wishes to establish a Downtown Regional Stormwater District and to allocate the excess rate and volume control capacity for the purpose of permitting future projects through the VBWD.
- 1.2 The VBWD has indicated acceptance of Lake Elmo's intent.
- 1.2. This Memorandum of Understanding (MOU) establishes requirements, procedures, and processes for guiding the activities and decisions of the VBWD and Lake Elmo in matters relating to development and permitting within the Downtown Regional Stormwater District as shown on Figure 1 for the purpose of rate and volume control, and within the upper portion of the Downs Lake watershed which drain to the Facility for the purpose of volume control. Through these procedures and processes, both parties wish that due consideration be given to water and related land resources under the jurisdiction of both parties.
- 1.3 Both parties recognize that the objectives of this MOU can best be realized through close coordination and cooperation.

ARTICLE II
ONGOING MAINTENANCE OF PONDS COMMITMENTS

- 2.1 Lake Elmo desires to utilize the excess stormwater rate and volume capacity provided by the Facility in lieu of the construction of additional stormwater management facilities within the Facility's drainage area. VBWD agrees in the spirit of this MOU to allow the City of Lake Elmo and other property owners within the Facility's drainage area the right to do so with the following conditions:
 - A. The proponent of any activity requiring a VBWD permit must submit a VBWD permit application, as required by the VBWD Rules and Regulations.
 - B. Stormwater erosion control, wetland standards, minimum floor elevations, and all other requirements of the VBWD Rules and Regulations must be provided at the site.
 - C. Lake Elmo and VBWD shall track the excess stormwater rate control and volume control capacity that is used and available at the Facility. Lake Elmo shall submit an

annual report to the VBWD that provides a current listing of all projects permitted for rate control throughout the lifespan of the Facility; and provides a current tracking of volume control capacity used by projects throughout the lifespan of the Facility and remaining at the end of each year. The storm water model shall be maintained by VBWD and updated with each new application and to reflect any land use changes.

- D. VBWD will allow a project to use the Facility to satisfy the VBWD's stormwater rate control and volume control requirements if excess rate and volume is available at the Facility and the City of Lake Elmo approves the use of Facility.
- E. If or when the excess stormwater rate control and volume control capacity is depleted at the Facility, stormwater management must be provided elsewhere, as required by the VBWD Rules and Regulations.

2.2 In the event that Lake Elmo fails to comply with the above-stated conditions, stormwater volume control will be required on the permitted site rather than at the Facility.

This MOU shall be effective immediately upon signature of Lake Elmo and the VBWD and shall remain in effect until mutually terminated by both parties.

CITY OF LAKE ELMO

By _____
Its Mayor

Date: _____

By _____
Its City Administrator

Date: _____

APPROVED AS TO FORM:

City Attorney, City of Lake Elmo

Date: _____

Valley Branch Watershed District

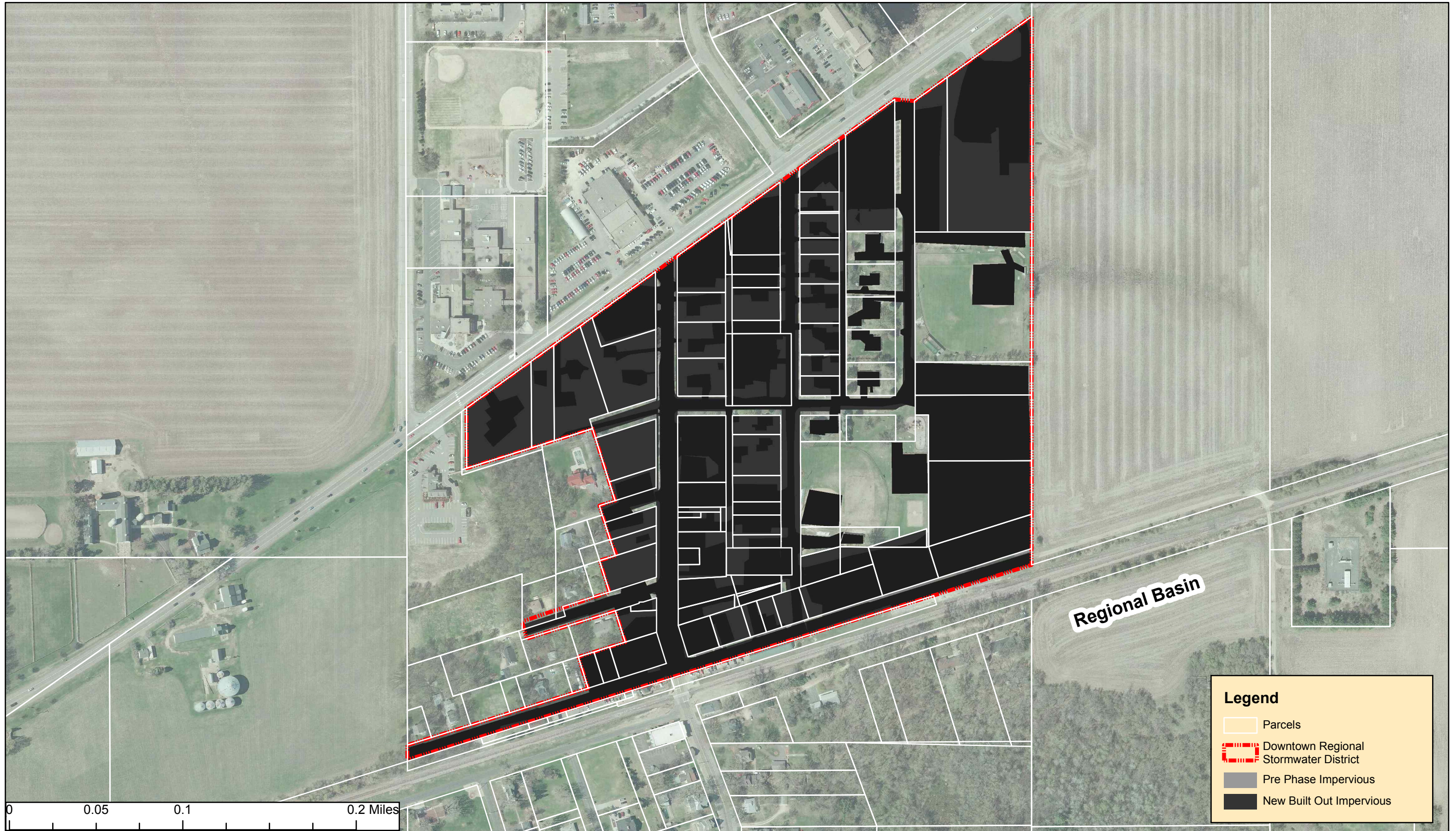
By _____
Its President

Date: _____





By _____
Its Secretary

Date: _____

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Legend

-  Parcels
-  Downtown Regional Stormwater District
-  Pre Phase Impervious
-  New Built Out Impervious



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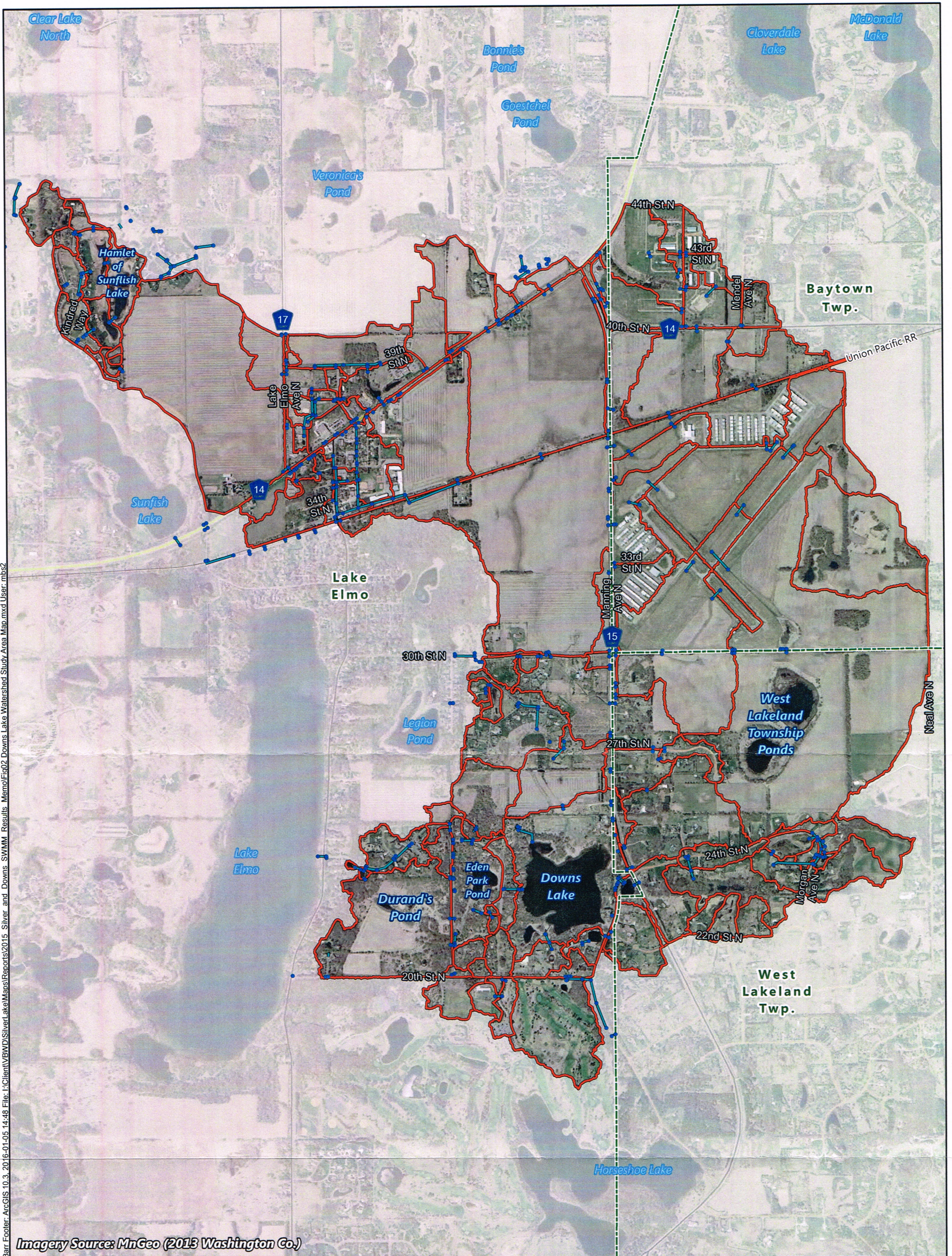
Project: LAKMO 145378
 Print Date: 6/22/2018

User Name: egudul
 Projection: Projection: NAD 1983 HARN
 Source:

Regional Infiltration Basin Evaluation
 Service Area For Rate and Volume Control
 Lake Elmo, Minnesota

Figure
1

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



Barr Footer: ArcGIS 10.3, 2016-01-05 14:48 File: I:\Client\VBWD\SilverLake\Manos\Reports\2015 Silver and Downs SWMM Results Memo\Fig02 Downs Lake Watershed Study Area Map.mxd User: mbsz

- Manhole / Catch Basin
- Storm Sewer Pipe
- Subwatershed Divide
- City Boundary



Feet
1,500 0 1,500

1 inch = 1,500 feet

Figure 2

STUDY AREA MAP
Downs Lake Watershed
 XP-SWMM Modeling
 Valley Branch Watershed District