REQUEST FOR COUNCIL ACTION

Date: 1/23/12
Item No.: 12.d

Department Approval

City Manager Approval

Item Description: Adopt a Resolution Rejecting Proposed Grass Lake Water Management Organization Joint Powers Language and to Petition Dissolution

BACKGROUND

The Grass Lake Water Management Organization Board last met with the City Council in November 2011. Staff had additional discussion with the Council on November 19, 2011 regarding the proposed joint powers agreement language changes that would reduce the city's financial controls over the organization and other governance issues including merger with other water management organizations. The Council indicated a desire to wait until Shoreview had an opportunity to meet with the Grass Lake Board to take action on the proposed agreement language changes. The City Council indicated concerns with the proposed changes and concerns about managing these watershed resources in the same manner in the future.

The options the cities have related to the future of the GLWMO are:

1. To approve the proposed revised joint powers agreement language and subsequent annual funding requests. The Board would then continue to work on a Watershed Management Plan that meets regulatory agency review and approval. This would probably require additional staff and professional services for the Board to meet performance goals set for the organization by the Board of Water and Soil Resources. The long term cost for this option is somewhat unknown until a plan is approved but in any case it will be significantly more than current budgeting for the organization. City staff feels this is the least desirable option given the small physical area of the Grass Lake watershed when adjacent watersheds have staff resources in place to administratively manage Grass Lake resources.
2. The city councils could choose to not approve the proposed revised joint powers agreement language. This would put the GLWMO Board in a position of not having the ability to get a plan approved by BWSR as they have stated they need revised JPA language to approve a plan. Without an approved plan BWSR would eventually dissolve the organization for failure to meet their performance requirements for watershed organizations. The cities would have little input into the future management of the watershed resources under this scenario.
3. The other option is for the councils to reject the language proposed by the Board and petition the Board to dissolve the organization. The process for this is set forth in the current approved joint powers agreement and gives the cities and the Board opportunities to be a part of the process of redrawing adjacent watershed boundaries through petition to BWSR. City staff feels this is the preferred option which provides some local input into who manages the watershed resources in the future. We also feel that existing agencies have the administrative resources to manage additional area and can do so without

duplication of another administrative staff and associated costs. Under this scenario the water management organization which absorbed the Grass Lake watershed area would utilize existing plans and studies previously completed to amend their watershed management plan to include the GLWMO resources. They would also collect revenue from the Grass Lake area to fund their annual budget for plan implementation.

The Shoreview City Council met with the Grass Lake Board on December 12, 2011. City staff followed up with their staff regarding the direction from their Council. Mayor Roe, Mayor Martin, the two City Managers, and the Public Works Directors met in early January to discuss the two city's concerns and to suggest actions for each to take at subsequent meetings. The meeting participants agreed it may be the right time to change direction in who manages these important water resources. The Joint Powers organization has met the needs in this watershed for nearly 30 years but changes in water regulation and watershed management mandates require a level of professional management and technical resources that might be more efficiently provided by an adjacent water management organization that has these resources in place.

The direction agreed to at the meeting was to bring resolutions to the City Councils for adoption rejecting the Board proposed JPA language changes and petitioning the Board to dissolve the Organization pursuant to Section VI and Section VII of the current joint powers agreement. The sections read as follows:

SECTION VI

DURATION

Subdivision 1. The Joint Powers Agreement shall continue until terminated by the Cities as herein provided.

Subdivision 2. Reserved

Subdivision 3. Any City may petition the Board to dissolve the Organization. The Board shall hold a meeting preceded by thirty (30) days' written notice to the Clerks of each City. Upon a favorable vote of a majority of the entire Board, the Board may recommend that the Organization be dissolved. Such recommendation shall be submitted to each City and, if ratified by each City Council within sixty (60) days, the Organization shall be dissolved following expiration of a reasonable time to complete the work in progress and following compliance with the provisions of M.S. 103B.221 and M.S. 103B. 225.

SECTION VII

DISSOLUTION

Upon dissolution of the Organization, all property of the Organization shall be sold and the proceeds hereof, together with the monies on hand, shall be distributed to the Cities in proportion to the contributions made by the Cities to the Organization in its last annual budget.

The Board may choose to take a proactive role in the process to guide the future management of the watershed resources by working through statutory requirements with the State Board of Water and Soil Resources. Staff has drafted a resolution which will be reviewed by the City Attorney for consistency with the JPA Agreement and state statute. Staff is recommending the Council adopt the resolution beginning the dissolution process.

Shoreview has two vacancies on the Board at this time and may appoint one or two interim members to allow the Board to conduct its business in the interim.

POLICY OBJECTIVE

The City Comprehensive Plan and Comprehensive Surface Water Management Plans support environmental stewardship and compliance watershed organizations and water quality regulatory goals. The city is obligated to comply with state and federal water regulations. The city support watershed management in the most effective and efficient means.

BUDGET IMPLICATIONS

The City of Roseville currently funds 50% of the Grass Lake WMO budget through its Storm Utility Fund which is fee supported across the entire city. If the organization is dissolved the watershed management function will eventually be merged into another watershed by the State Board of Water and Soil Resources. The surrounding watershed organizations have their own taxing or utility fee authority for properties within their jurisdiction.

STAFF RECOMMENDATION

Staff recommends that the City Council adopt a resolution rejecting the proposed revised joint powers agreement language and petitioning dissolution of the organization. We feel this is in the best long term interests of the city and protection of the water resources.

REQUESTED COUNCIL ACTION

Motion to adopt a Resolution rejecting proposed Grass Lake Water Management Organization Joint Powers language and to petition dissolution.

Prepared by: Duane Schwartz, Public Works Director
Attachments: A. Resolution

EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE

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Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was duly held on the 23rd day of January, 2012, at 6:00 p.m.

The following members were present: and the following members were absent: .

Councilmember introduced the following resolution and moved its adoption:

RESOLUTION NO.

RESOLUTION REJECTING PROPOSED GRASS LAKE WATERSHED MANAGEMENT ORGANIZATION JOINT POWERS LANGUAGE AND TO PETITION DISSOLUTION

WHEREAS, the City of Roseville and the City of Shoreview have a Joint Powers Agreement in place creating the Grass Lake Water Management Organization for the management of joint watershed resources pursuant to state statute;

AND WHEREAS, Watershed management and regulation have changed significantly in the 30 years since the agreement that created the Grass Lake Water Management Organization was executed;

AND WHEREAS, The Grass Lake WMO Board has requested revisions to the Joint Powers Agreement necessary for the organization to continue as a WMO;

AND WHEREAS, The cities believe there are existing adjacent watershed organizations that have the necessary expertise and resources to protect the watershed natural resources in an effective and efficient manner;

BE IT RESOLVED, that the City of Roseville hereby rejects the proposed revised joint powers agreement language as requested the GLWMO Board, and hereby petitions the GLWMO Board to dissolve the Organization pursuant to Section VI and Section VII of the current approved joint powers agreement and state statute requirements; and

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember and upon vote being taken thereon, the following voted in favor thereof: and the following voted against the same: .

WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 23rd day of January, 2012 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 23rd day of January, 2012.

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William J. Malinen, City Manager

(Seal)