

COMMISSION FILE NO: 19-141-10 **DATE INTRODUCED:** October 14, 2019

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Authorization to Execute an Intergovernmental Cooperation Agreement for Capital Project W97004PY090 to Install Green Infrastructure and Disposal of Excess Lands

SUMMARY:

The Commission is requested to authorize the Executive Director to execute an intergovernmental cooperation agreement (ICA) between Ozaukee County (County) and the Milwaukee Metropolitan Sewerage District (District) for the property located at 9104 W. Mequon Road, Mequon, Wisconsin. The ICA provides for the District and the County coordinating the construction of a wetland and the disposal of the parcel to the County while retaining a conservation easement. No money is being exchanged on this project.

Under this ICA, the District will:

- Review and approve engineering and design plans;
- Allow the County and its contractors to access the sites to complete inventory and data collection to complete engineering and design plans and environmental monitoring;
- Allow the County and its contractors to access the 9104 W. Mequon Road site to construct the engineering and design plans; and
- Support County efforts to secure federal, state, and local nonprofit organization grant funding to implement project activities.

The County will:

- Develop engineering and design plans in conjunction with the District and other partners;
- Conduct education and outreach activities in conjunction with engineering and design plan development;
- Secure applicable federal, state, and local permits and regulatory approvals with District authorization;

ATTACHMENTS: **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒
FISCAL NOTE ☒ **S/W/MBE** ☐ **OTHER** ☒ Draft ICA and Maps

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COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

SUMMARY (Cont'd)

Authorization to Execute Intergovernmental Cooperation Agreement for Capital Project W97004PY090 to Install Green Infrastructure and Disposal of Excess Lands

- Assist in securing and managing federal, state, and local nonprofit organization grants and comply with all grant related requirements for construction, restoration, and environmental monitoring activities;
- Complete construction management activities, including private contractor selection through a public bidding process and or local force account (Ozaukee County Highway Department) coordination as it relates to the property located at 9104 W. Mequon Road, in accordance with 99% complete design plans dated June 20, 2019, the Design Report dated June 20, 2019, and the District and Wisconsin Department of Natural Resources-approved hydraulic HEC-RAS model;
- Notify the District in advance of construction and restoration work, a minimum of 48 hours prior to beginning construction, as it relates to the property located at 9104 W. Mequon Road;
- Comply with all applicable federal, state, and local permit conditions, as it relates to the property located at 9104 W. Mequon Road;
- Coordinate with the District on construction observation, as it relates to the property located at 9104 W. Mequon Road;
- Conduct applicable grant-related environmental monitoring activities prior to and following construction and restoration activities;
- Collect and store environmental monitoring data and share data with the District, as requested;
- Maintain County-sponsored site improvements during site establishment, including, but not limited to, soil stabilization, establishing prairie and wetland plantings, native woody species, and invasive species control for a minimum of three years after the vegetation is established and for a minimum of five years after significant completion of construction activities; and
- To the extent required by any applicable law or ordinance, address the control and abatement of invasive species, ensure that the project performance and water quality monitoring is addressed, and ensure that the project does not compromise the river in perpetuity.

The Commission is further requested to declare the District-owned property located at 9104 W. Mequon Road as excess those property interests greater than the conservation easement for the property and to authorize the Executive Director, as a condition of the transfer of title, to enter into conservation easements over the parcel for the benefit of the District to protect the conservation values of property in perpetuity and to require the County to maintain the parcel consistent with those conservation values. The declaration of excess land by the Commission is necessary to comply with Wis. Stat. §200.43(4) prior to the District conveying the title for these properties to a partner. The District will pay routine closing costs for the transfer.

SUMMARY (Cont'd)

Authorization to Execute Intergovernmental Cooperation Agreement for Capital Project W97004PY090 to Install Green Infrastructure and Disposal of Excess Lands

Through its conveyance and flood management work, the District has acquired many property interests over the years. After meeting the needs of a project, some property interests no longer provide any operational or long-term strategic benefit to the District. In these cases, the District's ratepayers would benefit by disposal of the property whereby property holding costs are avoided.

District staff has reviewed the proposed transfer of the property and finds no short- or long-term needs for the property to continue to be owned by the District in fee simple. Ozaukee County has indicated a willingness to take ownership of the property and to maintain the properties consistently with the conservation easement terms in perpetuity. This proposed transfer is consistent with the District's plans for maintenance of acquired Greenseams® properties. The only costs to the District will be up to an estimated \$2,000 in closing costs. Ozaukee County will receive the property at no charge in return for its agreement to maintain the property in accord with the terms of the permanent conservation easement.

RESOLUTION

Authorization to Execute Intergovernmental Cooperation Agreement for Capital Project W97004PY090 to Install Green Infrastructure and Disposal of Excess Lands

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to execute an intergovernmental cooperation agreement between Ozaukee County and the Milwaukee Metropolitan Sewerage District for Capital Project W97004PY090, including all deeds, purchase agreements, contracts for sale of real estate, easements, leases, permits, memorandum of understanding, intergovernmental cooperation agreements, and any other real estate documents to carry out terms of this resolution.

FURTHER RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that, pursuant to Sec. 200.43(4), Wis. Stats., the District declares as excess any and all property interest greater than the permanent conservation easement to be retained by the District for the property located at 9104 W. Mequon Road, Mequon, Wisconsin 53097, and that it may be disposed.