



SPECIAL CITY COUNCIL WORK SESSION AGENDA

Thursday, April 10, 2025

***City Council: Mayor Rafferty, Councilmembers Cavegn, Lyden, Ruhland and Stoesz
Interim City Administrator: Dave Pecchia***

COUNCIL SPECIAL WORK SESSION, 6:30 P.M. | JOINT MEETING W/CHARTER COMMISSION

Community Room (Not televised) | No Public Comment allowed per the Rules of Decorum

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Setting the Agenda: Addition or Deletion of Agenda Items
4. Charter Commission Public Comment Period
5. Joint Discussion with Charter Commission
 - a. Notification to Residents of Development Proposals
 - b. Zoning Regulations: Minimum Distances Between Businesses
 - c. Open Mic
 - d. Five-Year Financial Plan
 - e. 2024 Citizen Petitions to Amend the Charter
 - f. Even-Year Elections
 - g. Stormwater Utility
 - h. Other Questions for Council or Charter Commission
6. Charter Commission Old Business
 - a. Approval of January 9, 2025 Minutes
7. Charter Commission New Business
 - a. Yearly letter to the Judge

ADJOURNMENT

CITY COUNCIL / CHARTER COMMISSION MEETING STAFF REPORT

STAFF ORIGINATOR: Roberta Colotti, CMC, City Clerk

MEETING DATE: April 10, 2025

TOPIC: Notification to Residents of Development Proposals

INTRODUCTION

At the January 9, 2025 Charter Commission meeting the Commission discussed what type of notification was provided by the City to inform residents that a development project was being proposed. This item was continued to the April 10th Joint Meeting for discussion with the City Council.

BACKGROUND

Notification requirements for development projects – preliminary plat, zoning text and map amendments (rezonings), Conditional Use Permits and Interim Use Permits are prescribed by state law (multiple sections depending on action) and codified in Chapters 1001 (Subdivision) regulations and 1007 (Zoning) of City Code. 1001.042 provides the notification requirements for preliminary plats. Section 1007.015 through 1007.025 covers the specific zoning action requirements.

Specific Types of Required Notifications Include:

- Text Amendments - Published notice at least 10 days prior to hearing.
- Rezoning – Published notice in official newspaper at least 10 days prior to hearing. Mailed notice to all property owners within 600 feet of any property proposed for rezoning.
- Conditional Use and Interim Use Permits - Published notice in official newspaper at least 10 days prior to hearing. Mailed notice to all property owners within 350 feet of any property proposed for a CUP or IUP.
- Preliminary Plat (Subdivision) - Published notice in official newspaper at least 10 days prior to hearing. Mailed notice to all property owners within 600 feet of any property proposed for subdivision

Communications Platforms Used for Development Projects

- Development projects with a complete land use application are posted on the City website under development projects: <https://linolakes.us/552/Development-Projects>
- Residents can sign up for email and text messages for City news at on the City Website www.linolakes.us “Notify Me” page.

Signage

- Following discussions with the Planning and Zoning Board and City Council, staff is developing a policy for posting of signage on properties with pending development proposals. A copy of the sign is attached (48" x 48").

Excerpt from 01-09-25 Charter Commission Draft Minutes

What is the existing City Ordinance for notifying residents for proposed development or land use changes

Chair Dahl commented that in the past she believed that notification was provided through a registered letter and that had been changed to a letter to the resident of the property. She also believed that the previous distance for notification was 600 feet but noticed that the ordinance seems to state a distance of 300 feet.

The City Clerk stated that the Community Development Director provided a memorandum explaining the process that is used for notification which follows the requirement of State Statute.

Chair Dahl stated that in conversations with residents, she often hears complaints that residents were not notified of things. She stated that she would prefer to use a registered letter method, although recognized that would be an additional cost. She also provided input on the methods of notification used by the City of Blaine which includes a mailing, publication in the newspaper, and a sign posted on the property advising that the site is the subject of a land use application.

Commissioner Rodriguez noted current ordinance regulations that limit the size of signs to two by four.

Chair Dahl noted the comments from staff in the memorandum and it appears this will continue to be a topic of discussion in 2025.

Commissioner Obert asked if notification could be sent out through text or email.

Commissioner Frolik commented that he would believe the City to be hesitant to send texts to a phone number without permission but perhaps residents could sign up voluntarily. He stated that his neighbor is on the Planning and Zoning Board and hears the same comments about notification and responds by saying that information is available on the website. He commented that the City does use a wide number of platforms to provide notification to residents.

Commissioner Digatono stated that it would seem that people want the mailed notification to be sent to a larger distance.

Chair Dahl commented that many people would not know that something is going on and therefore would not know to go to the website.

Commissioner Trehus agreed that many residents felt that the notification was inadequate this past year. He believed that this item and the following agenda items would be good topics to discuss in a joint meeting session with the City Council.

RECOMMENDATION

This is an informational update for discussion and no formal action is required. If there are further recommendations related to the notification process for development, the recommendations should be forwarded to the Planning and Zoning Board.

ATTACHMENTS

None

Proposed Development



Learn more:

651-982-2400

www.linolakes.us/projects

CITY COUNCIL / CHARTER COMMISSION MEETING STAFF REPORT

STAFF ORIGINATOR: Roberta Colotti, CMC, City Clerk

MEETING DATE: April 10, 2025

TOPIC: Zoning Regulations: Minimum Distances Between Businesses

INTRODUCTION

At the January 9, 2025 Charter Commission meeting the Commission discussed the matter of similar types of businesses locating within a short distance of each other. There was debate and discussion on the value in establishing zoning regulations requiring a certain distance between businesses of the same type. This item was continued to the April 10th Joint Meeting for discussion with the City Council.

BACKGROUND

Attached is a memo from the City Attorney regarding zoning regulations governing minimum distances between businesses of the same type.

Excerpt from 01-09-25 Charter Commission Draft Minutes

Zoning Regulations: Minimum Distance Between Businesses

Is there any way of limiting the distance of similar businesses within one area

Chair Dahl asked if there is a way to limit similar businesses within one area.

The City Clerk stated that a memorandum was prepared by the Community Development Director on this topic and was included in the packet. It was noted that further legal review would be required to fully answer this question.

Chair Dahl stated that there is an existing tire shop and now a new one will be opening soon across the street, which she did not see as competition but an issue that would cause one business to go out of business. She asked if something could be put in ordinance to ensure a distance between similar types of businesses.

Commissioner Damiani used the example of gas stations, banks, and liquor stores that commonly choose to be located in similar manners.

Commissioner Rodriguez commented that she did not believe that the City should limit who goes into business or which property they purchase. She stated that customers will choose the business they want to frequent.

Commissioner Trehus commented that quality design was a topic during the recent elections, which is why he believes that this topic would also be good for the joint meeting with the City Council.

Commissioner Digatono asked if there are any locations that provide the opportunity for small businesses to open.

Commissioner Reynolds stated that he struggles to say that businesses cannot come to the community as there is a desire for business, but also does not want to see another business pushed out by a new business.

Commissioner Hausladen stated that the City has always bent over backward for development at the expense of the residents. He stated that if there are too many of the same business there will be saturation, and some will struggle.

Commissioner Grattan agreed that it is great to have new businesses, and a business will not choose to locate somewhere they do not think they can compete.

Commissioner Holmstrom stated that he does not support additional government regulations, especially controlling capitalism. He stated that someone opening a tire shop across the street from another tire shop must be confident in their ability to provide a good service to the customer. He stated that a small business tire shop will most likely not choose to locate across from a franchise and noted that competition will only improve the market for the customer.

Commissioner Rodriguez asked for more information on the process for businesses to come to the city, whether that is market-driven or whether a member of staff solicits desired businesses to come to Lino Lakes.

Chair Dahl noted that Tax Increment Financing (TIF) is also a tool for community development. She thanked staff for the report.

Commission Consensus

It was the consensus of the Commission to forward the question to the City Attorney for further review prior to the next Charter Commission meeting.

RECOMMENDATION

No formation action is required, any adopted consensus recommendations approved following the discussion this evening should be forwarded to the Planning and Zoning Board, as a zoning matter.

ATTACHMENTS

City Attorney Memo

Memo



To: Lino Lakes Charter Commission
From: Kristin C. Nierengarten
Cc: Lino Lakes City Council
Date: April 3, 2025
Re: Regulation of Minimum Distance Between Businesses

The Charter Commission requested information about regulating the minimum distance between similar types of businesses. Pursuant to the City's zoning authority, the City could adopt this type of regulation. There are three main issues I address below for your consideration: the authority to regulate minimum distances, the practical implications of doing so, and the proper form of such regulation.

Authority to Regulate Minimum Distance

Under the Municipal Planning Act ("MPA"), the state has granted cities the authority to regulate land use, which includes the authority to regulate the "uses of buildings and structures for trade" (i.e., business locations). Minn. Stat. § 462.357, subd. 1. Specifically, the MPA allows a city to implement zoning regulations for the purpose of promoting "public health, safety, morals, and general welfare." *Id.* Accordingly, if a city were to implement a minimum distance requirement between businesses of the same type, it must be able to articulate how the regulation would promote health, safety, morals, or the general welfare.

Typically, minimum distance requirements are directed at businesses involving some type of vice, such as gambling, alcohol, or adult content. As such, often the justification for a minimum distance requirement relies on the negative effects that may result from concentrating businesses in a particular area, such as the potential for increased crime. Justifying a broader regulation on the minimum distances between any businesses of the same type in the promotion of health, safety, morals, or the general welfare may be more difficult. While this type of regulation has not been tested in Minnesota courts, protecting existing businesses against competition likely would not be a sufficient reason to enact such a regulation.

Practical Implications

If the City does move forward with regulating the minimum distance between like businesses, there is the practical challenge of identifying and defining which businesses are of the same type. For example, businesses could be within the broad category of restaurants but serve different types of food either in genre (e.g. Italian, Indian, American) or format (e.g. fast, sit down, bar). Similarly, two businesses could sell similar products, like tires, but one could be an auto parts store while the other is an automotive service provider.

Because defining what businesses are of the same type is not necessarily obvious or intuitive, any regulation on the minimum distance between like businesses will need to be sufficiently detailed to guide consistent enforcement and minimize the potential for litigation from business owners or the public who view the regulation as vague or its application as arbitrary.

Form of Regulation

As noted above, the City's authority to regulate land use derives from its zoning authority under the MPA, which is the "uniform procedure for adequately conducting and implementing municipal planning." Minn. Stat. § 462.351. The Metropolitan Land Planning Act ("MLPA") also affords the City authority to regulate the use of land, with the purpose of the MLPA being to "establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropolitan system plans." Minn. Stat. § 473.85-871.

The MPA specifies that municipalities may regulate zoning through their "official controls," meaning its ordinances, and that the enacting municipality must follow a certain process for enacting such ordinances. *See* Minn. Stat. § 462.357. This includes review and study by the planning commission, a public hearing preceded by public notice, and approval by the majority of the city council. *Id.* The Minnesota Court of Appeals has made clear that the MPA and MLPA preempt local regulation as it relates to the process by which land use regulations are approved by a municipality. *Nordmarken v. City of Richfield*, 641 N.W.2d 343, 350 (Minn. Ct. App. 2002). Consistent with this, the only mechanism by which the City may regulate zoning is by ordinance, as specified in the MPA, rather than by its Charter. This is consistent with the recognized purpose of a city charter, which is to provide the scheme of municipal government and its operations.

Given the nature of the City's zoning authority, any regulation on the minimum distance between like businesses is within the purview of the City Council.

CITY COUNCIL / CHARTER COMMISSION MEETING STAFF REPORT

STAFF ORIGINATOR: Roberta Colotti, CMC, City Clerk

MEETING DATE: April 10, 2025

TOPIC: Open Mic

INTRODUCTION

At the January 9, 2025 Charter Commission meeting the Commission discussed the City Council Rules of Decorum time limits for group presentations and questioned if that time should be extended. The discussion highlighted that the Mayor and Council can extend the time during the meeting, if there is a need to do so, under the current Rules of Decorum. This item was continued to the April 10th Joint Meeting for discussion with the City Council.

BACKGROUND

The City Council has amended the Rules of Decorum to allow for three minutes per speaker during open forum, since the January 9th Charter Commission meeting when this matter was first reviewed.

Excerpt from City Code, Rules of Decorum and City Council Agenda

City Code

CHAPTER 3. COUNCIL PROCEDURE

SECTION 3.01. COUNCIL MEETINGS.

The Council shall meet regularly at such times and places as the Council shall designate by ordinance. During any of its public meetings, the Council shall not prohibit, but may place reasonable restrictions upon citizen's comments and questions.

CITY OF LINO LAKES, CITY COUNCIL, RULES OF DECORUM

Addressing the Council. At the start of each City Council meeting, in accordance with the City of Lino Lakes Charter, the City Council shall accept comments from the public on any matter, whether on the agenda or not. Comments will not be accepted during specific agenda items unless a Public Hearing has been noticed.

- 1) Members of the public who wish to address the Council shall sign-in prior to the start of each Council meeting. Sign-in information shall include: Name, address, email/telephone, and topic of discussion.
- 2) The City Clerk shall retrieve the sign-in sheet at the beginning of the meeting and shall

provide the sign-in sheet to the presiding officer who will recognize each member of the public who wishes to speak.

- 3) When recognized by the presiding officer, each member of the public addressing the Council shall step up to a microphone provided for the use of the public after being recognized by the presiding officer and give his/her name and address in an audible tone of voice for the records, state the subject to be discussed and state who the speaker is representing if representing an organization or other persons.
- 4) Unless **further time is granted by a majority vote of the Council**, remarks from the public shall be limited to three (3) minutes. All remarks shall be addressed to the Council as a whole and not to any member thereof.
- 5) No person other than members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without permission of the presiding officer.
- 6) No question may be asked of a Councilmember or a member of the staff without the permission of the presiding officer.
- 7) Speakers shall offer comments that are courteous and respectful. Comments that are abusive, harassing, that constitute an attack on others, including City staff, or that violate privacy rights, will not be permitted. Violation of these public comment rules will result in the speaker being ruled out of order and the termination of the comment.
- 8) In order to expedite matters and to avoid repetitive presentations, whenever any group of persons wishes to address the Council on the same subject, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council.
- 9) Violation of these public comment rules will result in the speaker being ruled out of order and the termination of the comment.

Current City Council Agenda page language:

- Public Comment
Sign-in prior to start of meeting per Rules of Decorum

Excerpt from 01-09-25 Charter Commission Draft Minutes

Open Mic

Clarifying language for the open mic it states “residents”

The City Clerk provided an overview of the time allowances for open mic at a regular City Council meeting, noting that four minutes is the current standard time allowance.

Chair Dahl commented that she believes it is important for the voices of residents and others to be heard. She suggested that there be a sign-in sheet for residents and another for non-residents, noting that they could then alternate between the lists to ensure everyone can speak. She asked if there could be a possibility of establishing a longer time for someone speaking in representation of a group of people. She recommended a seven-minute time for those representing a group.

Commissioner Digatono recognized that there have been a lot of public comments at Council meetings in the past year and when there have been speakers representing larger groups, they were still limited to four minutes.

Commissioner Obert stated that if there is a large group, a few members could speak in four-minute increments to communicate the message of the group.

Commissioner Grattan stated that perhaps someone speaking for a group could list the residents in that group that they are representing which could then provide additional time for that speaker.

Commissioner Damiani referenced the requirements of the sign-in sheet to provide contact information and asked how they would prove that non-residents are providing accurate information.

Commissioner Holmstrom stated that when attending Council meetings, he cross-checks the names and addresses that are provided while the person speaks.

Commissioner Reynolds stated that some cities require sign-in to occur prior to the meeting, which allows staff to check that the information provided is correct.

Commissioner Vanderpoel stated that under the current rules the City Council can vote to extend a speaker's time and as a result he is ok with the current rules as written. He acknowledged the difficulty in balancing people's right to be heard while also being reasonable to the elected officials and did not have any issues with the current sign-in process and time limits.

Commissioner Reynolds concurred with the comments of Commissioner Vanderpoel.

RECOMMENDATION

That the City Council and Charter Commission review the question of amending the Rules of Decorum to allow for additional time for a speaker representing a group to make their presentation or if the current regulations under which the Mayor and Council can extend the time are sufficient as written.

ATTACHMENTS

None

CITY COUNCIL / CHARTER COMMISSION MEETING STAFF REPORT

STAFF ORIGINATOR: Roberta Colotti, CMC, City Clerk

MEETING DATE: April 10, 2025

TOPIC: Five-Year Financial Plan

INTRODUCTION

The Charter Commission Chair has requested a status report regarding the preparation and posting of the Five-Year Financial Plan as required by City Code.

BACKGROUND

The Five-Year Financial Plan has been prepared and is posted on the City's website. The Financial Plan is located under the Finance Department page on the website at <https://linolakes.us/518/Financial-Plan>

The City Council Resolution Accepting the 2025-2029 Financial Plan is attached.

The Financial Plan is a guiding document to be used for decision making. Preparation of the Plan and annual budget are closely linked; projects and financing sources outlined in the Plan are not authorized until the annual budget is adopted by the City Council. The Transmittal Letter on page 3 gives a full overview of the Plan. The Financial Section focuses on all city funds, while the Capital Improvement Program (including Appendix A & B) focuses on the capital project and enterprise funds.

City Code Excerpt

SECTION 7.05. THE FIVE-YEAR FINANCIAL PLAN.

Subdivision 1. The City Council shall have prepared a five-year financial plan commencing in the calendar year 1983. The City Council shall hold a public hearing on the five-year financial plan and adopt it by resolution with or without amendment. The financial plan shall consist of four (4) elements as specified in Subdivisions 2-5 which follow. The programs in each element shall be revised and extended each year.

(Amended)

Subdivision 2. *The Public Service Program.* The program shall be a continuing five-year plan for all public services, estimating future needs for the public health, safety and welfare of the City. It shall measure the objectives and needs for each City department, the standard of services desired, and the impact of each such service on the annual operating budget.

Subdivision 3. *The Capital Improvement Program.* This program shall consist of projects and facilities that are or will be needed by the City in carrying out the anticipated program of public services. It shall include a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedule for each such improvement; and the estimated annual cost of operating and maintaining the facility to be constructed or acquired.

Subdivision 4. *A Revenue Program.* This program shall consist of a tentative revenue policy which describes five-year plans for financing public service and capital improvements.

Subdivision 5. *The Capital Budget.* This program shall be a summary on the basis of a five (5) year period of the capital or money requirements for the above described programs. It shall list a priority for each anticipated investment in community facilities and balance this with a consideration of the availability of necessary revenues.

Subdivision 6. A summary of the five-year financial plan shall be published annually.

RECOMMENDATION

Charter Commission to review and receive the Five-Year Plan into the official record.

ATTACHMENTS

Resolution No. 24-169 Accepting the 2025-2029 Financial Plan

**CITY OF LINO LAKES
RESOLUTION NO. 24-169**

ACCEPTING THE 2025-2029 FINANCIAL PLAN

WHEREAS, a Five-Year Financial Plan has been prepared in accordance with the Lino Lakes City Charter Section 7.05; and

WHEREAS, the Financial Plan is a guiding document to be used for decision making; and

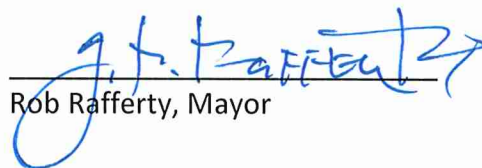
WHEREAS, projects and financing sources outlined in the Financial Plan are not authorized until approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lino Lakes, Minnesota that:

1. A public hearing was held on the 2025-2029 Financial Plan.
2. The 2025-2029 Financial Plan is accepted as presented.

BE IT FURTHER RESOLVED all 2025 Citywide projects have been reviewed during the budget process and are approved as presented in the Plan.

Adopted by the City Council of the City of Lino Lakes this 9th day of December, 2024.


Rob Rafferty, Mayor

ATTEST:


Roberta Colotti, CMC, City Clerk

CITY COUNCIL / CHARTER COMMISSION MEETING STAFF REPORT

STAFF ORIGINATOR: Roberta Colotti, CMC, City Clerk

MEETING DATE: April 10, 2025

TOPIC: 2024 Citizen Petitions to Amend the Charter

INTRODUCTION

At the July 8, 2024 Charter Commission meeting the Charter received two citizen petitions to amend the City Charter which were forwarded to the City Council. The Charter Commission Chair has requested that a report regarding the resolution of the matter be submitted at the April 10, 2025 meeting for the record of the Charter Commission. In response, the City Attorney has provided the attached email outlining the City Council's review and decision regarding the petitions.

At the time there was a third petition submitted to the City Council to amend the City Code as well as the two petitions to amend the City Charter. While that was not reviewed by the Charter Commission it was considered by the City Council at the same time as the two Charter amendment proposals.

BACKGROUND

The City Attorney has prepared a memo outlining the final action of the City Council related to the two petitions to amend the City Charter presented in 2024.

Excerpt of the 07-8-25 Charter Commission Meeting Minutes

MOTION by Commissioner Digatono, seconded by Commissioner Damiani to receive the two petitions for Charter amendment of Sections 1.04, Segregations Prohibited and Section 12.15, Limitations of Pace of Residential Development and forwarding to the City Council in accordance with Minnesota Statute 410.12.
Motion passed unanimously.

RECOMMENDATION

The Chair of the Charter Commission to receive and record the Attorney's written response regarding the outcome of the 2024 citizen petitions to amend the City Charter.

ATTACHMENTS

Summary Email Response from City Attorney

From: [Jay T. Squires](#)
To: [Roberta Colotti](#)
Subject: 2024 Charter initiative petitions
Date: Tuesday, April 1, 2025 12:07:43 PM

Caution: This email originated outside our organization; please use caution.

This email follows up your request for a brief summary of the process followed with respect to June 2024 charter initiative petitions that were submitted to the City. I recall that I attended a Charter Commission meeting last summer and had the Charter Commission take action simply acknowledging their submission. Ultimately I advised the City Council that in my judgment they were not proper under existing case law, and the Council accepted my recommendation. The Council was also initially interested in pursuing an opinion on the petitions' validity from the attorney general, but ultimately chose to not pursue that. Consequently, there is nothing further that needs to be done relative to the petitions.

Jay

CITY COUNCIL / CHARTER COMMISSION MEETING STAFF REPORT

STAFF ORIGINATOR: Roberta Colotti, CMC, City Clerk

MEETING DATE: April 10, 2025

TOPIC: Even-Year Elections

INTRODUCTION

The City Council will be meeting on Monday, April 7th and discussing the option to move to even-year elections. This topic will be continued to the April 10th Joint Charter Commission and City Council meeting and a further update will be provided at that time.

BACKGROUND

At the December 2, 2024 City Council Work Session staff requested that the City Council consider the option of moving to even-year elections to improve voter engagement and to reduce costs. There is a trend away from odd-year elections across the state as well for these reasons.

At the December meeting it was the consensus of the City Council to direct the City Attorney to research the legal steps and considerations to move to an even-year election for municipal officers, for future consideration.

Voter engagement is one consideration in reviewing the option to move to even-year elections. The number of registered voters at 7 a.m. on Election Day in 2024 was 15,322.

- 1,785 voters participated in the last odd-year municipal election (2023)
- 14,135 voters participated in the last even-year general election (2024)

The cost to run an election is covered primarily by the city, with county and state costs also part of the total public cost to run an election. The City of Lino Lakes budget for the 2025 municipal election is \$21,367. There are some ongoing annual costs regardless of if an election is held or not and the decision to move absentee voting for 2025 to Anoka County will also reduce the City's 2025 actual costs, however, the majority of the budget would be saved as direct result of moving to even-year elections.

There has been a move by cities that have had odd-year elections in the past to transition to even-year elections. According to the Secretary of State's Office of the 856 cities, only 18 will be conducting an odd-year election in 2025 (see the attached list of 18 cities and one township that are conducting an election in 2025).

There are options for the City to consider in moving to an even-year election regarding the terms of office and maintaining the staggered terms of office. If the amendment is effective this year and we do not hold a 2025 election the terms of office of incumbents would be extended by one year. However, if

the amendment is set to become effective for a future date (i.e. 2026 or 2028), then the terms of those elected in the first cycles would be adjusted to maintain the staggered dates that the terms expire.

There are two City Council seats and the office of Mayor on the municipal ballot each municipal election. Terms of office are staggered with the following current terms:

- Mayor (two-year term ending 2025),
- Council Member (four-year term ending 2025),
- Council Member (four-year term ending 2025),
- Council Member (four-year term ending 2027), and
- Council Member (four-year term ending 2027).

RECOMMENDATION

This item is under review by the City Council and a formal recommendation will be presented at the Joint Meeting. There are four different procedural options available to amend the Charter, to move to even-year elections from the current odd-year election cycle. These include:

- Council Proposes Amendment To Voters By Ordinance
- Charter Commission Recommends Council Enact Amendment By Ordinance
- Charter Commission Proposes Amendment To Be Submitted At Election
- Voters Propose Amendment Via Petition

ATTACHMENTS

Secretary of State – List of Cities with Odd-Year Elections (2025)

Regularly Scheduled 2025 Elections

The jurisdictions listed below will all have a regularly scheduled general election on November 4, 2025.

Jurisdictions marked with an asterisk below will have a primary on August 12, 2025 if enough candidates file.

The [Special Elections](#) webpage lists other elections happening on these dates.

Municipal

- Aurora (FIPS 2872)
- Bloomington (FIPS 6616)
- Circle Pines (FIPS 11494)
- Duluth (FIPS 17000)*
- Falcon Heights (FIPS 20420)
- Golden Valley (FIPS 24308)
- Hopkins (FIPS 30140)
- Lino Lakes (FIPS 37322)
- Mahtomedi (FIPS 39428)
- Minneapolis (FIPS 43000)
- Minnetonka (FIPS 43252)
- Rushford (FIPS 56284)
- St. Anthony (FIPS 56680)
- St. Louis Park (FIPS 57220)
- St. Paul (FIPS 58000)
- St. Paul Park (FIPS 58018)
- St. Peter (FIPS 58036)
- White Bear Lake (FIPS 69970)*
- White Twp (FIPS 69898)

*Primary Possible

Last Updated 01/28/25

CITY COUNCIL / CHARTER COMMISSION MEETING STAFF REPORT

STAFF ORIGINATOR: Roberta Colotti, CMC, City Clerk

MEETING DATE: April 10, 2025

TOPIC: Stormwater Utility

INTRODUCTION

At the January 9, 2025 Charter Commission meeting, Commissioner Trehus requested that the topic of the stormwater utility be added to the Joint Meeting agenda in April. He identified that residents with private wells and septic systems, receive an annual bill for stormwater management.

BACKGROUND

The City adopted a Stormwater Utility Fee in 2022. The rates have not changed since that time.

Residential Rates

Quarterly Base Rate

Residential Fee \$ 12 per Parcel

Non-Residential Fee \$175 per Acre of Impervious Surface (\$12 Minium)

If a property owner does not receive a quarterly water and sewer bill, they are invoiced for the stormwater utility fee annually (\$48 for residential properties). The invoice is for the current calendar year and is typical mailed mid-April.

Overview

The storm water utility fee finances the cost of storm water management in a similar manner to water or sanitary sewer. The rate structure is based on the land use, parcel size, and total impervious coverage. For non-residential properties, the quarterly fee is based on the amount of impervious surface on a given property. All residential properties have the same quarterly fee. Basing this fee off impervious coverage and thus storm water runoff contribution makes the fee equitable.

City staff spends numerous hours annually inspecting, maintaining, and repairing catch basins, storm sewer pipes, culverts, ponds, and other storm water treatment features. They also clean storm drains, sweep the streets, monitor active construction sites, and coordinate with other public agencies to ensure the system continues to function at a high level.

Attached is the Frequently Asked Questions report that provides detailed information on the stormwater utility. This report and further information are posted on the City website.

A copy of the Lino Lakes City Code Chapter 404, establishing a Stormwater Utility is also attached. As noted in the City Code:

- The stormwater system consists of lift stations, catch basins and manholes, collection piping, force main, storage tanks and ponds, structural and non-structural BMP's (Best Management Practices), and associated appurtenances located within public right-of-way and/or dedicated easements.

Within Lino Lakes that includes:

- Over 210 lane miles of streets
 - 55 miles of storm sewer
 - Over 300 city-maintained storm water ponds and 140 privately maintained ponds part of the system
 - Over 1,500 storm water inlets and outlets.
- The stormwater utility funds the operation, maintenance, repair, and replacement of the stormwater system.

As part of the stormwater management requirements the City has additional ordinances governing stormwater. The City is required to operate consistent with the requirements of the State's General Permit to operate a municipal separate storm sewer system (MS4).

The City is required to be in conformance with the rules and requirements of the local water management organizations (WMO's) – the Rice Creek Watershed District (RCWD) and Vadnais Lakes Water Management Organization. The RCWD covers the majority of the city with VLAWMO jurisdiction limited to a few hundred acres in the southeast portion of the City.

RECOMMENDATION

This item if for informational purposes.

ATTACHMENTS

- Frequently Asked Questions
- City Code Chapter 404: Stormwater Utility

CHAPTER 404: STORMWATER UTILITY

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§ 404.01 FINDINGS.

The City Council recognizes that the control and regulation of stormwater drainage is necessary to protect the environment and the public health safety and welfare. The Council hereby finds that:

- (1) In the exercise of its governmental authority the city has constructed, operated, and maintained a stormwater system;
- (2) It is necessary and desirable to provide a method of recovering the future costs of improving, maintaining, and operating the system by establishing a program of user charges;
- (3) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable to assign responsibility for some or all of the future costs of operating, maintaining, and improving the system on the basis of the expected stormwater runoff from the various parcels of land with the city; and
- (4) Assigning costs and making charges based upon impervious coverage can only be accomplished within reasonable and practical limits. The provisions of this chapter establishes a reasonable and practical methodology from making such charges.

(Ord. 07-21, passed 8-23-2021)

§ 404.02 GENERAL OPERATION.

- (1) The city stormwater system shall be operated as a public utility (hereinafter called the "stormwater utility" or "utility"), pursuant to M.S. § 444.075, from which revenues will be derived subject to the provisions of this chapter and Minnesota Statutes.
- (2) The stormwater system consists of lift stations, catch basins and manholes, collection piping, forcemain, storage tanks and ponds, structural and non-structural BMP's (Best Management Practices), and associated appurtenances located within public right-of-way and/or dedicated easements.

(3) The stormwater utility shall fund the operation, maintenance, repair, and replacement of the stormwater system.

(4) The stormwater utility shall not be used to fund expansion of the system to accommodate new development.

(5) The city shall, as part of its annual budget process, adopt an operating budget for the stormwater utility for the next fiscal year. The operating budget shall be prepared in conformance with the state budget law, city policy, and generally accepted accounting practices.

(Ord. 07-21, passed 8-23-2021)

§ 404.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BEST MANAGEMENT PRACTICE (BMP). A stormwater practice used to provide water quality treatment or manage stormwater runoff. Examples include storm ponds, infiltration basins, rain gardens, etc.

IMPERVIOUS SURFACE. A compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.

STORMWATER UTILITY FEE. The charge developed for each parcel of land pursuant to this chapter, charged quarterly.

ANNUAL UTILITY REVENUE. The revenue amount equal to the estimated annual expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the stormwater utility, in accordance with established city policy.

(Ord. 07-21, passed 8-23-2021)

§ 404.04 STORMWATER UTILITY FEES.

(1) Stormwater utility fees shall be established for a period of time as set by City Council ordinance and as established in the city fee schedule. The City Administrator shall annually review rates and make recommendations to the Council for adjustments in the rates and other charges. Such recommendations to the Council regarding rate adjustment shall be based upon annual report of the operations of the utility, including an account of all monies or revenue received and disbursed, together with a working budget estimate of the needs of the utility.

(2) *Determination.* The stormwater utility fee shall be determined based on the total impervious surface coverage throughout the city. Exempt land uses shall be excluded from the computations. The proportion of residential and non-residential impervious coverages shall be calculated. The total residential fee and non residential fee is determined using the respective impervious proportion and the annual utility revenue.

(3) *Residential fee.* The residential fee is charged per parcel to those parcels with single family residential, multi-family residential, and rural residential land uses. This includes single family, duplexes, and townhomes. This does not include multi-family buildings consisting of three or more units where one or more of the units does not have primary ground floor access to the outside.

(4) *Non-residential fee.* The non-residential fee is charged per acre of impervious surface to those parcels with airport, commercial, government facilities, house of worship, industrial, schools, and utility

land uses. Multi-family buildings consisting of three or more units where one or more of the units does not have primary ground floor access to the outside, are included in this grouping.

(Ord. 07-21, passed 8-23-2021)

Cross-reference:

City fee schedule, see § 218.01

§ 404.05 CREDITS.

The Council may adopt policies, by resolution, for adjustment of the stormwater utility fees. Information to justify a credit adjustment must be supplied by the property owner. Such adjustments of fees shall not be retroactive. Credits will be reviewed by city staff.

(Ord. 07-21, passed 8-23-2021)

§ 404.06 EXEMPTIONS.

The following land uses are exempt from the stormwater management fee:

- (1) Public road right-of-way;
- (2) Lakes;
- (3) Wetlands;
- (4) Permanent open space or land covered by a conservation easement;
- (5) Agricultural properties with no residence;
- (6) Cemeteries;
- (7) Vacant land;
- (8) City and county public parkland; and
- (9) Other parcels, such as those owned by entities that are MS4 permittees, as determined on a case by case basis as determined by the city.

(Ord. 07-21, passed 8-23-2021)

§ 404.07 PAYMENT OF FEE.

Each billing for stormwater utility fees not paid when due shall incur a penalty charge as established in the city fee schedule.

(Ord. 07-21, passed 8-23-2021)

Cross-reference:

City fee schedule, see § 218.01

§ 404.08 APPEAL OF FEE.

If a property owner or person responsible for paying the stormwater utility fee believes that a particular assigned fee is incorrect, such a person may request that the fee be reviewed.

(Ord. 07-21, passed 8-23-2021)

§ 404.09 PENALTY FOR LATE PAYMENT.

Each billing for stormwater utility fees not paid when due shall incur a penalty charge of 10% per billing cycle of the amount past due.

(Ord. 07-21, passed 8-23-2021)

§ 404.10 CERTIFICATION OF PAST DUE FEES ON TAXES.

Each year the City Clerk shall prepare a list of delinquent stormwater utility fee accounts for certification to the County Auditor. The list shall be in the form of an assessment roll and include the amount due, accrued penalties thereon and an administrative fee established by Council resolution, together with the legal description of the premises served. The City Council shall annually review the delinquent water service charge assessment roll and adopt an appropriate resolution directing that the assessment roll be certified to the County Auditor as a lien against the premises served and directing that the County Auditor collect the assessment as part of the ensuing year's tax levy.

(Ord. 07-21, passed 8-23-2021)



Q1: Why does Lino Lakes need a Storm Water Utility?

The Lino Lakes Storm Water Utility (SWU) will fund Operations and Maintenance (O&M), necessary to effectively manage Lino Lakes' storm water system. Both State and Federal (NPDES) requirements related to storm water continue to increase. This fund will help ensure requirements continue to be met and that the City storm water management system continues to function as designed for water flow, flood protection, and water quality.

Q2: What is NPDES? And why do we have to do this?

The National Pollution Discharge Elimination System (NPDES) is the enactment of the Clean Water Act. Phase II of the program applies to cities over 10,000 persons. It is a federally mandated program with specific requirements that the City must meet. The permit contains limits on what you can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health. The cost of implementing this program locally is borne by the City.

Q3: Why can't we just pay it from General Funds?

The City's General Funds are under increased pressures for funding for a variety of essential services, including public safety, parks, road reconstruction etc., just to name a few. There are not enough funds available to satisfy all the needs.

Q4: How is the storm water utility fund going to improve the community?

Funds generated from this utility will be used to protect, restore, and in some cases enhance storm water quality within the city.

Q5: Why is the SWU the "most fair and equitable" method

The SWU is based upon the principal of "Users Pay". The more you discharge, the more you pay. In addition, all property types will pay including tax exempt properties. Since all types of properties contribute to the storm water infrastructure, all types should pay.

This will decrease the burden on homeowners, business and industrial uses since the tax exempt properties will be paying their share.

Q6: Can Lino Lakes use the SWU and is it authorized by State Statute?

Yes, the SWU is authorized by State Statute, Chapter 444.075.

Q7: Why should I pay if I don't drain into a drainage system?

The SWU covers the costs for mandated planning and permit tasks that affect every parcel in the City. It also pays for O&M of the storm water management system that serves the public streets, which are necessary to access the parcels throughout the City. The fee does not cover the cost of an improvement that would benefit a specific property.

Q8: Why are the existing City Departments not capable of handling this need?

The utility is a financing method, not an agency; the Director of Public Services will be the administrator of the program. The utility will be the responsibility of the Public Services Department. A utility is defined as service charge based on a property's contribution of water to a drainage system. In addition, the City will be using the same billing system it does for water and sanitary sewer customers. This significantly reduces billing costs and the Citizens currently using water and sewer will not need to write a separate check for just the storm water utility.

Q9: Is the utility really necessary?

Rainfall causes the need for an adequate drainage system. Infrastructure that serves the City and land uses, including rural, create volumes of runoff and associated pollutant loads that the City is required to mitigate. To address water quantity (flooding) and water quality issues, a utility or user charge is necessary to finance the cost of the programs.

Q10: Why do we pond storm water runoff today instead of just letting water runoff as fast as possible into ditches, storm sewers, rivers, and lakes like we did for years?

Conveyance and pre-treatment of surface water runoff allows Lino Lakes to take a proactive rather than reactive approach to managing storm water runoff. As the City develops, runoff increases as well. The use of conveyance systems and ponding not only provides for the protection of property (flood control), but the reduction of peak flow rates. It also reduces the cost of installing storm sewer systems and ditch/culvert systems to carry the runoff from point A to point B.

Additional benefits of storm water ponding include storm water protection and ground water protection. The use of storm water ponds can prevent pollutants associated with storm water from being carried downstream to lakes and wetlands thereby enhancing downstream water quality. By keeping water on the land rather than letting it drain away, infiltration of storm water can help to recharge the ground water levels.

Q11: Will there be a charge on vacant land?

No. Under the proposed policy vacant (undeveloped and non-impacted) land will not be charged.

Q12: How do I figure out what my charge will be before I get my first bill?

One of the goals of the SWU utility was to create a fair and equitable billing method that is easy to understand and we are confident we have accomplished that.

Single family homes, duplexes and townhomes have a fixed quarterly fee of \$12.00.

Apartment buildings, commercial, institutional and industrial properties are based on a quarterly fee of \$175 per acre of impervious surface.

Q13: What does impervious surface mean?

Impervious surface means a hard surface that restricts water from infiltrating into the soil. This includes but is not limited to gravel, roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.

Q14: I want to decrease what I pay? How can I do that?

One of the basic premises of the SWU is that “users pay” and that the more you use....the more you pay. Correspondingly, there is an opportunity for commercial, industrial and institutional property types to pay less by utilizing storm water best management practices known as “BMPs”. The city is adopting a policy for BMP credits.

SWU fees may be adjusted for non-residential properties that have onsite, privately maintained BMPs subject to certain criteria and have a storm water facilities maintenance agreement in place with the City. A maximum 25% credit is available per property.

Q15: Charging the School District property and City land the Storm Water Utility Fee is an extra cost to taxpayers. Why was this done?

If these parcels were not charged a fee, the costs would be shifted to the remaining parcels and their fees would increase. The idea behind a storm water utility is that all users contribute to cover the costs.

Q16: Is there an appeal process related to the storm water utility rate for my property?

Commercial, institutional and industrial parcels that demonstrate impervious coverage is different than what is reflected by a given fee can appeal the charge. This can be done with a map showing the existing impervious coverage on a given parcel.

Adjustments to the utility fee cannot be made retroactively.

Q17: Can the SWU funds be used for something else?

No. The SWU funds will be placed in an “Enterprise Fund” which has strict accounting rules that allow for the funds to be only used for Storm Water related projects and programs.

Q18: How are rates approved?

The Storm Water Utility Fee Rates and Structure may be modified based on the storm water needs of the City. Adjustments to the Storm Water Utility Fee Rates and Structure can only be made by the City Council. The fee will be reviewed annually as part of the City’s budget process.