



MAYOR AND COUNCIL COMMUNICATION

DATE: 12/6/2016

CONSENT

ITEM #: 9

AGENDA ITEM: Subsurface Sewage Treatment Systems Ordinance Amendment

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

During the October 11, 2016 Council Work Session, the Council and Washington County Public Health Department Staff discussed necessary changes to the Subsurface Sewage Treatment Systems Section of Chapter 51: Waste Water Treatment Systems, of the City Code in order to bring it in to compliance with state rules. A recommended ordinance amendment has been prepared for review.

ISSUE BEFORE COUNCIL:

The Council is being asked to consider a text amendment to Chapter 51: Waste Water Treatment Systems, of City Code.

PROPOSAL DETAILS/ANALYSIS:

The Staff Report from this work session is attached for reference, explaining the recommended changes. The City Attorney has also reviewed the ordinance and concurs that the City's provision that requires Subsurface Sewage Treatments Systems (SSTSs) that serve two or more properties to be designed by a registered professional engineer conflicts with Minnesota Rules Part 7082.0100, subpart 3, as this rule prohibits the City from requiring additional local licenses, registrations, certificates or other similar professional credentials to perform SSTS work. Additional revisions have been made to the ordinance's language for clarity.

FISCAL IMPACT:

If the City chooses to adopt a current ordinance which meets current standards established in Minnesota Rules Chapter 7082, the City can contract with the county to administer the City ordinance. This includes reviewing all installation inspections as well as other associated functions. Specifically, variance requests would be considered by the City.

Alternatively, as outlined below, the City may choose to repeal Section 51.002 of the City Code, in which case the Washington County Subsurface Sewage Treatment System ordinance would take

effect within the City, and variance requests would be considered by the County, with the exception of variances for certain setbacks and zoning requirements, which would be considered by the City.

OPTIONS:

The City Council may:

- Approve the recommended ordinance amendment as part of tonight's consent agenda.
- Remove the item from the consent agenda to discuss then approve the ordinance amendment unchanged.
- Remove the item from the consent agenda to discuss then approve the ordinance amendment unchanged.
- Direct staff to choose to repeal Section 51.002 of the City Code.
- Deny the ordinance amendment.

RECOMMENDATION:

Staff respectfully recommends the City Council approve the recommended changes to Chapter 51: Waste Water Treatment Systems as it pertains to Subsurface Sewage Treatment Systems as part of tonight's consent agenda by approving Ordinance 08-159.

If the item is removed from the consent agenda, then the following motion is recommended:

“Move to approve Ordinance 08-159 approving amendments to Chapter 51: Waste Water Treatment Systems as it pertains to Subsurface Sewage Treatment Systems.”

If approved, the Council may adopt Resolution 2016-104, authorizing summary publication of Ord-159:

“Move to adopt Resolution 2016-104, authorizing summary publication of Ordinance 08- .”

ATTACHMENTS:

- Ord 08-159 Amending Subsurface Sewage Treatment Systems
- Resolution 2016-104 Summary Publication of Ord 08-159
- October 11, 2016 Council Work Session SSTS Ordinance and County Services Staff Report