



STAFF REPORT

DATE: 5/7/2024

Consent agenda.

AGENDA ITEM: Stormwater Appeal
SUBMITTED BY: Clark Schroeder, City Administrator
REVIEWED BY:

BACKGROUND:

The City has a surface water management fee to maintain ditches, culverts, ponds, storm sewer, capital improvements, equipment, planning, inventories, weed control and surface water quality improvements in the city for all residents.

ISSUE BEFORE COUNCIL:

Should the Council approve a reduction in the stormwater fee for the applicant at 8603 Cherrywood trail N?

PROPOSAL:

Applicant has submitted a surface water fee appeal on the attached PDF.

The applicant's property has no stormwater improvement on the parcel that contributes to the management of the surface water system in the city. Staff are not recommending any reduction in the surface water fee. This fee also supports the activities which all property owners utilize regardless of water retention capacity.

FISCAL IMPACT:

None

OPTION:

Approve no reduction of surface water fee.

Approve decrease of surface water fee of X %

RECOMMENDATION:

"Motion to not approve any reduction in surface water fee for 8603 Cherrywood Trail N.

ATTACHMENTS:

- Appeal letter.
- Storm water ordinance.

3880 Laverne Ave.
Lake Elmo, MN 55042
Phone: 651-747-3906

STORM WATER FEE APPEAL

Name	<u>Pamela Skuttz</u>	Telephone No.	<u>612 240-0873</u>
Street Address	<u>8603 Cherrywood Tr N</u>	Cell Phone No.	<u>As above</u>
Account No.	<u>05-00008720-002</u>	Property ID No.	<u>? Unsure</u>

City Ordinance 5.16.070(a) states: If a property owner or person responsible for paying the surface water management fee believes that a particular assigned fee is incorrect, the person may request that the fee be recomputed. Please provide an explanation for your request to have the fee recomputed.

My neighborhood (see address above) has no street gutters, storm drains or city sewer or storm water infrastructure. There are no ditches or culverts for water run-off. Therefore, I do not think I should be charged for this city service.

Please attach sheet or documentation for additional information.

 1/24/24
Signature Date

* Deadline to submit -July 31st of the current year.

For Office Use Only	Yes	No	Comment
Administrative Adjustment	<input type="checkbox"/>	<input type="checkbox"/>	_____
Forward to Council	<input type="checkbox"/>	<input type="checkbox"/>	_____
Council Action	<input type="checkbox"/>	<input type="checkbox"/>	_____

CHAPTER 53: STORM WATER MANAGEMENT UTILITY

Section

- 53.01 General operation
- 53.02 Surface water management utility equations
- 53.03 Surface water management fee
- 53.04 Credits
- 53.05 Exemptions
- 53.06 Statement of surface water management charges
- 53.07 Appeal of fee
- 53.08 Delinquent payments
- 53.09 Annual certification of delinquent accounts

§ 53.01 GENERAL OPERATION.

(A) The municipal surface water system shall be operated as a public utility (hereinafter called the surface water management utility), pursuant to M.S. § 444.075, as it may be amended from time to time, from which revenues will be derived subject to the provisions of this chapter and Minnesota Statutes.

(B) In general, revenue from the surface water utility shall be used for preparation of a Surface Water Management Plan, maintenance of existing ditches, culverts, pond, and storm sewers, capital improvement in developed areas, equipment, planning, inventories, and water quality improvements, including weed control.

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)

§ 53.02 SURFACE WATER MANAGEMENT UTILITY EQUATIONS.

The utility charge (UC) shall be reviewed and determined annually by the City Council. The utility equation for various land uses to determine the surface water management fees are assigned as follows.

<i>Property Class Code</i>	<i>Current Land Use</i>	<i>Utility Factor</i> <i>(multiplied by the utility charge (UC))</i>
151-208,402	Residential	1.0 * UC per Lot
101-111, 401	Agricultural	3.0 * UC ÷ 40 * Total Acres
210	Manufactured Home Park	0.52 * UC per Acre
230, 231, 233-241	Commercial/Industrial	3.08 * UC per Acre
250-252	Vacant Land	0.15 * UC per Acre
232	Golf/Park	0.35 * UC per Acre
900-999	School/Church	1.12 * UC per Acre

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)

§ 53.03 SURFACE WATER MANAGEMENT FEE.

Surface water management fees shall be established for a period of time as set by City Council resolution.

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)

§ 53.04 CREDITS.

Surface water management fee adjustment credits.

(A) The City Council, upon report and recommendation of the City Administrator, Finance Director and Public Works Director, shall apply a credit to a property owner's surface water management fee provided the property owner has contributed to the management of surface water through intentional acts of retaining or re-using surface water to have a minimal impact on the municipal surface water management system or surface waters of the State of Minnesota. The Council may apply a 25% to 75% credit based on the property owner's employment of surface water retention practices in accordance with § 150.277. These practices include the installation of:

- (1) Rain barrel;
- (2) Rain garden;
- (3) Retention pond;
- (4) Swales, ditches or man-made watercourses;
- (5) Riparian area plantings;
- (6) Other practices that may be deemed as intentional detention of surface water run-off.

(B) The City Council, may grant a one-time or ongoing credit based the effectiveness of the surface water retention as it relates to the management of the municipal surface water management system as a whole. For practices, such as rain gardens constructed in the adjacent right-of-way, the City Council may grant an ongoing credit in exchange for the adjacent property owner's participation in the maintenance of the surface water retention device. This credit will not exceed 50% of the annual surface water management fee.

(C) The City Council, upon the report and recommendation of the City Administrator and Finance Director, may apply a financial hardship credit of no greater than 75% based on a review of the property owner's ability to pay.

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011; Am. Ord. 12-057, passed 5-15-2012)

§ 53.05 EXEMPTIONS.

The following land uses are exempt from the surface water management fee:

- (A) Public right-of-way;
- (B) Parks;
- (C) Lakes; and
- (D) Railroad property.

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)

§ 53.06 STATEMENT OF SURFACE WATER MANAGEMENT CHARGES.

Statements for the preceding yearly surface water management service shall be mailed to each customer on or before March 5.

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)

§ 53.07 APPEAL OF FEE.

(A) If a property owner or person responsible for paying the surface water management fee believes that a particular assigned fee is incorrect, the person may request that the fee be recomputed.

(B) Appeals will be heard once a year, in a manner determined by the Council in accordance with the schedule established for credit applications, in established city policy.

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)

§ 53.08 DELINQUENT PAYMENTS.

A penalty equal to \$5 or 10% of the amount due, whichever is greater, shall be added to accounts not paid in full on or before May 1.

(Ord. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)

§ 53.09 ANNUAL CERTIFICATION OF DELINQUENT ACCOUNTS.

(A) Each year the city staff shall prepare a list of delinquent surface water management service charge accounts, including accrued penalties thereon, in the form of an assessment roll.

(B) On or before October 1 of each year, the City Council shall review the delinquent surface water management 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. 97-122, passed 7-15-2003; Am. Ord. 08-041, passed 4-5-2011)