

LAUDERDALE CITY COUNCIL MEETING AGENDA

TUESDAY, FEBRUARY 22, 2005

CITY HALL, 7:00 P.M.

The City Council is meeting as a legislative body to conduct the business of the City according to ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL. Unless so ordered by the Mayor, citizen participation is limited to the times indicated and always within the prescribed rules of conduct for public input at meetings.

1. **CALL MEETING TO ORDER AT 7:00 P. M.**

2. **ROLL:**

Councilmembers:

McCloskey _____ Christensen _____
Gill-Gerbig _____ Giannetti _____
Mayor Dains _____

Staff:

Bownik _____

3. **APPROVAL OF THE AGENDA**

4. **APPROVAL**

- A. Approval of minutes of 2/8/05 City Council Meeting
- B. Approval of claims totaling \$ 63,498.84

5. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE COUNCIL ON ITEMS NOT ON THE AGENDA**

Any member of the public may speak at this time on any item NOT on the agenda. In consideration of the public attending the meeting for specific items on the agenda, this portion of the meeting will be limited to fifteen (15) minutes. Individuals are requested to limit their comments to four (4) minutes or less. If the majority of the Council determines that additional time on a specific issue is warranted, then discussion on that issue shall be continued under Additional Items at the end of the agenda. Before addressing the City Council, members of the public are asked to step up to the microphone, give their name, address and state the subject to be discussed. All remarks shall be addressed to the Council as a whole and not to any member thereof. No person other than members of the Council and the person having the floor shall be permitted to enter any discussion without permission of the presiding officer. Your participation, as prescribed by the Council's ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL, is welcomed and your cooperation is greatly appreciated.

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS/ CITIZENS ADDRESSING STREET AND UTILITY IMPROVEMENTS

8. INFORMATIONAL PRESENTATIONS

- A. Annual Storm Water Meeting- NPDES Phase II Permit

9. PUBLIC HEARINGS

Public hearings are conducted so that the public affected by a proposal may have input into the decision. During hearings, all affected residents will be given an opportunity to speak pursuant to the ROBERT'S RULES OF ORDER AND THE STANDING RULES OF ORDER AND BUSINESS OF THE CITY COUNCIL.

10. REPORTS

- A. Replacement of the City Administrator Update

11. ACTION

12. DISCUSSION

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

15. SET AGENDA FOR NEXT MEETING

16. WORK SESSION DISCUSSION

- A. Expressions of Sympathy
- B. Enforcement of Parking Rules

17. ADJOURNMENT

**Lauderdale City Council
Meeting Minutes
February 8, 2005**

1. Meeting called to order at 7:05 P.M.

2. ROLL

Council present: Giannetti, Christensen, McCloskey, Gill-Gerbig and Mayor Dains

Staff present: Acting City Administrator Bownik, Deputy Clerk Walsh

3. APPROVAL OF THE AGENDA

A. Approval of Agenda. Motion by McCloskey, second by Christensen to approve the agenda. Roll: Yes: all. Motion carried.

4. APPROVAL

A. Approval of Minutes. Motion by Gill-Gerbig, second by Giannetti to approve the minutes of the January 25, 2005 City Council meeting. Motion carried unanimously.

B. Approval of Claims totaling \$34,541.77. Motion by Giannetti, second by Christensen to approve the claims totaling \$34,541.77. Motion carried unanimously.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS ITEMS NOT ON THE AGENDA

6. CONSENT

7. SPECIAL ORDER OF BUSINESS/RECOGNITIONS/PROCLAMATIONS

A. Mary Croteau. The Mayor expressed the City's sympathies on the passing of Mary Croteau. Mary was an active leader of the Park and Community Involvement Committee and a valuable volunteer. Mary was wonderful to work with and will be missed.

*B. Snow*Commotion.* Council member Giannetti stated that the new and improved Snow*Commotion was successful and well attended this year. The medallion hunt was held at the park, with the rest of the activities occurring at City Hall, which worked out well since the unseasonably warm weather created a lot of standing water by the warming house. New activities this year included a book sale and a chili feed, with the horse and buggy traveling between City Hall and the park. She thanked the Committee and the staff involved in planning the event.

8. INFORMATIONAL PRESENTATIONS

9. PUBLIC HEARINGS

10. REPORTS

11. ACTION

A. Replacement of the City Administrator- Contracted Search Assistance.

The City Council listened to presentations from two search consultants to assist the City in the process of finding a new City Administrator. Sharon Klumpp, Vice President of Springsted, proposed a base price of \$9,600, which could be adjusted depending on the City's needs. Wally Wysopal, City Manager of North St. Paul, proposed a cost not to exceed \$5,625. The City Council discussed the two proposals, which offered similar services but differed in price.

Motion by Christensen, second by McCloskey to accept the proposal presented by Wally Wysopal to assist in the City Administrator search, not to exceed \$5,625. Roll: Yes. All. Motion carried.

B. 2004 Year-End Financial and Investment Report

Acting City Administrator Bownik stated that this report highlights revenue and expenditure activity in 2004 prior to the completion of the financial statements and the audit. The report also included investment information for the year 2004.

Motion by Gill-Gerbig, second by Giannetti to approve the Year-End 2004 Financial and Investment Report as presented. Roll: Yes: all. Motion carried.

12. DISCUSSION

13. ITEMS REMOVED FROM THE CONSENT AGENDA

14. ADDITIONAL ITEMS

A. Sound Quality of Meetings. Mayor Dains stated that he had received some complaints regarding the sound quality from residents watching the meetings. Acting City Administrator Bownik suggested that the cable commission be consulted to help troubleshoot problems and suggest improvements

B. Mississippi Watershed Management Organization (MWMO). Council member Gill-Gerbig informed the City Council and staff that the MWMO has moved their offices from downtown Minneapolis to Lauderdale. They are settling in at a location on Larpentour Avenue next to Rapit Printing.

15. SET AGENDA FOR NEXT MEETING

1. Annual Storm Water Meeting- NPDES Phase II Permit
2. Replacement of the City Administrator Update

A break was taken at 8:02 p.m. to transition into a work session discussion.

16. WORK SESSION DISCUSSION

The meeting resumed at 8:07 p.m.

A. Replacement of the City Administrator- Contracted Search Assistance. The City Council discussed aspects of the City Administrator search with Mr. Wysopal.

B. Park Improvements. The City Council discussed the future of the tennis courts, as well as possible ways to honor people such as Mary Croteau and Nora Gille. The City Council directed staff to consult the Park and Community Involvement Committee regarding whether or not to reapply this year for the tennis court grant.

17. ADJOURNMENT

Motion by Gill-Gerbig, second by Christensen, to adjourn at 10:06 P.M. Ayes: All.

CITY OF LAUDERDALE

Claims for Approval

February 8, 2005 City Council Meeting

Payroll

02/11/05 Payroll:	Check # 7756-7762	\$5,071.22
02/11/05 Payroll:	EFT: Federal Withholding Taxes/FICA	\$2,165.68
02/11/05 Payroll:	EFT: PERA	\$886.61
02/11/05 Payroll:	EFT: ICMA Retirement Fund	\$1,870.38

Vendor Claims

02/22/05 Claims:	Check # 17343-17372	\$53,504.95
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Subtotal of Claims From Above

\$63,498.84

Total Claims for Approval

\$63,498.84

CITY OF LAUDERDALE

02/17/05 8:08 PM

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Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name AT & T				
017343	2/22/05	022205claims 2/22/05	\$2.70	2/05 long distance
Search Name AT & T			\$2.70	
Search Name CINTAS				
017344	2/22/05	022205claims 2/22/05	\$53.26	2/10, 2/17 pw uniforms
Search Name CINTAS			\$53.26	
Search Name CITY OF FALCON HEIGHTS				
017345	2/22/05	022205claims 2/22/05	\$12,897.51	2005 base rate fire contract
Search Name CITY OF FALCON HEIGHTS			\$12,897.51	
Search Name CITY OF ROSEVILLE				
017346	2/22/05	022205claims 4764	\$328.16	jan, feb technical services
Search Name CITY OF ROSEVILLE			\$328.16	
Search Name CITY OF ST ANTHONY				
017347	2/22/05	022205claims 1309	\$20,601.58	3/05 police services
Search Name CITY OF ST ANTHONY			\$20,601.58	
Search Name CITY OF WHITE BEAR LAKE				
017348	2/22/05	022205claims 4848	\$232.00	2005 ramsey co gis users group
Search Name CITY OF WHITE BEAR LAKE			\$232.00	
Search Name EHLERS & ASSOCIATES				
017349	2/22/05	022205claims 23520	\$375.00	larpenteur ave corridor
Search Name EHLERS & ASSOCIATES			\$375.00	
Search Name ESCHELON TELECOM, INC				
017350	2/22/05	022205claims 2/22/05	\$236.29	2/05 city hall phone
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Search Name EUREKA RECYCLING				
017351	2/22/05	022205claims 509	\$3,736.26	1/05 recycling, bins
Search Name EUREKA RECYCLING			\$3,736.26	
Search Name GLENWOOD INGLEWOOD				
017352	2/22/05	022205claims 2/22/05	\$54.02	1/05 water delivery
Search Name GLENWOOD INGLEWOOD			\$54.02	
Search Name HERMAN, GORDON				
017353	2/22/05	022205claims 2/22/05	\$500.00	snowcommotion horse & buggy
Search Name HERMAN, GORDON			\$500.00	
Search Name HUGHES & COSTELLO				
017354	2/22/05	022205claims 2/22/05	\$850.00	2/05 legal retainer
017354	2/22/05	022205claims 2/22/05	\$64.25	2/05 legal retainer
Search Name HUGHES & COSTELLO			\$914.25	

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Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name KVALBEIN, JULIANE				
017355	2/22/05	022205claims 2/22/05	\$14.97	snowcommotion supplies
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Search Name LILLIE SUBURBAN NEWS				
017356	2/22/05	022205claims 2/22/05	\$639.76	1/05 deliver rv review
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Search Name MET-COUNCIL ENVIRONMENTAL SER.				
017357	2/22/05	022205claims 789754	\$8,262.57	3/05 wastewater services
Search Name MET-COUNCIL ENVIRONMENTAL SER.			\$8,262.57	
Search Name MUNICIPAL/COMMERCIAL SEWER				
017358	2/22/05	022205claims 1952	\$495.00	jet sewer main at eustis and ione
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Search Name NAPA AUTO PARTS				
017359	2/22/05	022205claims 397498	\$31.26	fluids for truck
Search Name NAPA AUTO PARTS			\$31.26	
Search Name NORTH STAR BANK, PETTY				
017360	2/22/05	022205claims 2/22/05	\$25.00	snowcommotion medallion prize
017360	2/22/05	022205claims 2/22/05	\$33.62	kw mileage
017360	2/22/05	022205claims 2/22/05	\$29.35	snowcommotion supplies
017360	2/22/05	022205claims 2/22/05	\$5.99	snowcommotion supplies
Search Name NORTH STAR BANK, PETTY			\$93.96	
Search Name OFFICE MAX				
017361	2/22/05	022205claims 3067j006	\$84.16	general office supplies
Search Name OFFICE MAX			\$84.16	
Search Name PARK HARDWARE HANK				
017362	2/22/05	022205claims 2/22/05	\$43.51	plumbing supplies
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Search Name QWEST				
017363	2/22/05	022205claims 2/22/05	\$54.57	2/05 warming house phone
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Search Name RAMSEY COUNTY, PROP REC & REV				
017364	2/22/05	022205claims risk800	\$1,101.21	2/05 health benefits
Search Name RAMSEY COUNTY, PROP REC & REV			\$1,101.21	
Search Name RAPIT PRINTING				
017365	2/22/05	022205claims 105845	\$167.30	print 1q05 newsletter
Search Name RAPIT PRINTING			\$167.30	
Search Name SAM'S CLUB				
017366	2/22/05	022205claims 2/22/05	\$90.00	'05 member dues
017366	2/22/05	022205claims 2/22/05	\$133.45	snowcommotion supplies

CITY OF LAUDERDALE

02/17/05 8:08 PM

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Vendor Transactions

CHECK Nbr	Check Date	Batch Name Invoice	Amount	Comments
Search Name SAM'S CLUB			\$223.45	
Search Name SPRINT PCS				
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017367	2/22/05	022205claims 2/22/05	\$67.00	1/05 new pw cell phone
Search Name SPRINT PCS			\$134.00	
Search Name ST PAUL REGIONAL WATER SERVICE				
017368	2/22/05	022205claims 2/22/05	\$12.51	4q04 garage water bill
017368	2/22/05	022205claims 2/22/05	\$12.51	4q04 city hall water bill
Search Name ST PAUL REGIONAL WATER SERVICE			\$25.02	
Search Name UNIVERSITY OF MINNESOTA				
017369	2/22/05	022205claims 2/22/05	\$130.00	shade tree seminar
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Search Name WAGERS BUSINESS SYSTEMS				
017370	2/22/05	022205claims CNIN21129	\$236.25	2q05 copier maintenance
Search Name WAGERS BUSINESS SYSTEMS			\$236.25	
Search Name WASTE MANAGEMENT				
017371	2/22/05	022205claims 2/22/05	\$32.00	2/05 garbage service
017371	2/22/05	022205claims 2/22/05	\$32.00	2/05 garbage service
Search Name WASTE MANAGEMENT			\$64.00	
Search Name XCEL ENERGY				
017372	2/22/05	022205claims 2/22/05	\$411.26	1/05 city hall utilities
017372	2/22/05	022205claims 2/22/05	\$137.08	1/05 city hall utilities
017372	2/22/05	022205claims 2/22/05	\$125.02	1/05 city hall utilities
017372	2/22/05	022205claims 2/22/05	\$41.67	1/05 city hall utilities
017372	2/22/05	022205claims 2/22/05	\$133.52	1/05 garage utilities
017372	2/22/05	022205claims 2/22/05	\$44.51	1/05 garage utilities
017372	2/22/05	022205claims 2/22/05	\$14.63	1/05 garage utilities
017372	2/22/05	022205claims 2/22/05	\$4.87	1/05 garage utilities
017372	2/22/05	022205claims 2/22/05	\$121.39	1/05 park utilities
017372	2/22/05	022205claims 2/22/05	\$309.37	jan, feb park utilities
017372	2/22/05	022205claims 2/22/05	\$429.61	1/05 street lighting
Search Name XCEL ENERGY			\$1,772.93	
			\$53,504.95	

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The City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota • 55113

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www.ci.lauderdale.mn.us

LAUDERDALE ANNUAL STORM WATER MEETING FEBRUARY 22, 2005 AGENDA

WELCOME

SUMMARIES *(Acting City Administrator)*

1. NPDES MS4 Phase II Permit Overview
2. Storm Water Pollution Prevention Plan (SWPPP) Overview
3. Status of Compliance with the Permit Conditions – Annual Report
4. Appropriateness of the Best Management Practices (BMP's)
in the SWPPP
5. Progress in Achieving Measurable Goals

OPEN FORUM FOR PUBLIC COMMENT

1. SWPPP Annual Report
2. Adequacy of the SWPPP

TIME FOR REVIEW AND COMMENT ON COMMUNITY SWPPP's

ATTACHMENTS:

1. Frequently Asked Questions for the NPDES Phase II Regulations
2. MS4 Storm Water Program Overview
3. NRDC article – “The Problem of Urban Storm Water Pollution”
4. Lauderdale BMP Lists and Measurable Goals
5. 2004 Small MS4 Annual Report Form



Revised 10/21/02

Frequently Asked Questions (FAQ) Page

Welcome to the Frequently Asked Questions (FAQ) Page for NPDES Stormwater Phase II regulations. We have attempted to put together some of the most common questions people have regarding the Phase II requirements. For many of them, we've given a brief explanation and provided links to allow you to look further into the subject if so desired. Also, be sure to check back periodically since we will be updating this to reflect more recent inquiries related to the permitting process as it unfolds.

Background/Introduction

[What is the NPDES Phase II program?](#)

[Why does this program exist?](#)

Terminology

[What is an MS4?](#)

[What is an Urbanized Area?](#)

[Is there a difference between an individual permit and a general permit?](#)

[When people say NOI, is that the same as a permit application? Is that the same as a SWPPP?](#)

Permit Fundamentals

[Who is required to submit an MS4 permit?](#)

[When do I need to have an MS4 permit submitted?](#)

[Is water quality monitoring required as part of the MS4 permit?](#)

[Are we required to fund our own activities?](#)

[Are we required to fund our own activities?](#)

[Can I take advantage of other programs done by other entities?](#)

[Do the MS4, Construction, and Industrial applications \(NOI\) need to be made at the same time?](#)

Top 3 FAQs

[How much will it cost to comply with the Phase II program?](#)

[What are some common pitfalls in the Phase II application?](#)

[Where can I find more information on the Phase II program or BMPs?](#)

Background/Introduction

What is the NPDES Phase II program?

The National Pollution Discharge Elimination System (NPDES) Phase II program is a federally mandated program established by the Environmental Protection Agency (EPA) to implement and maintain stormwater management activities through a permitting mechanism. The Phase II program consists of three management areas to be regulated:

- MS4 activities
- Construction activities
- Industrial activities

Here is a link to the Minnesota Pollution Control Agency (MPCA) general overview of the Phase II program for a more detailed explanation. [MPCA Phase II Overview](#) (2-pages)

Why does this program exist?

According to a 1996 USEPA Water Quality Inventory, approximately 40% of U.S. waterbodies are impaired and do not meet water quality standards and a large portion of those impaired are due to nonpoint source storm water related problems. This program targets storm water management implementation or reform, seeks to create awareness and change behavior towards the management of storm water runoff to improve the quality and health of the waters of the State.

Terminology

What is an MS4?

An MS4 is a publicly owned and operated Municipal Separate Storm Sewer System. Broadly, any drainage feature, that conveys storm water is considered a storm sewer system including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.

Not all MS4's will need to apply for permit coverage. Look into this EPA fact sheet for a more detailed description. [EPA Fact Sheet 2.1](#) (4-pages)

What is an Urbanized Area?

An Urbanized Area is a demographical boundary established by the U.S. Census Bureau, which generally describes an urban area that has a population of 50,000 people and a density of at least 1,000 per square mile. For a more complete description, here is a link to an EPA fact sheet. [EPA Fact Sheet 2.2](#) (3 pages)

Also, here is a link to maps of the urbanized areas in Minnesota provided by the MPCA. [2000 Census Bureau Maps of Urbanized Areas in Minnesota](#)

Is there a difference between an *individual* permit and a *general* permit?

Yes. An individual permit is one that is submitted directly by the permittee to the EPA.

A general permit is one that is drafted by an EPA designated permitting authority. In Minnesota, the MPCA is the permitting authority (PA). A permittee must submit their Notice of Intent (NOI) to comply with the MPCA general permit.

When people say NOI, is that the same as a permit application? Is that the same as a SWPPP?

The MPCA definition of Notice of Intent (NOI) states to following:

"as referenced in the USEPA documents is synonymous with the term "permit application" for the purposes of this permit."

As part of the NOI/permit application, a summary of the Stormwater Pollution Prevention Program (SWPPP) is required.

Although the complete version of the SWPPP is considered a legally binding document and a specific requirement for permit compliance, only a summary is required to be sent with the NOI/permit application.

Permit Fundamentals

Who is required to submit an MS4 permit?

An MS4 permit is mandatory for any operator of an MS4 within an Urbanized Area. Additional discretionary MS4s will be identified by the MPCA after selection criteria are established and applied.

For the MPCA list of mandatory MS4s which will be required to submit coverage under the general permit click [here](#).

For the MPCA maps of Urbanized Areas in Minnesota click [here](#).

When do I need to have an MS4 permit submitted?

All mandatory MS4s' must submit their Notice of Intent (NOI)/Application to comply with the general permit by March 10, 2003

Is water quality monitoring required as part of the MS4 permit?

No, water quality monitoring is NOT required. The structure of the phase II program has intentionally been left flexible since the EPA realizes the immense differences in climate, infrastructure, existing programs, and demographics for individual cities around the nation.

Are we required to fund are own activities?

Yes, regulated entities are required to develop their own funding for their programs.

Can I take advantage of other programs done by other entities?

Yes. Combining efforts with other entities is strongly encouraged by the EPA and MPCA. A permittee can rely on another entity that may already be implementing a Best Management Practice (BMP) for any of the six minimum control measures. Both SWPPPs will need to document a general description of the BMP including measurable goals and person responsible for executing the work. Also, the EPA is encouraging the entities to develop an "agreement" to ensure that the BMP is being implemented.

Do the MS4, Construction, and Industrial applications (NOI) need to be made at the same time?

No.

Top 3 FAQs

How much will it cost to comply with the Phase II program?

The cost of the Phase II program will vary with each permittee. We understand this is an important issue deserving a more precise response, but the differences between certain city populations, existing programs and geography makes it difficult to answer.

Here is a document that compares two relatively different cities with different philosophies for permit compliance and written by Andy Reese, a member of the LMC NPDES Phase II Guide Plan Team. [NPDES Phase II Cost Estimates](#)

What are some common pitfalls in the Phase II application?

Three common pitfalls during the application for coverage under the general permit include:

- Not starting the application process early enough.
- Not identifying and including existing BMPs within your SWPPP.
- Relying on water quality monitoring as a measurable goal.

Where can I find more information on the Phase II program or BMPs?

More information is available in the "Primer." Visit the [LMC Phase II Storm Water Program section](#) of the LMC web site.

If you have questions or need additional information, please e-mail: phaseII@lmnc.org.



Minnesota
Pollution
Control
Agency

Policy and
Planning
Division
Regular
Facilities and
Site
Remediation
Section

Storm Water Phase II Final Rule

MS4 Storm Water Program Overview

Polluted Storm water runoff is often transported to municipal separate storm sewer systems (MS4s) and ultimately discharged into local rivers and streams without treatment. EPA's Storm Water Phase II Rule establishes an MS4 storm water management program that is intended to improve waterways by reducing the quantity of pollutants that storm water picks up and carries into storm sewer systems during storm events. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles. When deposited into nearby waterways through MS4 discharges, these pollutants can impair the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with the habitat for fish, other aquatic organisms, and wildlife.

In 1990, EPA promulgate rules establishing Phase I of the National Pollutant Discharge Elimination System (NPDES) storm water program. The Phase I program for MS4s requires operators of "large" MS4s, that is, those that generally serve populations of 100,000 or greater, to implement a storm water management program as a means to control polluted discharges from these MS4s. The Minneapolis and St. Paul Storm Water Phase II Rule extends coverage of the NPDES storm water program to certain "small" MS4s but takes a slightly different approach to how the storm water management program is developed and implemented.

What Is a Phase II MS4?

An MS4 if any MS4 not already covered by the Phase I program as a large MS4. The Phase II Rule automatically covers MS4s

Water/Storm Water #1.04, January 2001

located in "urbanized areas" as defined by the Bureau of the Census, and on a case-by-case basis those MS4s located outside of urbanized areas that the NPDES permitting authority designates.

What Are the Phase II MS4 Program Requirements?

Operators of regulated MS4s are required to design their programs to:

- Reduce the discharge of pollutants to the "maximum extent practicable" (MEP);
- Protect water quality; and
- Satisfy the appropriate water quality requirements of the Clean Water Act.

Implementation of the MEP standard will require the development and implementation of BMPs and the achievement of measurable goals to satisfy each of the six minimum control measures.

The Phase II Rule defines a MS4 storm water management program as a program comprising six elements that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving waterbodies.

The six MS4 program elements, termed "minimum control measures," are outlined below.

1. *Public Education and Outreach*

Distributing educational materials and performing outreach to inform citizens about the impacts polluted storm water runoff discharges can have on water quality.



2. *Public Participation/Involvement*

Providing opportunities for citizens to participate in program development and implementation, including effectively publicizing public hearings and/or encouraging citizen representatives on a storm water management panel.

3. *Illicit Discharge Detection and Elimination*

Developing and implementing a plan to detect and eliminate illicit discharges to the storm sewer system (includes developing a system map and informing the community about hazards associated with illegal discharges and improper disposal of waste).

4. *Construction Site Runoff Control*

Developing, implementing, and enforcing an erosion and sediment control program for construction activities that disturb 1 or more acres of land (controls could include silt fences and temporary storm water detention ponds).

5. *Post Construction Runoff Control*

Developing, implementing, and enforcing a program to address discharges of post-construction storm water runoff from new development and redevelopment areas. Applicable controls could include preventative actions such as protecting sensitive areas (e.g., wetlands) or the use of structural BMPs such as grassed swales or porous pavement.

6. *Pollution Prevention/Good Housekeeping*

Developing and implementing a program with the goal of preventing or reducing pollutant runoff from municipal operations. The program must include municipal staff training on pollution prevention measures and techniques (e.g., regular street sweeping, reduction in the use of pesticides or street salt, or frequent catch-basin cleaning).

What Information Must the NPDES Permit Application Include?

The Phase II program for MS4s is designed to accommodate a general permit approach using a permit application. The operator of a regulated MS4 must include in its permit application, its chosen BMPs and measurable goals for each minimum control measure. To help permittees identify the most appropriate BMPs for their programs, there will be a "menu," of BMPs to serve as guidance.

What are the Implementation Options?

The rule identifies a number of implementation options for regulated small MS4 operators. These include sharing responsibility for program development with a nearby regulated small MS4, taking advantage of existing local or State programs, or participating in the implementation of an existing Phase I MS4's storm water program as a co-permittee. These options are intended to promote a regional approach to storm water management coordinated on a watershed basis.

What Kind of Program Evaluation/Assessment Is Required?

Permittees need to evaluate the effectiveness of their chosen BMPs to determine whether the BMPs are reducing the discharge of pollutants from their systems to the "maximum extent practicable" and to determine if the BMP mix is satisfying the water quality requirements of the Clean Water Act. Permittees also are required to assess their progress in achieving their program's measurable goals. If there is an indication of a need for improved controls, permittees can revise their mix of BMPs to create a more effective program.



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Clean Water & Oceans: Water Pollution: In Brief: Fact Sheet

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The Problem of Urban Stormwater Pollution

Polluted runoff rivals (or exceeds!) sewage plants and factories as a source of water contamination.

Our drinking water supplies, shellfishing waters and bathing beaches are fouled by uncontrolled pollution when rainwater and snowmelt wash over city streets, parking lots, and suburban lawns and pick up toxic chemicals, disease-causing organisms, and dirt and trash. This problem is called urban stormwater pollution. Recent studies have found that urban stormwater rivals and in some cases exceeds sewage plants and large factories as a source of damaging pollutants.

Two hundred years of unregulated, unmanaged urban stormwater have contributed to many severe public health problems and expensive natural resource losses in the United States. Left unregulated and uncontrolled, urban stormwater:

- pollutes drinking water sources, filling in reservoirs with clogging silt and oxygen-robbing nutrients and contributing to drinking water emergencies;
- fills in navigable waterways with contaminated sediment, leaving us with increased dredging and spoil disposal costs;
- closes or shrinks lucrative rockfish, shad, flounder, crab, oyster, and other commercial fisheries due to chemical contamination, oxygen starvation, and the resulting loss of habitat;
- fouls beaches and other recreational waters, causing losses in revenues from declines in boating, fishing, duck hunting and coastal tourism;
- scours smaller stream channels and dumps huge gravel and silt loads, ruining fish and amphibian habitat;
- obliterates small streams, springs and wetlands during development (these natural waterbodies are sources of clean ground and surface water and serve as habitat for aquatic life); and
- damages homes and businesses during the flash floods common where stormwater is left uncontrolled

Each of these problems carries heavy costs: increased spending on health care, higher insurance and drinking water rates, declining stocks of commercial fish, and loss of coastal tourism revenues. Americans are spending millions on these symptoms of stormwater pollution instead of trying to control the root cause.

For a collection of case studies documenting some of the most effective strategies being employed by communities around the country to control urban runoff pollution, see [Stormwater Strategies](#).

last revised 11.10.00

Rick Getschow

City Administrator
Lauderdale, MN

MCM #1
Public Education
And
Public Outreach

**Responsible
Persons:**
Rick Getschow
Deputy Clerk
David Hinrichs

- Proposed Actions:**
- ☐ Newsletter
 - ☐ Newspaper articles
 - ☐ City website
 - ☐ Local access cable
 - ☐ Public notice requirements
 - ☐ Information kiosk
 - ☐ Brochures & inserts
 - ☐ Pet waste signage
 - ☐ Full-MCM material
 - ☐ Outside entity coordination

MCM #2
Public
Involvement
And Participation

**Responsible
Persons:**
Rick Getschow
Deputy Clerk
David Hinrichs

- Proposed Actions:**
- ☐ Volunteer partnerships
 - ☐ Citizen advisory commissions
 - ☐ Inter-City partnerships
 - ☐ Community complaint hotline
 - ☐ Annual storm water public meeting

MCM #3
Illicit Discharge
Detection and
Elimination

**Responsible
Persons:**
Rick Getschow
Falcon Hts. FD
David Hinrichs

- Proposed Actions:**
- ☐ Storm sewer system map
 - ☐ Illicit discharge ordinance
 - ☐ Spring clean-up week
 - ☐ Illegal dumping ordinance
 - ☐ Illicit connection ordinance
 - ☐ Spill reduction & response program
 - ☐ Right-to-entry provision
 - ☐ Private sewage disposal ordinance
 - ☐ Illicit discharge inspection

MCM #4
Construction Site
Runoff Control

**Responsible
Persons:**
Rick Getschow

- Proposed Actions:**
- ☐ Site plan review process
 - ☐ Development review meeting
 - ☐ ESC ordinance
 - ☐ Construction site waste control ordinance
 - ☐ Information sheet for developers/contractors
 - ☐ Procedures for site inspection & enforcement

MCM #5
Post Construction
Runoff Control

**Responsible
Persons:**
Rick Getschow

- Proposed Actions:**
- ☐ Post - const. runoff control
 - ☐ Plan review ordinance
 - ☐ Vegetative stabilization
 - ☐ Structural stabilization
 - ☐ Zoning ordinance
 - ☐ Wetland ordinance
 - ☐ Fertilizer ordinance
 - ☐ SWMP
 - ☐ Comp. Plan
 - ☐ Insp. & maint. of storm water BMPs
 - ☐ ordinance
 - ☐ Tree protection program

MCM #6
Pollution
Prevention and
Good

**Responsible
Persons:**
Rick Getschow
David Hinrichs

- Proposed Actions:**
- ☐ Fleet/equipment maint. & oil recycling
 - ☐ Street sweeping
 - ☐ Pond and outfall insp. & cleaning
 - ☐ Struct. pollution devices
 - ☐ inspection & cleaning
 - ☐ Storm drainage sys. inspection, cleaning & maint.
 - ☐ Sanitary sewer maint. & upgrade
 - ☐ Recycling & leaf litter pick-up
 - ☐ Municipal staff training

Memo

Project Name: NPDES Phase II

Client: City of Lauderdale

To: Rick Getschow

File No: 532-02-109

From: Shabana Hameed, Wesley Saunders-Pierce

Date: 3/12/03

Re: BMPs and Measurable Goals (revisions from 2/18/03 meeting)

BMP List and Measurable Goal Options City of Lauderdale NPDES Phase II MS 4 Permit (Revisions from 2nd meeting on 2/18/03)

Introduction

The list of BMPs below is a compilation of existing practices within Lauderdale. The list was gathered from the self-assessment meeting, concise lists, and ordinance review process. For each BMP, we have established possible measurable goals which we feel could be included in the City's Storm Water Pollution Prevention Plan (SWPPP). Since the measurable goals are the determination of BMP completion and effectiveness reported to the MPCA in your annual report, it is important to consider which goals are appropriate.

Best Management Practice		Measurable Goals
MCM 1: Public Education and Outreach		
1	Local access cable channels <ul style="list-style-type: none">• Prepare seasonally appropriate materials	<ul style="list-style-type: none">• Number of storm water related segments aired
2	Newsletter <ul style="list-style-type: none">• Prepare seasonally appropriate articles• Update mailing list	<ul style="list-style-type: none">• Number of educational stormwater articles• Number of times the newsletter is sent out (quarterly)• Number of households
3	Weekly newspaper <ul style="list-style-type: none">• Submit seasonally appropriate articles	<ul style="list-style-type: none">• Number of storm water related articles• Number of households
4	Public information kiosk <ul style="list-style-type: none">• Designated spot on kiosk for posting storm water related material• Recycling & compost• Illicit discharge	<ul style="list-style-type: none">• Number of storm water related articles/brochures posted
5	City website storm water information <ul style="list-style-type: none">• Storm water related material• Upcoming storm water related activities• Access to ordinances• Volunteer opportunities	<ul style="list-style-type: none">• Number of storm water related articles/links• Number of hits

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6	Brochures and inserts <ul style="list-style-type: none"> Storm water related brochures Utility bill inserts 	<ul style="list-style-type: none"> Number of brochures Number of utility inserts
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MCM 2: Public Participation and Involvement

7	Spring cleanup week <ul style="list-style-type: none"> Designate time period Publicize 	<ul style="list-style-type: none"> Completed spring cleanup (y/n) Properties inspected (%) Number of letters generated
8	Community/educational/business partnerships	<ul style="list-style-type: none"> Number of partnerships Projects completed
9	Community complaint call in and receipt procedures <ul style="list-style-type: none"> Establish phone line Publicize availability 	<ul style="list-style-type: none"> Year 1-Complete hotline procedures and receipt documentation Number of complaints Actions taken due to complaints.
10	Public meeting <ul style="list-style-type: none"> 30-day notice 	<ul style="list-style-type: none"> 30 day notice requirement fulfilled Attendance
11	Joint public/City commissions/boards	<ul style="list-style-type: none"> Number of citizens appointed Number of boards/commissions
12	Inter-City city/watershed partnerships (based on shared interest/resource)	<ul style="list-style-type: none"> Cooperative efforts

MCM 3: Illicit Discharge and Detection

13	Storm sewer map <ul style="list-style-type: none"> Location of pipes & conveyances Location of all water bodies and wetlands Location of structural pollution devices (grit chambers) Location of outfalls and other discharge points 	<ul style="list-style-type: none"> Year 1- Evaluation/verification Year 2- In process Year 3- 100% complete Update completed (y/n)
14	Spill reduction and response program <ul style="list-style-type: none"> Spill kits Spill response training 	<ul style="list-style-type: none"> Contracted to Falcon Heights Fire Dept. (y/n) Emergency Management Plan exists (y/n)
15	Community complaint call in and receipt procedures <ul style="list-style-type: none"> Establish phone line Publicize availability 	<ul style="list-style-type: none"> Year 1-Complete hotline procedures and receipt documentation Number of complaints. Actions taken due to complaints
16	Illicit discharge inspection <ul style="list-style-type: none"> Inspection of outfalls (min. 20%) Dry weather flow observation 	<ul style="list-style-type: none"> Completed (y/n)
17	Illegal dumping ordinance <ul style="list-style-type: none"> Enforcement clause Penalty clause 	<ul style="list-style-type: none"> Year 1- Evaluate existing ordinances Year 2- Develop ordinance language, consult attorney Year 3 – Implement ordinance
18	Illicit discharge ordinance <ul style="list-style-type: none"> Enforcement clause Penalty clause 	<ul style="list-style-type: none"> Year 1- Evaluate existing ordinances Year 2- Develop ordinance language, consult attorney Year 3 – Implement ordinance

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19	Right to entry provision	<ul style="list-style-type: none"> Completed ordinance (y/n)
20	Sanitary sewer program	<ul style="list-style-type: none"> Inventory of existing system (y/n) Length of pipe cleaned Length of pipe replaced Contingency plans in the event of sewer backup (y/n)
21	Septic systems prohibited	<ul style="list-style-type: none"> Ordinance complete (y/n)
MCM4: Construction Site Runoff Control		
22	Community complaint call in and receipt procedures <ul style="list-style-type: none"> Establish phone line Publicize availability 	<ul style="list-style-type: none"> Complaints received Violations recorded Inspections done as follow up Actions taken Number of stop work orders issued
23	Site plan requirement and review process	<ul style="list-style-type: none"> Site plan review requirements exists (y/n) Year 1 – Review existing procedures Review standards in place Number of plans reviewed
24	Development review meeting/pre-construction meeting (?)	<ul style="list-style-type: none"> Number of plans reviewed ESC brochures distributed
25	Minimum erosion and sediment control BMPs <ul style="list-style-type: none"> BMPs listed Linked with MPCA minimum standards On-site waste control 	<ul style="list-style-type: none"> Minimum standards exist/referenced (y/n) Waste control requirement (y/n)
26	Performance Bond/Letter of Credit	<ul style="list-style-type: none"> Number of occasions when performance bond money was used for ESC work.
27	ESC Inspection Program	<ul style="list-style-type: none"> Number of stop work orders issued Number of inspections
28	ESC Ordinance <ul style="list-style-type: none"> Plan review 1 acre or > permit requirement Provision for inspection Bonding & security Enforcement procedure & penalty clause Minimum ESC BMPs listed 	<ul style="list-style-type: none"> Completed ESC ordinance (y/n) Ordinance connection with SWMP (y/n) Year 1- Evaluate existing ordinances Year 2- Develop ordinance language, consult attorney, implement ordinance
MCM 5: Post-Construction Site Runoff Control		
29	Plan review <ul style="list-style-type: none"> Detention ponds Infiltration BMPs Filtration BMPs Manufactured BMPs Connections with MPCA's "Protecting Water Quality in Urban Areas" standard. Connection with SWMP 	<ul style="list-style-type: none"> Plans reviewed (#) BMPs in place (#) Standards in place (y/n)
30	Vegetative stabilization	<ul style="list-style-type: none"> Number of sites vegetated/stabilized

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31	Structural stabilization	<ul style="list-style-type: none"> • Number of outlets stabilized • Number of sites where riprap or any other form of stabilization was used
32	BMP Operation & maintenance (ordinance)	<ul style="list-style-type: none"> • Number of maintenance agreements • Number of violations recorded
33	Wetland ordinance	• Ordinance completed (y/n)
34	Pet waste ordinance	• Ordinance completed (y/n)
35	Lawn fertilizer ordinance	• Ordinance completed (y/n)
36	Zoning Ordinance	• Completed zoning ordinance (y/n)
37	Storm water management ordinance	• Completed storm water management ordinance (y/n)
38	Storm/Surface Water Management Plan	<ul style="list-style-type: none"> • Date; completed (y/n) • Date; updated (y/n)
39	Comprehensive Plan	• Comprehensive Plan updated (y/n); date
40	Tree protection program <ul style="list-style-type: none"> • Staff • Ordinance • Policy regarding planting • Policy regarding diseased trees) • Tree Inspector • Tree planting commission 	• Program in place

MCM 6: Pollution Prevention/Good Housekeeping

41	Equipment Maintenance Program <ul style="list-style-type: none"> • Equipment maintenance schedule • Fleet maintenance schedule • Oil recycled 	<ul style="list-style-type: none"> • Equipment maintained (y/n) • Fleet maintained (y/n) • Oil recycled (y/n)
42	Street sweeping <ul style="list-style-type: none"> • Licensed contractor • Priority areas 	• Number /length of street swept
43	Outfall, sediment basins and ponds inspections <ul style="list-style-type: none"> • 20% minimum each year on a rotating basis 	<ul style="list-style-type: none"> • Number inspected • Number cleaned/sediment removed
44	Structural pollution devices inspection (annual) <ul style="list-style-type: none"> • Manholes, grit chambers, floatable skimmers and traps, separators and other settling or filtering devices 	<ul style="list-style-type: none"> • Number inspected • Number cleaned/sediment removed
45	Storm water system maintenance (annual)	<ul style="list-style-type: none"> • Conveyance system inspection (where possible) • Catch basins inspected • List of maintenance actions taken

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Memo

46	Training Programs staff attended <ul style="list-style-type: none"> • External training • In-house training • Brochures/postings on City premises 	<ul style="list-style-type: none"> • Number of training programs offered • Number of training programs attended • Number of brochures • Number of postings
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2004 SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) ANNUAL REPORT – Due March 10, 2005

By completing this annual report form, you are “providing the Minnesota Pollution Control Agency (MPCA) with a summary of your status of compliance with permit conditions, including an assessment of the appropriateness of your identified best management practices and progress towards achieving your identified measurable goals for each of the minimum control measures” as required by the MS4 Permit. Use of this form is not mandatory; however, you must address all the questions and cross reference in a clear format.

Name of MS4: _____
Contact Person: _____
Telephone Number: (_____) _____
Address: _____
<div style="display: flex; justify-content: space-between; margin-top: 10px;"> _____ (city) _____ (state) _____ (zip code) </div>

1. Public Education and Outreach on Stormwater Impacts		
a. Did you hold a public meeting on your Stormwater Pollution Prevention Program (SWPPP)? [Part V.G.1.e]	Yes	No
b. How many individuals attended? _____ c. If you did not comply with this requirement, explain why. Please attach a separate sheet labeled 1c. d. What was the date of the public meeting? _____ e. In what newspaper or publication of general interest did you publish the public notice of your meeting? [Part V.G.1.e.2] _____ f. On what date was it published? _____		
<p><i>NOTE: Please retain a copy of the public notice in your records. You must hold your public meeting before March 10, 2005.</i></p>		
g. You must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff. Please provide a status update concerning your efforts in developing this program. Please provide your response below or attach a separate sheet labeled 1g.		

h. You must specifically implement an education program that individually addresses each Minimum Control Measure:

- 1) Public education and outreach;
- 2) Public participation;
- 3) Illicit discharge detection and elimination;
- 4) Construction site stormwater runoff control;
- 5) Post-construction stormwater management in new development and redevelopment; and
- 6) Pollution prevention/good housekeeping for municipal operations.

Please provide a status update concerning your efforts to implement this education program for each of the Minimum Control Measures. Provide your response below or provide a separate sheet labeled 1h.

2. Public Participation/involvement

- a. During your public meeting, did you receive written and/or oral input on your SWPPP? [Part V.G.2.b.1-3]

Yes No

NOTE: Input must be considered prior to submittal of your annual report.

- b. Did you create a record of comments and your response to comments/record of decision (ROD)?

Yes No

- c. Have you kept the ROD in accordance with the permit? [Part V.G.2.b]

Yes No

- d. Do you plan to incorporate any comments into your next SWPPP update? [Part V.G.2.c]

Yes No

3. Illicit Discharge Detection and Elimination

You must develop, implement and enforce a program to detect and eliminate illicit discharges as defined at 40 CFR 122.26(b)(2) into your SWPPP. You must also select and implement a program of appropriate **BMPs** and measurable goals for this minimum control measure.

- a. You must develop, if not already completed, a storm sewer system map showing the location of:
- 1) Ponds, streams, lakes and wetlands that are part of your system;
 - 2) Structural pollution control devices (grit chambers, separators, etc.) that are part of your system;
 - 3) All pipes and conveyances in your system, as a goal-but at minimum-those pipes that are 24 inches in diameter and over;
 - 4) Outfalls, including discharges from your system to other MS4s, or waters and wetlands that are not part of your system (where you do not have operational control); structures that discharge stormwater directly into groundwater; overland discharge points and all other points of discharge from your system that are outlets, not diffuse flow areas.

Please provide a summary of your efforts in developing this map. Provide your response below or use a separate sheet labeled 3a.

- b. You must, to the extent allowable under law, effectively prohibit, through

ordinance or other regulatory mechanism, non-stormwater discharges from entering into your storm sewer;

- c. You must develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to your system;
- d. You must inform employees, businesses, and the general public in your **MS4** area of hazards associated with illegal discharges and improper disposal of waste;
- e. You must address the following categories of non-stormwater discharges or flows (i.e., illicit discharges), only if you identify them as significant contributors of pollutants to your small **MS4**:

water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, truck and car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water, discharges or flows from fire fighting activities.

Please provide a status update concerning your efforts to meet these permit conditions. Please provide your response below or provide a separate sheet labeled 3b-e.

4. Construction Site Stormwater Runoff Control

You must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to your small **MS4** from construction activities within your jurisdiction that result in a land disturbance of greater than or equal to one acre or is less than one acre but is part of a common plan of development that will be one acre or greater. You must also select and implement a program of appropriate **BMPs** and measurable goals for this minimum control measure, at minimum:

- a. An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under law. These ordinances or regulatory mechanisms must be in place by March 11, 2005;
- b. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices;
- c. Requirements for construction site operators to control waste, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- d. Procedures for site plan review which incorporate consideration of potential water quality impacts;
- e. Procedures for receipt and consideration of reports of non compliance or other

information on construction related issues submitted by the public, and

- f. Procedures for site inspection and enforcement of control measures.

Please provide a status update concerning your efforts to meet this permit condition. Please provide your response below or provide a separate sheet labeled 4.

5. Post-construction Stormwater Management in New Development and Redevelopment

You must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects within your jurisdiction that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale that discharge into your small MS4. Your program must ensure that controls are in place that would prevent or reduce water quality impacts. You must also select and implement a program of appropriate **BMPs** and measurable goals for this minimum control measure. At minimum:

- a. Develop and implement strategies which include a combination of structural and/or non-structural best management practices (**BMPs**) appropriate for your community;
- b. Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under law; and
- c. Ensure adequate long-term operation and maintenance of **BMPs** installed as a result of these requirements.

Please provide a status update concerning your efforts to meet this permit condition. Please provide your response below or provide a separate sheet labeled 5.

6. Pollution Prevention/Good Housekeeping for Municipal Operations

- a. You must develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Training materials that are available from the USEPA, state and regional agencies, or other organizations may be used as appropriate or modified for your community. Your program must include employee training to prevent and reduce stormwater pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and stormwater system maintenance.

Please provide a status update concerning your efforts in developing a Pollution Prevention Plan. Please provide your response below or provide a separate sheet labeled 6a.

b. Did you identify and inspect <u>all</u> of your structural pollution control devices such as trap manholes, grit chambers, sumps, floatable skimmers and separators, etc.? [Part V.G.6.b.2]	Yes	No
c. How many structural pollution control devices do you have in your MS4 system? _____		
d. How many structural pollution control devices did you inspect? _____		
e. Calculate the percentage _____		
<p><i>NOTE: If less than 100 % were inspected, please explain why below or on a separate sheet labels 6e.</i></p>		
f. Did you repair, replace, or maintain any structural pollution control devices?	Yes	No
g. Briefly, summarize any significant unscheduled (not routine) maintenance or improvement activities stemming from inspections of your structural pollution control devices. What changes have been made to your SWPPP as a result? <i>Please explain below or attached a separate sheet labeled 6g.</i>		
h. Did you identify and inspect at least 20% of your outfalls, sediment basins, and ponds? [Part V.G.6.b.3]	Yes	No
1. How many outfalls, basins and ponds do you have? _____		
2. Indicate if this number known or estimated? _____		
3. How many of you outfalls, sediment basins, or ponds did you inspect? _____		
4. What percentage is this? _____		
5. If less than 20% of your outfalls, sediment basins and ponds were inspected, please explain why below or on a separate sheet labeled 6h-5.		
6. Briefly, summarize the dates of completion of major additional protection measures triggered by your inspections. [Part V.G.6.b.4]. <i>Attach a separate sheet if necessary labeled 6h-6.</i>		

7. Additional SWPPP Issues		
a. Did you make a change to any identified best management practices or measurable goals that were submitted with your permit application? [Part V.G.6.b.1] If you responded yes, explain under part b..	Yes	No
b. Briefly list the best management practices using their unique identification numbers you used in your SWPPP or any measurable goals that will be changed in your updated SWPPP, and why they have changed. <i>Attach a separate sheet if necessary labeled 7b.</i>		
c. Did you rely on any other entities to satisfy any portion of your SWPPP? If yes, please identify below the entity and for what activities.	Yes	No
d. Do you discharge to waters with a restricted discharge? See Appendix C Part B; you may view the applicable rules at www.pca.state.mn.us/water/water_mnrules.html . If you need assistance with this determination, contact Keith Cherryholmes at (651) 296-6945	Yes	No
<p><i>If your answer is no, skip ahead to the certification.</i></p> <p><i>If your answer is "yes," please attach the following information below or on a separate sheet labeled 7d.</i></p> <p><i>(No response is needed unless there was a change in listing during 2004)</i></p> <p>a. A map of the watersheds where your MS4 discharges to the waters with restricted discharge. (Use a USGS map or equivalent)</p> <p>b. A narrative estimate of the impervious surfaces where your MS4 discharges to the waters with restricted discharge (estimated total impervious from land use and zoning or existing data can be used if available).</p> <p>c. A narrative estimate of the future / projected impervious surfaces where your MS4 discharges to the waters with restricted discharge (using available zoning or planning information that may affect your future discharges).</p> <p>d. A narrative estimate of how your SWPPP can be altered to eliminate new or expanded discharges to the waters with restricted discharge. This consists of your preliminary plan to avoid, divert, or eliminate discharges to restricted waters, whenever possible.</p>		

Owner or Operator Certification

The person with overall administrative responsibility for SWPPP implementation must sign the annual report. This person must be duly authorized and should be the person who signed the MS4 permit application or a successor.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete (Minn. R. 7001.0070). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (Minn. R. 7001.0540).

Authorized Signature (This person must be duly authorized to sign the annual report for the MS4)

Date

Last Name

First Name

Title

Mailing Address

MN

City

State

Zip Code

()

Telephone (include area code)

E-Mail Address

Please submit your annual report by March 10, 2005 to:

MS4 Stormwater Program
Municipal Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

MEMORANDUM

Date: February 18, 2005
To: Mayor and City Council
From: Wally Wysopal, Search Consultant
Subject: City Administrator Update

The recruitment phase of the process is on schedule. Response to the advertisement has been favorable. Several applications have been mailed and we know that even more have been downloaded from the City's website. Word among the professional association has been positive, too.

Tasks Accomplished

- Reviewed job description
- Developed position profile based on Elected official input
- Developed job application based on key quality components
- Developed targeted marketing letter under Mayor's signature
- Mailed targeted marketing letter to approximately 30 people (Kevin)
- Posted materials on website (Kevin)
- Responded to two application requests (Kevin)
- Promoted position to Hamline students

Next Steps

- Promote recruitment at MAMA meeting 2/24/05
- Continue to respond to application requests
- Begin review of candidates' qualifications as applications are received.
- **Meet with Mayor and Council on March 8 to review applications for the first round.**

March 8 is the targeted date for me to provide a review of candidate qualifications. It would be best to do this at the workshop in a closed meeting as the applications will be non-public information still.

You may call me if you have any questions at 651-755-3280.

CITY ADMINISTRATOR EMPLOYMENT APPLICATION

Completion of this application is required as part of the City's employment process in order to more accurately evaluate your qualifications for the position. You should also include a resume with your application, but please do not list "see resume" as a response to the following questions.

Name: _____

Address _____

Phone: _____

Email: _____

A. Identify your relevant Bachelor degree received:

Institution _____

Degree _____

C. Identify your relevant Masters degree received:

Institution _____

Degree _____

D. List any relevant certificates or training received post high school:

E. Describe your municipal experience (Use a copy of this page for each position you wish to report on, leave blank if none)

[illegible]

F. COMMUNITY INVOLVEMENT

List any relevant involvement you have had in the community such as service organizations, church groups or philanthropic clubs along with any positions of leadership.

1. _____
2. _____
3. _____
4. _____

G. VETERAN STATUS (CIRCLE ONE) YES NO

If you are a qualifying veteran as defined by State law and wish to invoke your preference you must attach a copy of your DD214 with this application for consideration.

NOTICE TO APPLICANTS

The City of Lauderdale appreciates your interest in a position with the City. The City is committed to the policy that all persons shall have equal access to its programs facilities and employment without regard to race, creed, religion, national origin, marital status, disability, status with regard to public assistance, political affiliation, sex, sexual preference or age.

Please be advised that in accordance with Minnesota Statute the following information is considered public data: veteran status; job history; education and training; and work availability. Applicant's names are considered private data except at such time that an applicant is considered as a finalist for public employment. Should you become an employee of the City of Lauderdale, this application will become a part of City personnel records and as such will be subject to all uses and restrictions consistent with the Minnesota Data Privacy Act.

ACKNOWLEDGEMENT

I understand the City of Lauderdale has the right to verify information contained in this application. I authorize the City of Lauderdale and any agent acting on its behalf to investigate all statements contained in this application for employment and any addendum, including, but not limited to, my records maintained by an educational institution relating to academic performance (such as transcripts) as may be necessary to determine my eligibility for employment. Moreover, I hereby release the City of Lauderdale and any agent acting on its behalf from any and all liability by reason of requesting such information from any person or entity.

I certify that answers given herein are true and complete to the best of my knowledge and I understand that, if employed, falsified or misleading statements on this application and addendum or made during an interview, which may be discovered now or anytime in the future, shall be grounds for dismissal. I acknowledge that this document shall not be construed as a contract or offer of employment and understand and agree that, if hired, my employment is for no definite period and may be terminated at any time.

Signature _____ Date _____

City of Lauderdale

Position Profile

The Position

The City Administrator is the chief administrative officer of the City. This position is responsible for the daily administration and coordination of all City affairs in accordance with the Statutory "A" form of government, City Code, ordinances, resolutions, and directives from City Council. The responsibilities of finance, employee supervision and Council relations are essential functions of the position. The position receives assistance from the Assistant to the City Administrator, and Deputy City Clerk.

The Organization

The City has four full-time employees serving in the functional areas of administration, clerk, code enforcement, zoning administration, public works and parks. Services related to police, fire, and water are provided through contracts with other local government agencies.

The Community

An Ideal Location

Lauderdale is an urban island, framed by the University of Minnesota golf course in Falcon Heights on the east, St. Paul on the south, Roseville on the north and Minneapolis on the west. The city's geographic location and layout enhance Lauderdale's appeal and independence. Just minutes from downtown St. Paul, downtown Minneapolis, and from I-94 and other major freeways, the City of Lauderdale is a small town in the middle of a metropolitan area. Measuring slightly less than one-half square mile in area, Lauderdale has retained its independent character, despite its close proximity to larger cities like Roseville, St. Paul, and Minneapolis.

Unique Qualities

Its strongly defined borders have allowed Lauderdale to maintain a small-town atmosphere and strong community base. The advantages of remaining independent include the safe atmosphere, local control and high level of residential interest in the community. Lauderdale's size helps to create a friendly atmosphere in town and produces pride in the community. It also allows community members to have the comfort of knowing many of their neighbors. Lauderdale's citizens clearly recognize the advantages of independence. In a 1994 survey, nearly 3/4 of the respondents affirmed the importance of Lauderdale remaining an independent city. Lauderdale's unique benefits have not gone unnoticed in the larger community, either. In 1997, Lauderdale was rated #1 in a study of the most livable communities in the metropolitan area by WCCO/Channel 4 news.

Population and Demographics

In 2000, the latest year for which census figures are available, Lauderdale's population was 2,364. The largest age group in Lauderdale was 25 to 34 year-olds, which made up about 23% of the population. Lauderdale's abundance of starter homes, townhomes, and apartments along with its convenient location have helped attract young professionals, younger families, students, and employees of the nearby University of Minnesota and Luther Seminary to the city. In 2000, the non-white population of Lauderdale was roughly 22%, a number expected to reflect national trends and increase throughout the 21st century. The number of households in 2000 was 1,150, and the number of persons per household averaged 2.06. Nationally, household sizes are declining due to an increase in single-parent and one-person households.

Council Goals

Capital Improvements

Starting in the spring of 2000, Lauderdale began a major reconstruction of its infrastructure, improving or replacing streets, sanitary and storm sewer, and water mains. These improvements were badly needed since there had been no major public works projects since the original systems were constructed during the 1950s. Improvements have been made and in 2004, only minor developments remain.

Mn/DOT Highway 280 Reconstruction

Expect to see the Minnesota Department of Transportation begin reconstruction along Highway 280 in 2005 from Larpenteur Avenue all the way through Broadway Drive. A sound wall along highway 280 was planned for 2005 as part of the project but has been delayed due to insufficient State funding.

Community Development

Another of the City's goals is to increase the diversity of entities paying taxes within the city. This means bringing in more commercial and industrial businesses to Lauderdale to help reduce the property tax burden on residents, as well as helping existing businesses improve their facilities. Hamline Auto Body and Boyer Ford's Sterling Trucks near Broadway Street and Highway 280 have both completed construction and are fully operational.

New Park Development

In the near future, the City will develop a new park near the corner of Ione and Walnut Streets. In 2004, the Park and Community Involvement Committee applied for a grant for the park that would include benches, a small shelter, a fence, landscaping, signage, and fitness equipment.

Larpenteur Avenue Redevelopment

In 2004, the City received a grant from Ramsey County to study the feasibility of redevelopment along Larpenteur Avenue's commercial corridor. The City plans to meet with consultants and decide whether or not Larpenteur Avenue would be a good fit for a variety of options including mixed use, commercial and residential development.

Housing Improvements

According to the Lauderdale Comprehensive Plan, the City of Lauderdale's most important goals are housing-related. The City identifies encouraging homeowners to maintain and improve their single family homes, improving the quality of rental property within the city and continuing to offer affordable housing to metropolitan area residents as its primary objectives for the near future. Based on these goals, the City will continue to pursue opportunities that offer residents the opportunity to participate in low-interest loan programs for remodeling projects. In 1999, the City began participation in a loan program sponsored by the Minnesota Housing Finance Agency (MHFA) called the "Community Fix-Up Fund." Other loan programs are also available through MHFA. Special loan programs for home additions, remodeling and rehabilitation are periodically available through the Minnesota Housing Finance Agency (MHFA). Call them directly at 651-296-7608 or visit their website at www.mhfa.state.mn.us.

LAUDERDALE YESTERDAY

Lauderdale was originally known as Rose Hill, part of the larger Rose Township, named after Isaac Rose, an "Indian fighter" and trader. Rose Township's borders included parts of what are now Roseville, Falcon Heights, Lauderdale, Minneapolis, St. Paul, and St. Anthony Village. The City of Rose Hill's first settlers were Irish immigrants seeking a new life in America. Throughout the late 1850's, individual families trickled into Rose Hill, slowly creating a community. Shortly after the first European immigrants arrived in Rose Hill, Minnesota became a state, in 1858. Rose Hill joined the large Rose Township in its burgeoning growth, and in 1859, Rose Township organized into a voting precinct. This step allowed Rose Township to elect officers and levy taxes. In 1871, Rose Hill's first school opened, created with the help of Heman Gibbs of Gibbs Farm Museum fame, who donated the land for the school. By 1895, Rose Township had a population of 1,028. The first telephone lines into the area were installed along Eustis Street about 1899.

For the next fifty years, Rose Hill was a town much like any other. Rose Hill's men fought and died in wars, most suffered through the Great Depression, its women received the vote in 1919, and the forces of technology and the automobile slowly changed the city from rural to suburban. On January 21, 1949, Rose Hill officially became the Village of Lauderdale. The Village took its name from William Henry Lauderdale, a Minneapolis land dealer who donated the land for the City's school and park. At the time of incorporation, Lauderdale had a population of about 1,500 people and an area of 270 acres. The first Village boundaries were Roselawn on the north, Fulham on the east, Hoyt on the south, and Emerald (33rd Avenue West) on the west.

The next decade brought a number of changes for Lauderdale. In 1954, Lauderdale expanded, annexing the portion of land between Roselawn and Ryan. In the same year, plans for Highway 280 were approved. In 1956, Lauderdale adopted a "weak mayor-council" form of government. Finally, in April 1961, a \$75,000 bond issue was approved for a new Village Hall.

While the 1950s brought expansion and independence to Lauderdale, the late 1960's and 70's led in the opposite direction. In 1969, Lauderdale abolished the Justice of the Peace

position and in 1973 began contracting outside the city for police service. In 1974, despite a large public outcry, Lauderdale lost its only public school due to a lack of funding and attendance.

However, in the 1980s Lauderdale's path again took a turn for the positive. While the growing presence of the University of Minnesota and the annexation of bordering land brought an end to the possibility of future expansion, Lauderdale simultaneously took on the task of improving its existing territory. The development of the Rosehill Townhomes and Brandychase Condominiums increased the population of Lauderdale, while civic improvements enhanced the quality of life. The 1980s saw the purchase of the city's park from the Roseville School District, along with water and sewer upgrades for many residents. Since then, Lauderdale has placed a priority on maintaining its public land. The park has seen continual updates throughout the 1990s, while the addition of the Lauderdale Nature Area expanded outdoor recreational possibilities for the city's residents.

City of Lauderdale

1891 Walnut Street • Lauderdale • Minnesota 55113

Phone: 651.631.0300 Fax: 651.631.2066

www.ci.lauderdale.mn.us

February 18, 2005

Dear ,

The City of Lauderdale is searching to fill its City Administrator position. I am contacting you - a well established local government professional - seeking your assistance in identifying qualified talent for the replacement.

We call Lauderdale "The Island in the Metro" as it is surrounded by the state's two largest cities and the University of Minnesota golf course. This central location combined with a history of independence creates an appealing place to live and work. Residents identify deeply with their village and may I say strongly support the role of elected and appointed officials like the City Administrator.

Our ambitious work plan requires an Administrator who is hands-on, anticipatory and willing to deliver governmental services on a very personal level. Should you know someone who fits this profile, please pass this letter along. More information regarding the City and the position is available on line at www.ci.lauderdale.mn.us .

On behalf of the Lauderdale City Council, I thank you in advance for your consideration.

Sincerely,

Jeffrey Dains
Mayor

Lauderdale City Council Memorandum

Council Meeting Date: February 22, 2005
To: Mayor and City Council
From: Jim Bownik, Acting City Administrator
Agenda Item: Work Session Discussion Item A



BACKGROUND:

Expressions of Sympathy

With the recent passing of Mary Croteau and Jack Mayers, the City sent a plant to the home of the family to express our sympathies. On Thursday, February 17, Jean Anderson passed away. A card was sent to her husband, Melford, on behalf of the City.

The City Council should discuss who should be sent something on behalf of the City, under what circumstances, what should be sent, and how much should be spent for future reference.

Steve McDonald from Abdo, Eick & Meyers, recommends that the City not spend funds on plants or flowers on behalf of the City because it can be a legal compliance issue. This is because there is no specific authority given to Cities for these types of expenditures.

However, if the City Council wants to continue to send plants or flowers on behalf of the City in certain circumstances, it is recommended that the City Council approve a policy for this purpose.

I have attached pages 3-5, 9-12, and page 20 of a memo from the League of Minnesota Cities that deals with public expenditures for your review.



INFORMATION

a research memo for city officials

215h2.1

November 2002

Public Purpose Expenditures

League of Minnesota Cities

Public Expenditure Highlights

1. On what can cities spend public funds?



Generally, public money may only be spent for purposes that are expressly or implicitly authorized by statutes or by the city's charter. In addition, the expenditure must be for a public purpose. "Public purpose" is not clearly defined, but courts have generally said it is an activity that will benefit the community as a body and that is directly related to functions of government.

2. Can a city spend money for a holiday party for its employees?

Employee parties have been called an improper expenditure of public funds by the state auditor's office, so a conservative answer is "no." However, a celebration could be seen as a type of compensation for employees if it is provided for in the city's personnel policy. Because this area is unclear, city councils should seek guidance from their city attorneys before providing for a holiday party.

3. Can a city spend money to attract businesses?



There are certain statutes in the economic development chapter that give cities different ways to spend money to encourage business development. For a further discussion of economic development, see the League research memo *Valid Public Expenditures* (LMC 215h.2) or contact the League.

4. Can a city spend money on a city celebration?

It depends on the type of celebration. Cities may spend money on some county fairs, memorial day observances, and celebrations that recognize city historical events.

5. Can a city spend money to decorate the city?

Statutory city councils have authority to spend money to provide decorations, signs, plaques, and attached accessories for public streets, buildings, and parks.



6. Can a city spend money to hire a band?

Statutory city councils may spend city funds to provide free musical entertainment. Any city may fund a band, orchestra or chorus if the city gets permission from its voters.

7. Can cities loan money to people?

Generally, cities cannot make loans to people. However, some loans are allowed under various economic development programs and certain types of Housing and Redevelopment Authority revolving loan programs.



8. Can a city spend money on a hospital?

All cities (statutory or home rule charter) may spend money to finance hospitals, nursing homes or related medical facilities. They may also make grants for the use of private, nonprofit or public hospitals that serve the city.

9. Can cities donate money to help during emergencies?

Cities cannot donate money to individuals, but may be able to help other cities recover from a natural disaster under the emergency management statutes. Cities that wish to assist another city should consult with their city attorneys.

10. Can a city donate money to a nonprofit organization?

There is no general authority for donating public money to nonprofit organizations. For a further discussion, see the LMC research memo *Public Purpose Expenditures* (LMC 215h2.1).

11. Can a city spend money to assist a private recreational program?



Generally, no. However, cities may spend money to assist some types of organizations in providing recreational programs that are available to the general public.

12. Can a city spend money to advertise the city?

Generally, cities have authority to advertise. But the type of advertising may be limited, depending upon the size of the city. For more details, see the LMC research memo *Public Purpose Expenditures* (LMC 215h2.1).

13. Can a city donate money or equipment to another city?

There is some limited authority for cities to convey personal property to another public entity. There is still some question about the ability to donate money. For more details, see the LMC research memo *Public Purpose Expenditures* (LMC 215h2.1).

14. What if a city makes an invalid expenditure?



There is no specific punishment outlined by the statutes if a city makes an invalid expenditure. However, the city council could see any one or more of the following occur:

- **Taxpayer lawsuits.** The council could see taxpayer lawsuits. If the taxpayer is successful, the contract might be found to be illegal. Personal liability for the invalid cost might also fall upon the individual councilmembers in some situations.
- **Non-compliance finding by the State Auditor.** The state auditor could find that the city is not in compliance with regard to the city's finances. This could result in future special audits and embarrassment for the city.
- **Public mistrust.** The council could lose the trust of the people in the community.
- **Law changes.** If the violation is substantial, the event could prompt the adoption of more restrictive legislation on public expenditures for all local governments.

15. Where can cities get further information?



The League of Minnesota Cities has other publications that discuss public expenditures, including the research memo *Public Purpose Expenditures* (LMC 215h2.1). Call the League's Research and Information Service for further information at (651) 281-1200 or (800) 925-1122.

Part I. Introduction

This LMC information memo discusses the general criteria that must be met in order for a public expenditure to be valid. It also discusses specific expenditures and whether or not there is specific authority for cities to make them.

This memo is not intended to be an exhaustive list of lawful expenditures. Instead, it addresses the more common expenditures about which cities have questions. A city that has additional questions about the validity of a specific expenditure should contact the League for further information and consider getting a legal opinion from its city attorney or from the attorney general.

Part II. Criteria for valid public expenditures

In order for an expenditure of public funds to be lawful, it should meet *BOTH* of the following standards:

- **Public purpose.** There must be a public purpose for the expenditure.
- **Authority.** There must be specific or implied authority for the expenditure in statute or in the city's charter. Specific authority is usually fairly clear. In contrast, whether authority is implied by a particular statute or charter provision is subject to interpretation. Cities should consult with their city attorneys as to whether authority for a specific expenditure is implied.

Minn. Const. Art. X, § 1

Minn. Const. Art. XI, § 2

Minn. Const. Art. XII, § 1

The Minnesota Constitution requires that taxation must be for a public purpose. It also generally prohibits giving or loaning the credit of the state to aid any individual, association or corporation.

Although a state law may be passed to give a city authority to spend money on various purposes, the Minnesota Constitution prohibits the Legislature from passing any local or special law that authorizes public taxation for a private purpose. Thus, a public expenditure must always be for a public purpose.

Visina v. Freeman, 252 Minn. 177 (1958)

This leads to the question of what is meant by "public purpose." The meaning of "public purpose" is constantly evolving. The Minnesota Supreme Court has followed a liberal approach, and has generally concluded that "public purpose" means an activity that meets *ALL* of the following standards:

- The activity will benefit the community as a body.
- The activity is directly related to functions of government.

City of Pipestone v. Madsen, 287 Minn. 357 (1970)

- The activity does not have as its primary objective the benefit of a private interest.

The Minnesota Supreme Court has also held that the general objective of a public purpose is to promote the following for all of a city's residents:

- Public health
- Safety
- General welfare
- Security
- Prosperity
- Contentment

Minnesota Energy & Economic Dev. Auth. V. Printy, 351 N.W.2d 319 (Minn. 1984)

Although attorney general opinions can be useful for guidance in determining whether a public expenditure is valid, the courts will make the final decision. The proper focus of inquiry for a court is whether the expenditure will benefit the community as a whole and is related to the functions of government.

If an invalid public expenditure is made, the city could find itself dealing with the following problems:

- ***Taxpayer lawsuits.*** The council could have the expense of defending itself in a taxpayer lawsuit. If the taxpayer is successful, the expenditure might be found to be illegal. Personal liability for the expenditure might also fall upon the individual councilmembers in some situations since they have a fiduciary responsibility to spend the public's money for public purpose.
- ***Non-compliance finding by the state auditor.*** The state auditor could find that the city is not in compliance with regard to the city's finances. This could result in future special audits and embarrassment for the city.
- ***Public mistrust.*** The council could lose the trust of the people in the community.
- ***Law changes.*** If the violation is substantial, the event could prompt the adoption of more restrictive legislation on city expenditures for all local governments.

See Part V - *Public Purpose Expenditure Chart*

A later section of this memo contains a checklist cities can use to make a preliminary determination of whether specific expenditures will be a proper use of public funds.

Part III. Common questions on public spending

This section outlines the areas where public officials have often had questions regarding public expenditures. Please note this section is not meant to be an exhaustive list of all permitted city expenditures. Likewise, this section does not list all of the expenditures that are invalid, although several are discussed.

In many statutes, the ability to spend money in a particular way may be limited to certain types of cities. An example of this would be a statute that gives particular spending authority only to statutory cities or only to home rule charter cities.

Minn. Stat. § 410.01

Many statutes give authority for certain expenditures only to cities of a certain class. A city's class is determined by its population. Cities are classified as follows:

- **First class cities.** A first class city has a population over 100,000. (Cities do not generally lose first class status if their population drops below 100,000, unless the population drops more than a certain amount).
- **Second class cities.** A second class city has a population over 20,000, but not more than 100,000.
- **Third class cities.** A third class city has a population over 10,000, but not more than 20,000.
- **Fourth class cities.** A fourth class city has a population that is 10,000 or less.

Home rule charter cities may have additional powers in their city charters in addition to those specifically provided by the statutes. These cities should check their charters for more details. Home rule charter cities may use a general law that applies to statutory cities as authority for many purchases, as long as *ALL* of the following conditions are met:

Minn. Stat. § 410.33

- The city's charter is silent on the particular matter.
- There is no general law that prohibits a city charter from addressing the particular matter.
- There is no general law that expressly provides that a city's charter prevails over general law on the particular matter.

A. Advertising

City officials often ask if they may spend money on advertising. Generally, there is authority for making advertising expenditures. However, sometimes the authority may be limited to a particular kind of advertising.

A.G. Op. (Feb. 10, 1942)

Although cities have authority to spend money on various types of advertising, councilmembers should carefully review these expenditures beforehand to ensure the facts support that it is an advertising expenditure. The attorney general has said that a donation under the guise of advertising is not proper.

A city seeking to make advertising expenditures that are not outlined in this memo should contact the League for further information or consult its city attorney for a legal opinion.

1. Second and third class cities

Minn. Stat. § 469.188

Any second or third class city (whether a statutory city or home rule charter) may levy a tax for the purpose of advertising the following:

- Agricultural resources of the community.
- Industrial business of the community.
- All other resources of the community.

2. Second, third, and fourth class cities

Minn. Stat. § 469.189

The governing body of any second, third or fourth class statutory or home rule charter city may annually appropriate money to advertise the city and its resources and advantages. The money may only be used:

- To advertise the city.
- For cooperative programs of promotion for the area by more than one municipality and its resources and advantages.

3. Statutory cities

Minn. Stat. § 469.186

Part III - HH - *Tourism*.

Any statutory city may spend money to create a bureau of information and publicity for the purpose of furnishing tourists information and for outdoor advertising. In addition, these bureaus can serve the purpose of preparing, publishing, and circulating information and facts concerning the recreational facilities and business and industrial resources of the community.

B. Airports

Minn. Stat. § 360.032

Minn. Stat. § 360.043

Minn. Stat. §§ 360.011-.076

All cities, towns, and counties in Minnesota have the power to acquire, maintain, and operate airports. In addition, cities, towns, and counties may assist other municipalities with powers that those municipalities have under the aeronautics code.

Minn. Stat. § 471.61,
subd. 1

Minn. Stat. § 471.61,
subd. 2a

Minn. Stat. § 471.66

- **Insurance benefits.** Municipalities may insure or protect their officers and employees and their dependents under group health insurance, life insurance, and accident insurance. The city may pay all or any part of the premium or charges on the insurance or protection. Such a payment is deemed to be additional compensation paid to the officer or employee, but is not considered income for the purpose of determining contributions or benefits under a public pension or retirement system. Any city or town may insure or protect its retired officers and employees under a group life, health, accident, medical and surgical benefits, or hospitalization insurance or benefits.
- **Vacation leave.** Any city council may grant paid vacations to its regularly employed employees and officers. Vacation policies may be adopted by ordinance or resolution. The council may determine the terms and conditions under which vacations are granted.

2. Miscellaneous items

Cities often ask if it is proper to spend money on the following miscellaneous items for their officers and staff:

Minn. Stat. § 418.25

See League research
memo *Bonds and Oaths of
City Officers and
Employees* (LMC 65.2)

Minn. Stat. § 471.895

- **Bonds.** City councils may pay to provide fidelity or faithful performance bonds for city officers and employees who are required to furnish them.
- **Flowers.** There is no specific authority for purchasing flowers for a staff member or city official who is ill or has lost a family member. Although city staff might contribute their own money, there is a problem with employees purchasing gifts for a supervisor under the state's gift law. The gift law prohibits a person from giving a gift to an elected or appointed official if the official has the power to make a decision that is of financial interest to the person giving the gift.
- **Recognition events (plaques, dinners, parties).** Cities often ask if they may hold a holiday party for employees. There is no direct statutory authority for cities to spend money on a recognition event for staff.

A.G. Op 59a-22 (Nov. 23,
1966)

The state auditor once criticized a public entity for its practice of providing a brunch for employees who had met certain attendance and performance standards. The attorney general also once concluded that a Christmas party for city employees was not an allowed public expenditure for the following reasons:

- There was no statutory or charter authority to make such an expenditure.
- The public benefit that would result from the proposed social function was too remote and speculative to justify it as being for a public purpose.

Lauderdale City Council Memorandum

Council Meeting Date: February 22, 2005
To: Mayor and City Council
From: Jim Bownik, Acting City Administrator
Agenda Item: Work Session Discussion Item B



BACKGROUND:

Enforcement of Parking Rules

At the September 28, 2004 meeting, the City Council approved a request by Greg Eckert for a handicapped parking sign in front of his residence at 1840 Eustis Street.

Conditions were placed on the approval of the request that must be met or the signs could be removed. Questions have risen as to whether Mr. Eckert is meeting those conditions.

The City Council should discuss whether Mr. Eckert is complying with the conditions of approval and if not, how to address the issue.

