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1 st Reading: August 9, 2021	Publication: August 31, 2021
2 nd Reading: August 23, 2021	Effective: September 30, 2021

Councilmember Lyden moved for adoption of the following ordinance:

**CITY OF LINO LAKES
ORDINANCE NO. 07- 21**

**AN ORDINANCE ESTABLISHING A STORMWATER UTILITY
IN THE CITY OF LINO LAKES
AND AMENDING ORDINANCE NO. 07-20 (THE 2021 FEE SCHEDULE) TO
INCLUDE STORM WATER UTILITY FEE RATES**

The City Council of Lino Lakes ordains:

Section 1. Chapter 404 of the City Code is hereby established as follows:

§ 404.01 FINDINGS

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

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

§ 404.02 GENERAL OPERATION

- (1) The City of Lino Lakes storm water system shall be operated as a public utility (hereinafter called the "Storm Water Utility" or "Utility"), pursuant to Minnesota Statute Section 444.075,

from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes.

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

(3) The Storm Water Utility shall fund the operation, maintenance, repair, and replacement of the storm water system.

(4) The Storm Water Utility shall not be used to fund expansion of the system to accommodate new development.

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

§ 404.03 DEFINITIONS

Best Management Practice (BMP). A storm water practice used to provide water quality treatment or manage storm water runoff. Examples include storm ponds, infiltration basins, rain gardens, etc.

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

Storm Water Utility Fee. The charge developed for each parcel of land pursuant to this chapter, charged quarterly.

Annual Utility Revenue. The revenue amount equal to the estimated annual expenditures for planning and inventories, capital expenditures, personnel and equipment and operation of the storm water utility, in accordance with established City of Lino Lakes policy.

§ 404.04 STORM WATER UTILITY FEES

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

(2) Determination. The storm water utility fee shall be determined based on the total impervious surface coverage throughout the City. Exempt land uses shall be excluded from the computations. The proportion of residential and non-residential impervious coverages shall be

calculated. The total residential fee and non residential fee is determined using the respective impervious proportion and the Annual Utility Revenue.

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

(4) Non-Residential Fee. The non-residential fee is charged per acre of impervious surface to those parcels with Airport, Commercial, Government Facilities, House of Worship, Industrial, Schools, and Utility land uses. Multi-family buildings consisting of three or more units where one or more of the units does not have primary ground floor access to the outside. are included in this grouping.

§ 404.05 CREDITS

The Council may adopt policies, by resolution, for adjustment of the Storm Water Utility Fees. Information to justify a credit adjustment must be supplied by the property owner. Such adjustments of fees shall not be retroactive. Credits will be reviewed by City Staff.

§ 404.06 EXEMPTIONS

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

- (1) Public Road Right-of-Way
- (2) Lakes
- (3) Wetlands
- (4) Permanent Open Space or land covered by a conservation easement
- (5) Agricultural properties with no residence
- (6) Cemeteries
- (7) Vacant Land
- (8) City and County Public Parkland
- (9) Other parcels, such as those owned by entities that are MS4 permittees, as determined on a case by case basis as determined by the City.

§ 404.07 PAYMENT OF FEE

Storm Water Utility Fees shall be billed quarterly. Properties that are not connected to City sanitary sewer and/or water system will be billed annually. The fee shall be due and payable under the same terms as water and sanitary sewer utility bills. Any prepayment or overpayment of charges shall be retained by the City of Lino Lakes and applied against subsequent fees.

§ 404.08 APPEAL OF FEE

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

§ 404.09 PENALTY FOR LATE PAYMENT

Each billing for storm water utility fees not paid when due shall incur a penalty charge of ten percent (10 percent) per billing cycle of the amount past due.

§ 404.10 CERTIFICATION OF PAST DUE FEES ON TAXES

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

Section 2. Amendment of Fee Schedule Approved

Pursuant to § 404.04 Ordinance No. 07-20 (The 2021 Fee Schedule) is hereby amended to include the following rates effective January 1, 2022:

Storm Water Utility Fee Rates	
Land Use	Quarterly Base Rate
Residential	\$12.00 per parcel
Non – Residential	\$175.00 per acre of impervious

Section 3. Effective Date

This ordinance shall be in force and effect from and after its passage and publication according to the Lino Lakes City Charter.

Adopted by the Lino Lakes City Council this 23rd day of August, 2021.

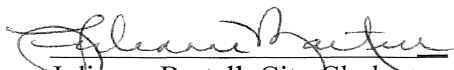
The motion for the adoption of the foregoing ordinance was introduced by Councilmember Lyden and was duly seconded by Councilmember Cavegn and upon vote being taken thereon, the following voted in favor thereof: Lyden, Cavegn, Rafferty

The following voted against same: Stoesz, (Absent – Ruhland)

Whereupon said ordinance was declared duly passed and adopted.


Rob Rafferty, Mayor

ATTEST:


Julianne Bartell, City Clerk