

ORDINANCE NO. 418

AN ORDINANCE ESTABLISHING A STORMWATER DRAINAGE UTILITY

BE IT ENACTED by the City Council of Springfield, Minnesota:

CHAPTER 21.01 ESTABLISHMENT OF A STORMWATER DRAINAGE UTILITY:

(A) *Establishment.* Pursuant to Minn. Stat. §444.075, as it may be amended from time to time, a municipal storm water drainage utility is established for the purpose of funding the construction of, debt service payments on existing and future debt on capital projects related to storm water infrastructure improvement projects, operation and maintenance of the storm water drainage system including but not limited to detention and retention basins, storm sewer pipes, intakes, manholes, curb and gutter, drain tile, ditches, and associated costs of repairs to the storm water drainage system. The storm water utility may also provide a funding mechanism for the following purposes:

1. The administration, planning, implementation, construction, and maintenance of storm water Best Management Practices (BMP's) to reduce the introduction of sediment and other pollutants into local water resources.
2. Education, engineering, inspection, monitoring, testing and enforcement activities necessary to maintain compliance with local, State, and Federal storm water requirements.
3. Public education and outreach on storm water impacts.

B. *Findings and Determination*

1. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a storm sewer system ("the system"). This chapter is adopted in the further exercise of such authority and for the same purpose.

2. The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, maintaining, and operating the system through the imposition of charges as provided in this chapter.

3. In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of operating, maintaining, repairing, and improving the system on the basis of the expected Stormwater runoff from the various parcels of land within the city during a standard rainfall event. For the purposes of this chapter, a standard rainfall event is defined as the one-hundred year storm of one-day duration.

CHAPTER 21.02 STORM WATER DRAINAGE UTILITY FUND

The Storm Water Drainage System shall be considered part of the Street Department. There is hereby created a separate Storm Water Drainage Utility Fund into which all fees collected for the Storm Water Drainage Utility shall be placed and are under the authority and control of the City Council. Revenues may be used to pay for construction of, debt service payments on existing and future debt on capital projects related to storm water infrastructure improvement projects, operation and maintenance of the storm water drainage system including but not limited to detention and retention basins, storm sewer pipes, intakes, manholes, curb and gutter, drain tile, ditches, associated costs of repairs to the storm water drainage system, and other purposes identified in Chapter 21.01 (A).

CHAPTER 21.03 DEFINITIONS.

Unless the context specifically indicates otherwise, the following terms, as used in this chapter, shall have the meanings hereinafter designated:

1. “Single-Family Residential”: The land use classification of parcels with two (2) or less living units.
2. “Multi-Family Residential”: The land use classification of parcels with three (3) or more living units. Examples include apartments, condominiums, and townhomes that share a building with other units.
3. “Small Commercial”: The land use classification of parcels comprising a surface area of less than 20,000 square feet used primarily for business or commerce purposes.
4. “Large Commercial”: The land use classification of parcels comprising a surface area of 20,000 square feet or more used primarily for business or commerce purposes.
5. “Small Institutional”: The land use classification of parcels comprising a surface area of less than 50,000 square feet used primarily by entities that are tax exempt. Examples include schools, nursing homes, churches, and hospitals.)
6. “Large Institutional”: The land use classification of parcels comprising a surface area of 50,000 square feet or more used primarily by entities that are tax exempt. Examples include schools, nursing homes, churches, and hospitals.)
7. “Industrial”: The land use classification of parcels that are primarily used for the commercial production of goods, storage of such goods, and the distribution of products. Examples include manufacturing facilities, trucking companies, grain elevators and other agricultural storage facilities.
8. “Residential Equivalency Factor”: Is referred to herein as “REF”, is the ratio of the accumulated direct runoff generated by the particular land use to the accumulated direct runoff generated by the residential land use.

9. “Surface area”: referred to herein as “SA”, shall be the area of the parcel in acres, subject to any standardization, adjustments or exceptions outlined in this chapter.

10. “Unit Rate” referred to herein as “UR”, is the rate in dollars to be charged per one (1) REF.

CHAPTER 21.04 RATES AND CHARGES

(A). The City Council shall by resolution from time to time establish rates and charges by resolution. Rates and charges for the use and availability of the system shall be determined through the use of a “Residential Equivalent Factor” (“REF”). The charge to be made against each account shall then be determined by multiplying the REF for the account’s land use classification times the unit rate. The REF’s for the Following land uses within the city are as follows:

<i>Land Use Classification</i>	<i>(REF)</i>
Single Family Residential	1.00
Multiple Family Residential	.60 (per unit)
Small Commercial	3.00
Large Commercial	6.00
Small Institutional	5.00
Large Institutional	10.00
Industrial	12.00

(B). For the purpose of calculating storm water drainage charges, all Multiple Family Residential facilities shall be considered a commercial account with each individual unit charged at the Multiple Family Residential rate.

(C). Land uses listed in subsection (3A) shall be classified by the City Manager by assigning them to classes most nearly like the listed uses from the standpoint of runoff volume for the standard rainfall event. An appeal of the City Manager’s determination of the property classification may be made to the City Council.

(D). *Exemptions.* The following land uses are exempt from the storm water utility fees established herein:

A. Property and fixtures owned by the City of Springfield or its component units such as the Public Utilities Commission or Economic Development Authority (except the EDA Parkview Place Apartments and Hospital)

B. Public streets and alley right-of-ways

C. Wetlands and public waters as defined by State law.

D. Undeveloped parcels

E. Publically owned park lands, natural areas, and recreational fields.

F. Railroad right-of-ways

G. Cemeteries.

CHAPTER 21.05 PAYMENT OF CHARGES

(A) The storm water drainage utility charges shall be included on the monthly utility bill. If a property is not receiving a monthly utility bill the charges will be billed monthly to the property owner separately. Payment shall be due and payable in full in the same fashion as the water, sanitary sewer, and electric utility charges. Each billing for storm water drainage fees which are not paid when due shall incur the same penalty charge as that for water, sanitary sewer, and electric utility charges.

(B) Establishment of tax lien. Any past due storm water drainage fees of any year may be certified to the County Auditor for collection with real estate taxes in the following year pursuant to M.S. §444.075, Subd. 3, as it may be amended from time to time, in the same manner as delinquent water, sewer, and electric charges.

(c) Recalculation of Charges. If a property owner or person responsible for paying the storm water drainage charges questions the correctness of such a charge, the person may have the determination of the charge recomputed by written request to the City Clerk. The request shall be made within 30 days of the mailing of the billing in question. If the City Clerk denies the request, the person may appeal to the City Council for a hearing.

21.06. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

21.07. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

21.08. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council this 13th day of July, 2017.

Ayes: Mueller, Helget, and Rothmeier

Nays: Bisel

Lowell Helget, Mayor

ATTEST:_____
Amy Vogel, City Clerk