

ORDINANCE 2020-02

AN ORDINANCE AMENDING THE COKATO CITY CODE
BY ADDING A NEW CHAPTER 53 REGARDING THE
ESTABLISHMENT OF A CITY STORMWATER UTILITY

The city council of the city of Cokato does ordain as follows:

SECTION I. The Cokato City Code is hereby amended by adding a new Chapter 53 as follows:

CHAPTER 53: STORMWATER UTILITY

Section

- 53.1 Findings and purpose
- 53.2 Utility established
- 53.3 Calculation of fee
- 53.4 Billing and payment
- 53.5 Penalties and remedies for delinquencies
- 53.6 Fee appeal
- 53.7 Establishment of fund
- 53.8 Severability

§ 53.01 FINDINGS AND PURPOSE

(A) The purpose of this chapter is for the efficient, economic and safe operation of the city's storm drainage system for the protection of the health, safety and general welfare of the residents of the city of Cokato.

(B) The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. In addition to these funding sources, it is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, establishing, enlarging, replacing, repairing, maintaining, and operating the system through the imposition of charges as provided in this chapter.

§ 53.02 UTILITY ESTABLISHED

A municipal stormwater utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes Section 444.075 from which revenues will be derived subject to the provisions of this chapter and state law.

§ 53.03 CALCULATION OF FEE

(A) Land use classifications; residential equivalency factors. Stormwater drainage fees shall be determined by the following classifications and residential equivalency factors (REFs):

<u>Classification</u>	<u>Typical Land Uses</u>	<u>REF</u>
1	Residential Single Family	1.0
2	Multi-Family Residential	1.3
3	Institutional, e.g. Churches, Nursing Homes, Schools	1.9
4	Commercial/Industrial under 1 acre	2.2
5	Commercial/Industrial over 1 acre	1.8
6	Open Spaces, e.g. Agricultural, Cemeteries, Parks	0.3

(B) Other land uses. Land uses not specifically listed in the foregoing table may be classified by the city by assigning them to the classes most nearly like the listed uses from the standpoint of impervious coverage and run-off produced.

(C) Stormwater utility rate. The stormwater utility rate for classification 1 parcels shall be determined by the city council, from time to time, in the same manner as for other utilities. The fee for parcels other than those in classification 1 shall be calculated using the fee for a classification 1 parcel multiplied by the REF multiplied by the acreage of the parcel. The minimum monthly stormwater utility fee for non-exempt parcels other than those in classification 1 shall be \$1.00 per month.

(D) Adjustment of charges. The city council may by resolution adopt policies providing for the adjustment of charges or credits to charges for parcels or groups of parcels, based upon land use data supplied by affected property owners, which data demonstrates a runoff volume for the standard rainfall event or a pollutant loading substantially different from that being used for the parcel or parcels. Such adjustment or credit will be made by the city council and will not be made effective retroactively.

(E) Exemptions. Public rights-of-way, tax-forfeited properties that have not gone back into private ownership, and city- and county-owned properties shall be exempt from stormwater utility fees.

§ 53.04 BILLING AND PAYMENT

Stormwater utility charges shall be billed with, and included as a charge on, bills issued by the city for water and sewer services. Each meter will be charged separately, example if a classification receives multiple bills, each will be charged at that classification rate. If a parcel of land subject to the stormwater utility is not served by other utilities, a separate bill shall be issued on a quarterly basis.

§ 53.05 PENALTIES AND REMEDIES FOR DELINQUENCIES

All stormwater utility charges shall be due on the date specified by the city for the respective amount and shall be delinquent thereafter. Delinquent accounts will be charged a late fee, which shall be established by the city council from time to time. The late charge will be added to the bill effective with the next billing cycle. The city shall attempt to collect delinquent accounts promptly.

Pursuant to and in accordance with Minnesota Statutes Section 444.075, the city clerk shall prepare an assessment roll each year providing for assessment of any delinquent accounts against the respective properties served. The assessment roll shall be delivered to the city council for adoption on or before the regular city council meeting in November of each year for certification to the county auditor for collection along with taxes. The city shall also have the right to bring a civil action or to take other legal remedies to collect unpaid delinquent accounts.

§ 53.06 FEE APPEAL

If a property owner or person responsible for paying the stormwater utility fee believes that a particular assigned fee is incorrect, such person may request, in writing, that the fee be recomputed. Such request shall be made within 30 days of the mailing of the billing in question. If the aggrieved party is not in agreement with the city's final determination of the fee, he or she may appeal the determination in writing by making a request for a hearing to the city council within 14 days of the staff's determination. A hearing before the city council shall then be scheduled to occur within 45 days of receiving the aggrieved party's request for a hearing. Notice of the hearing must be served on the aggrieved party at least 10 days in advance unless a shorter time is accepted by all parties. Service of the notice shall be by first class mail and will be complete upon mailing. The aggrieved party shall have the burden of proving that the stormwater utility fee for the property in question is incorrect. The decision of the city council is final without any further right of appeal. The property owner may obtain judicial review of the decision of the city council by proceeding pursuant to a writ of certiorari in the appropriate court.

§ 53.07 ESTABLISHMENT OF FUND

All fees collected for the stormwater utility shall be placed in a fund for stormwater purposes. Revenues shall be used to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of the facilities, and all other purposes as permitted by Minnesota Statutes Section 444.075.

§ 53.08 SEVERABILITY

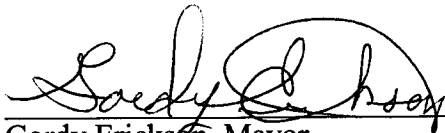
Should any section, subdivision, clause or other provision of this chapter be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the chapter as a whole, or any part thereof, other than the part held to be invalid.

SECTION II. The City of Cokato Fee Schedule for 2020 is hereby amended by adding the following stormwater utility fee:

Stormwater Utility Fee for Classification 1 Parcels

\$6.86 per month

SECTION III. This Ordinance shall take effect after its passage and publication in accordance with law.


Gordy Erickson, Mayor

Attest:


Brad Potter, Administrator