



Request for City Council Committee Action From the Department of Community Planning & Economic Development

Date: November 19, 2013

To: Council Member Sandra Colvin Roy, Transportation and Public Works Committee
Council Member Betsy Hodges, Ways and Means/Budget Committee

Subject: Temporary Sewer Capacity Charge (SAC) Agreement

Recommendation: Authorize the appropriate City officials and staff to execute the final document.

Previous Directives: N/A

Prepared by: Erik Nilsson, Assistant City Attorney

Approved by: Doug Kress, Director of Development Services, CPED

Permanent Review Committee (PRC) Approval Not Applicable

Presenter in Committee: Doug Kress

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the Capital Budget or Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: Action is within the plan. Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Neighborhood Notification: Not applicable

City Goals: A Safe Place to Call Home: the City's infrastructure will be well maintained

Comprehensive Plan: Complies.

Zoning Code: Complies.

Other: Not applicable

Background/Supporting Information

The Upper Mississippi Academy ("UMA"), a Minnesota nonprofit and charter school, seeks to erect temporary modular structures on certain vacant, real property located at Fort Snelling to operate a charter school. The UMA has entered into a lease with the Northern Star Council of the Boy Scouts of America, which owns the property. The UMA's plan is to eventually construct permanent charter school facilities on the site. The UMA desires to obtain temporary sanitary sewer service from the City for these temporary structures.

The City is required to collect the sewer availability charges ("SAC") for this desired service and pay it to the Metropolitan Council Environmental Services ("MCES"). The MCES authorizes the City to collect and pay to MCES a "temporary capacity charge" when a property is put to a temporary use for a period of up to twenty-four (24) months with a potential twelve (12) month extension. Because the location of this property lies outside the City's limits, the City does not have the authority to assess the property for unpaid SAC charges. An agreement between the City, UMA, and Boy Scouts is necessary; therefore, to ensure that the temporary charges are paid and the City has recourse in the event the UMA exceeds the authorized temporary duration and incurs permanent SAC charges for the facility.

This report recommends that appropriate staff be authorized to execute said agreement.