



**Request for City Council Committee Action
From the Department of Public Works**

Date: September 28, 2004
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works
Referral: None
Subject: **Amending Title 19 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal**

Recommendation:

Adoption of a new chapter 510 entitled Stormwater Management System and Operation of a Stormwater Utility.

Previous Directives:

- Decision package approved in the 2003 Budget authorizing the study and implementation of a stormwater utility fee (2002R-469).
- A budgetary footnote approved in the 2004 Budget (2003R-608, jj) for the issuance of a Request for Proposal (RFP) for consulting services to assist with the final two phases (phases two and three) of implementing a stormwater management fee.
- Approval to negotiate and execute a contract with the selected vendor, Black and Veatch, to plan (Phase II) and implement (Phase III) a stormwater utility fee (April 30, 2004).
- July 23, 2004 T &PW: Set public hearing for September 14, 2004 on proposed ordinance amendment.
- September 14, 2004 T&PW: Action on proposed amendment postponed and direction given to Public Works.

Prepared by: John McLain, Public Works Operations Analyst, 673-2990

Approved by: _____
Klara A. Fabry, P.E., Director of Public Works, City Engineer

Presenters: John McLain, Operations Analyst

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
 Action requires an appropriation increase to the Capital Budget
 Action requires an appropriation increase to the Operating Budget
 Action provides increased revenue for appropriation increase
 Action requires use of contingency or reserves
 Other financial impact (Explain):
 Request provided to the Budget Office when provided to the Committee Coordinator

Background/Supporting Information Attached

Within the 2003 Budget, a decision package for \$500,000 was submitted and approved by Council and Mayor, to re-evaluate the feasibility and fund the implementation of a stormwater utility fee.

The Phase I study, of a three-phase process, was conducted during the fall of 2003 and into the first part of 2004. The study evaluated rate model approaches that could be used. The final version of the report was delivered to Council Members and Mayor, on April 30, 2004. Two Council Study Sessions have been held over the past four months. During the May 7, 2004 Study Session an update on the Stormwater Rate Model Project was made to Council. During the August 13, 2004 Study Session a presentation was made to update the Council on the project status and provide them with the proposed ordinance chapter.

The project continues to move forward with Phase II (Implementation Planning) of the project. The consultant, along with Public Works, continue to review the parcel database, analyzing financial requirements including credit system approaches, and drafting rate model administrative duties, as we prepare to provide an implementation plan.

Three open house events were held in the community on August 31, September 1, and September 2, 2004.

The ordinance chapter, as written, allows for a credit mechanism to be developed, implemented and refined in subsequent policy decisions (see Attachment 1).

Transportation and Public Works Committee Sept 14 Direction and Response:

The direction to Public Works from the September 14, 2004 T&PW Committee meeting included the following:

- a) That Public Works work with the Finance Department to determine their ability to handle enacting the stormwater utility at some point after January 1, 2005, as well as estimate the cost of the work that would be necessary;
- b) Return to Committee with a more definitive recommendation on whether to include vacant property in the stormwater utility fee schedule; and
- c) Return to Committee with information regarding the credit systems that are currently in use by other communities across the U.S. as part of their stormwater utilities.

Response to Committee Directive:

- a) The estimated cost to delay the implementation of the stormwater utility is \$75,000; this is not currently in the Mayor's recommended 2005 budget.

There are three components to the implementation of the Stormwater Utility. First is setting up the accounting structure within the Finance Department, second is to set-up stormwater module within the utility billing system and third is to finalize the stormwater database information.

The Finance Department estimated a need for one or two temporary staff for 6 weeks - for as much as \$25,000. The utility billing system set-up costs would not change. The stormwater database (this is a combined database with estimates of impervious area, this data will be 9 months old) will need to be refreshed at an estimated cost of

\$50,000. A mid-year change will also add complexity to financial reporting requirements and will create consultant availability concerns. (For further details please see Attachment 2)

- b) After further review, Public Works now recommends classifying vacant properties as a billable category in the proposed ordinance based on a recent findings that such properties usually have some impervious area – typically a residential garage. (For further details please see Attachment 3)
- c) Credit systems vary widely across the United States. They range from not having a credit system (Seattle, WA) to credit with the stormwater utility fee, to those that are only non residential to those that provide incentives for both water quality and water quantity efforts. For instance, Rochester, Minnesota has a 100% potential credit although everyone still pays a minimum fee. Indianapolis, Indiana offers a 90% potential credit for non residential properties only if they can retain all water in a 100 year rain event.

The proposed ordinance establishes the ability to have a credit system. This provides for future flexibility in modifying the credit system through Council resolution rather than ordinance amendments.

The table below compares the proposed credit system recommendations prior to Sept 10 and the current Public Works credit system recommendations (please note that the 100% proposed credit is our recommendation based on feedback from the September 14 T&PW meeting).

1.43

	Water Quality Efforts	2 yr* & 10 yr** Rain Event for Water Quantity Retention	Up to 100 yr*** Rain Event for Water Quantity Retention
Prior Proposed Credit Level	5%	25%	50%
Sept 28, 2004 Proposed Credit Level	25%	50%	100% (new)

*A typical 2 Year Rain Event is a 24-hour storm event with 2.8 inches of rain or a one hour storm event with 1.43 inches of rain.

**A typical 10 year Rain Event is a 24-hour storm event with 4.2 inches of rain or a one hour storm event with 2.2 inches of rain.

***A typical 100 year Rain Event is a 24-hour storm event with 5.9 inches of rain or a one hour storm event with 3.32 inches of rain.

For further details please see Attachments 4 and 5.

Attachment 2 – Public Works Response to Committee Directives: Mid Year Implementation Costs

Attachment 3 – Public Works Response to Committee Directives: Vacant Property Recommendations

Attachment 4 – Public Works Response to Committee Directives: Stormwater Credit System Overview

Attachment 5 - Public Works Response to Committee Directives: Stormwater Credit System Draft Manual

C: Susan Hartman, Finance Department
Corey Conover, City Attorney's Office
Pat Wrase, Public Works

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By Colvin Roy

Amending Title 19 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal by adding a new Chapter 510 relating to Stormwater Management System and the Operation of a Stormwater Utility.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 510 to read as follows:

CHAPTER 510. STORMWATER MANAGEMENT SYSTEM AND OPERATION OF A STORMWATER UTILITY

510.10. Definitions. In addition to the words, terms and phrases elsewhere defined in this chapter, the following words, terms and phrases as used in this chapter shall have the following meanings:

Bonds means revenue or general obligation bonds, notes, loans or other debt obligations heretofore or hereafter issued to finance the costs of improvements and/or operations and maintenance.

Building permit means a permit issued by the director of inspections that permits construction of a structure.

City means City of Minneapolis, Minnesota.

City council means governing body of the city.

Costs of capital improvements means costs incurred in providing capital improvements to the stormwater management system or any portion thereof including, without limitation, the cost of alteration, enlargement, extension, improvement, construction, reconstruction, testing and development of the stormwater management system; insurance premiums for insurance taken out and maintained during construction, professional services and studies connected thereto; principal and interest on bonds heretofore or hereafter issued, acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise for the stormwater management system or for its protection; and costs associated with purchasing equipment, computers, furniture, etc., that are necessary for the operation of the system or the utility.

Debt service means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, plus (ii) any principal installments payable on the bonds during that fiscal year.

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Developed property means real property, other than undisturbed property; provided that, property used for agricultural uses, upon which no dwelling unit is located, shall not constitute developed property for purposes of this chapter.

Director means the city engineer/director of the public works department for the City of Minneapolis or the director's designee.

Dwelling unit means one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with a single complete kitchen facility, sleeping area and bathroom provided within the unit for the exclusive use of a single household.

Equivalent Stormwater Unit (ESU) means a unit of measure that is equal to the average impervious area of single-family residential developed property that falls within the medium class, with a single-family detached dwelling unit located thereon and within the city's limits, as established by city council resolution or ordinance, as provided for herein.

Equivalent Stormwater Unit rate or *ESU rate* means the storm sewer charge imposed on single-family residential developed property within the medium class, as established by city council resolution or ordinance, as provided herein.

Exempt property means public rights-of-way, public trails, public streets, public alleys, public sidewalks, railroad tracks that are not in railroad yards, and also means public lands and/or easements upon which the stormwater management system is constructed and/or located.

Fiscal year means a twelve-month period commencing on the first day of January of any year or such other twelve (12) month period adopted as the fiscal year of the city.

Impervious area means the number of square feet of hard surface areas that either prevent or retard the entry of water into the soil matrix, as it entered under natural conditions as undisturbed property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undisturbed property, including, but not limited to, roofs, roof extensions, driveways, pavement and athletic courts.

Other residential developed property means developed property upon which two (2) family and/or multi-family dwellings are located.

Non-residential developed property means developed property other than single residential developed property and other residential developed property.

Operating budget means the annual stormwater utility operating budget adopted by the city for the succeeding fiscal year.

Operations and maintenance means, without limitation, the current expenses, paid or secured, of operation, maintenance, repair and minor replacement of the system, as

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calculated in accordance with generally accepted accounting practice, and includes, without limiting the generality of the foregoing, cost of studies related to the operation of the system; costs of the study performed heretofore in relation to establishing storm sewer charges for the stormwater utility and other start up costs of the stormwater utility; costs related to the national pollutant discharge elimination system permit study, application, negotiation and implementation, including public education and outreach, as mandated by federal and state laws and regulations and the costs of obtaining and complying with all other permits required by law, insurance premiums, administrative expenses, equipment costs, including professional services, labor costs and the cost of materials and supplies used for current operations.

Revenues means all rates, fees, assessments, rentals or other charges or other income received by the stormwater utility in connection with the management and operation of the system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with generally accepted accounting practices.

Runoff coefficients means those numbers approved by the city council that are used to estimate the impervious area for each non-single family classified property. A list of the coefficients used for the city is found in Table 1 that is incorporated herein.

Single family residential developed property means developed property upon which single-family detached dwellings are located.

Stormwater charge means a charge authorized by this chapter, Minnesota Statutes 2004, Section 444.075, and other applicable law, and further as set forth in resolution or ordinance heretofore or hereafter adopted or hereafter amended by the city council, which is established to pay operation and maintenance, costs of capital improvements, debt service associated with the stormwater management system and other costs included in the operating budget.

Stormwater management system, sewer system or system means storm sewers that exist at the time the ordinance codified in this chapter is adopted or that are hereafter established and all appurtenances necessary in the maintaining and operating of the same, including, but not limited to pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; wet and dry bottom basins; pocket ponds; multiple pond systems; settling basins; infiltration trenches or basins; filter systems; bioretention areas; dry or wet swales; grass channels; roof top detention; skimming devices; grit chambers and other flood control facilities; and works for the collection, transportation, conveyance, pumping, treatment, controlling, storing, managing, and disposing storm or surface water or pollutants originating from or carried by storm or surface water.

Stormwater utility or utility means the utility created by this chapter to operate, maintain and improve the stormwater management system and for all other purposes, as set forth in this chapter.

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Undisturbed property means real property that has not been altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil matrix is prevented or retarded.

Vacant land means real property upon which there is no structure, as shown in the records of the city assessor's office.

510.20. Creation of stormwater utility. Pursuant to the provisions of Minnesota Statutes 2004, Section 444.075, the city's general home rule powers, its nuisance powers, police powers and all other authorized powers, the city council does establish a stormwater utility and stormwater management system and declares its intention to operate, construct, maintain, repair and replace the stormwater management system and operate the stormwater utility.

510.30. Findings and determinations. The city finds that the elements of the stormwater management system that provides for the collection, conveyance, detention/retention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff, improvement in general health and welfare through reduction of undesirable stormwater conditions and improvement to the water quality in the storm and surface water system and its receiving waters are of benefit and provide services to all property within the city. It is further found, determined and declared that this chapter is in furtherance of and implements the goals and strategies of the local surface water management plan, the annual Combined Sewer Overflow (CSO) report and the city's National Pollutant Discharge Elimination System (NPDES) permit.

510.40. Administration. The stormwater utility, under the supervision of the director, shall have the power to:

- (1) Administer the acquisition, design, construction, maintenance, operation, extension and replacement of the stormwater management system, including real and personal property that is or will become a part of or protect the system.
- (2) Prepare regulations, as needed, to implement this chapter, and forward those regulations to the city council for consideration and adoption, and adopt those procedures, as are desirable, to implement adopted regulations or to carry out other responsibilities of the utility.
- (3) Administer and enforce this chapter and all regulations, guidelines and procedures adopted relating to the design, construction, maintenance, operation and alteration of the stormwater management system, including, but not limited to, the flow rate, volume, quality and/or velocity of the stormwater conveyed thereby.
 - a. Advise the city council on matters relating to the stormwater management system.

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- b. Develop and review plans concerning creation, design, construction, extension and replacement of the system and make recommendations to the city council related thereto.
- c. Inspect private systems, as necessary, to determine the compliance of those systems with this chapter and any regulations adopted pursuant hereto.
- d. Make recommendations to the city council concerning the adoption of ordinances, resolutions, guidelines and regulations to protect and maintain water quality within the stormwater management system in compliance with water quality standards established by state, county, regional and/or federal agencies, as now adopted or hereafter adopted or amended.
- e. Analyze the cost of services and benefits provided by the stormwater management system and the structure of fees, service charges, fines and other revenues of the stormwater utility at least once each year.
- f. Make recommendations to the city council concerning the cost of service and benefits provided by the stormwater management system and structure of fees, service charges, fines and other revenues of the stormwater utility.
- g. Analyze the appropriateness of providing credits against the stormwater charge for owners of property who employ structural or non-structural best management practices or other stormwater management practices on-site that significantly reduce the quantity or improve the quality of stormwater runoff from their property that enters the system and make recommendations to the city council regarding the provision of these credits.
- h. Administer programs established pursuant hereto or pursuant to ordinances, resolutions, regulations or guidelines hereafter adopted by the city council that provide for credits and/or incentives that reduce stormwater charges imposed against properties.

510.50. Operating budget. The city shall, as part of its annual budget process, adopt an operating budget for the stormwater utility for the next following fiscal year. The operating budget shall be prepared in conformance with the state budget law, city policy and generally accepted accounting practices. The initial operating budget commences January 1, 2005, and ends December 31, 2005.

510.60. Stormwater charge. (a) *Stormwater charge established.* Subject to the provisions of this chapter, there is imposed on each and every single-family residential developed property, other residential developed property and non-residential developed property, other than exempt property, and the owner and non-owner users thereof, a stormwater charge. In the event the owner and non-owner user of a particular developed property are not the same, the liability for the owner and non-owner user for the stormwater charge attributable to the developed property shall be joint and

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severable. This stormwater charge shall be determined and set by the provisions of this chapter in accordance with the equivalent stormwater unit (ESU) and equivalent stormwater unit (ESU) rate, which is established by ordinance or resolution of the city council and which may be amended from time to time by the city council.

(1) *Stormwater charge for single-family residential developed property.* Three classes of single-family residential developed property are established to account for the wide range of the amount of impervious area that exists on and the gross parcel area of individual single-family residential developed properties in the city. The three classes and the gross parcel area for each are as follows:

- a. Single-family residential developed property/high – greater than six thousand three hundred twenty-five (6,325) square feet of gross parcel area.
- b. Single-family residential developed property/medium – equal to or greater than 5,486 square feet and less than or equal to six thousand three hundred twenty-five (6,325) square feet of gross parcel area.
- c. Single-family residential developed property/low – less than five thousand four hundred eighty-five (5,485) square feet of gross parcel area.

The stormwater charge for each of these classes shall be as follows:

High --	1.25 % of a ESU
Medium –	1 ESU
Low –	.75 % of a ESU

In the event of a newly constructed dwelling unit, the charge for the stormwater charge attributable to that dwelling unit shall commence upon the issuance of the building permit for that dwelling unit.

(2) *Stormwater charge for other residential developed property.* The stormwater charge for other residential developed property shall be the ESU rate multiplied by the numerical factor obtained by multiplying the gross area of a property by the runoff coefficient for the other residential developed property, as set forth in Table 1. In the event of a newly constructed dwelling unit, the stormwater charge attributable to that dwelling unit shall commence upon the issuance of the building permit for that dwelling unit.

(3) *Stormwater charge for non-residential developed property.* The stormwater charge for non-residential developed property shall be the ESU rate multiplied by the number of ESU's for each individual non-residential developed property. The number of ESU's for each individual non-residential developed property shall be obtained by multiplying the gross area of each individual property by the runoff coefficient for the customer class that is the most

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similar to the use to which that individual non-residential developed property is currently being put, as set forth in Table 1 and then dividing the above product by the ESU, as this ESU is established by City Council resolution or ordinance ($(\text{gross square footage} \times \text{runoff coefficient}) / \text{ESU} = \text{## ESU}$). The minimum stormwater charge for any non-residential developed property shall be in an amount equal to that of one ESU. In the event of newly developed non-residential developed property, the stormwater charge attributable to that development shall commence upon the issuance of the building permit. In the event of additional development to property that is already developed property, the charge for the stormwater charge attributable to that additional development shall commence upon the issuance of the building permit.

(b) *Stormwater charge calculation.* The director shall initially, and from time to time, determine the class of residential developed property into which each individual residential developed property falls to establish the stormwater charge, based on the gross area of the parcel as shown in the single-family records maintained by the city assessor's office. The stormwater charge for other residential developed property and for non-residential developed property in the city shall be calculated as provided for subsection (a)(2) & (3). The director shall make the initial calculation with respect to existing other residential developed property and non-residential developed property and may from time to time change this calculation from the information and data deemed pertinent by the director. With respect to property proposed to be non-residential developed property, the applicant for development approval shall submit square footage impervious area calculations, in accordance with the submission requirements for the application being submitted, as set forth in the applicable section of Title 20 of this Code.

(c) *Stormwater charge credit.* A system of credits, which may reduce the stormwater charge that is imposed, as provided for above, is hereby authorized. A credit may be granted for developed or undeveloped property. The director may grant a credit to those owners or non-owner users of properties, against which stormwater charges are imposed, who employ structural or non-structural best management practices or other stormwater management practices on-site that significantly reduce the quantity or improve the quality of stormwater run-off from their property that enters the system in amounts equal to the percentage of the imposed charge, as established by city council resolution or ordinance. A credit also may be granted in the percentage amount set by said city council resolution or ordinance for properties with respect to which a final plan or final plat has been approved or other final development approval has been granted by the city, on or before the effective date of this ordinance, which requires the construction of an on-site structural or non-structural best management practices or other stormwater management practices that significantly reduce the quantity or improve the quality of stormwater run-off from their property that enters the system, provided that, the practices are constructed and/or operational within one (1) year from the date of the applicable final approval. The credit shall begin in the fiscal year that the practice becomes operational. The credit for the first year, however, shall be prorated to reflect the number of months of the first fiscal year that the practices are operational, where appropriate.

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510.70. Appeal procedure. (a) Owners of residential or non-residential developed property, with respect to which a stormwater charge has been imposed, that disagree:

- (1) with the class into which their single-family residential developed property is placed;
- (2) with the calculation of the stormwater charge;
- (3) with whether their property is benefited by the stormwater utility; or
- (4) with whether their property is entitled to a credit or the continuation of a credit or on the amount of a credit;

may appeal the calculation or finding to a designee of the director by giving written notice of the appeal to the director at the director's customary offices within the (10) days of notice of the that determination.

The director's designee assigned to hear such appeal shall not be a person that is regularly assigned to utility billing or the stormwater utility. Appeals from the calculation or finding to the designee of the director, as delineated herein above are separate and distinct from the billing complaint procedures established by Sections 509.920 and 509.930 of this Code.

(b) The director's designee shall give written notice of the time and place for the review requested, pursuant to subsection (a) hereof, to the appealing owner or non-owner user. The review shall be held within fifteen (15) days of receipt by the director of the written appeal. In addition to any oral presentation, appellant shall state all grounds supporting the appeal in writing, attaching any exhibits, such as photographs, drawings or maps and affidavits that support the claim. In addition, the appellant shall submit a land survey prepared by a registered surveyor showing dwelling units, total property area, type of surface material and impervious area, as appropriate, and any other information that the director shall designate in writing to the appellant. The director may waive the submission of a land survey, if director determines that the survey is not necessary to make a determination on the appeal.

(c) The burden of proof shall be on the appellant to demonstrate, by clear and convincing evidence, that the determination of the director, from which the appeal is being taken, is erroneous.

(d) The filing of a notice of appeal shall not stay the imposition, calculation or duty to pay the stormwater charge. The appellant shall pay the stormwater charge, as stated in the billing.

(e) Within fifteen (15) days of the review, the director's designee shall send a written copy of the designee's decision to the appellant with a copy to the director.

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(f) If the appellant believes this decision is in error, the appellant may file a written request for a review by the city council based on the written record by filing a request with the city clerk with a copy to the director. The request for review shall be reviewed based on the written record by a committee or subcommittee of the city council, or by a person appointed by the city council, or any designated combination thereof, within thirty (30) days of the filing of the request. The report of the committee, subcommittee and/or other reviewer shall be referred to the full council and be acted upon by the full council within thirty (30) days of the review. The decision of the city council on appeal is subject to judicial review, as provided by the laws of the state.

(g) If the director's designee's determines, upon appeal, that appellant should not pay a charge, pay a charge amount less than the amount appealed from, receive a credit or receive a greater credit than the credit appealed from or the city council, upon appeal, so determines, the city shall issue a check to the appellant in the appropriate amount within ten (10) days of the date of the applicable decision, provided the charge has, as required herein, been paid by the appellant.

510.80. Stormwater charge collection. (a) The stormwater charge shall be billed and collected by the city. The stormwater charge shall be shown as a separate item on the billing from the sewer utility charge levied and assessed pursuant to Section 511.290. In the event the owner and non-owner of a particular developed property are not the same, the liability for the owner and non-owner user for the stormwater charge attributable to the developed property shall be joint and severable. The same administrative procedures for special assessments shall be applied to the stormwater charge, as are applied for water use under Chapter 509 of this Code.

(b) Pursuant to Minnesota Laws 1973, Chapter 320, whenever payment remains in default for a stormwater charge, the city council may annually levy an assessment equal to the unpaid costs, including penalty and interest against each developed property that is not exempt property and upon which the stormwater charge is unpaid.

510.90. Stormwater fund. Stormwater charges collected by the city shall be paid into a fund that is hereby created and shall be known as the "Stormwater Fund." This fund shall be used for the purpose of paying costs of capital improvements, administration of the stormwater utility, operation and maintenance and debt service of the stormwater management system and to carry out all other purposes of the utility.

510.100. Equivalent stormwater unit (ESU) rate. The ESU and the ESU rate that is used to determine the charge for each class of residential developed property, other residential developed property and non-residential developed property shall be as established in an ordinance or a resolution heretofore adopted or hereafter adopted by the city council, and as thereafter amended.

510.110. Ordinance components. Should any part of this chapter be declared invalid by a court of competent jurisdiction, the remaining portions hereof shall not be affected and shall remain in full force and effect.

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510.120. Severability. In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter, which shall remain in full force and effect.

Table 1 - Ordinance

LANDUSE	Range
Bar- Rest.- Entertainment	.60 - .75
Car Sales Lot	.60 - .95
Cemetery w/Monuments	.10 - .25
Common Area	.10 - .25
Garage or Misc. Res.	.30 - .55
Group Residence	.60 - .75
Ind. Warehouse- Factory	.50 - .90
Industrial Railway	.50 - .90
Institution- Sch.- Church	.60 - .95
Misc. Commercial	.60 - .95
Mixed Comm.- Res- Apt	.60 - .75
Multi-Family Apartment	.60 - .75
Multi-Family Residential	.60 - .75
Office	.60 - .95
Parks & Playgrounds	.10 - .25
Public Accomodations	.60 - .95
Retail	.60 - .95
Single Family Attached	ESU
Single Family Detached	ESU
Sport or Rec. Facility	.60 - .95
Utility	.50 - .90
Vacant Land Use	.10 - .25
Vehicle Related Use	.60 - .90

Attachment 2

Public Works Response to Committee Directives: Mid Year Implementation

Below is the Public Works response to:

- a) That Public Works work with the Finance Department to determine their ability to handle enacting the stormwater utility at some point after January 1, 2005, as well as estimate the cost of the work that would be necessary;

Public Works met with the Finance Department, and Utility Billing to discuss the impact of delaying a decision on the proposed ordinance change, until sometime after January 1, 2005. The preference is that the Stormwater Utility be up and running at the start of the 2005 fiscal year. If there is a delay, the estimated cost is \$75,000.

The Finance Department prefers to make a change at the start of the 2005 fiscal year (January) rather than in mid-year. Budgets and expenditure coding as well as training of staff for the coding changes will go more smoothly at year end rather than trying to make a change sometime during the year. If a change were to be made during the first six months of the year (this is the time of the year that Finance has a heavy workload for the year end close process), temporary employees will need to be hired to separate the budget as well as expenditures that have already occurred. This effort has been estimated to be two temporary employees for up to 6 weeks for a cost of \$25,000. This estimate will vary depending on when a decision is made.

The primary concerns for the Utility Billing division is the availability of the consultant (Systems & Software, Inc.) to set-up the stormwater module. The current schedule has work being initiated in October. Until a decision on the ordinance is made, work cannot be done on this set-up. There will need to be lead-time in order to get the needed System & Software scheduled.

If a decision on the proposed ordinance change is not approved until after January 1, 2005, Public Works will request that Black and Veatch Corporation refresh the database. The current database was downloaded in April 2004 and has not been updated with any changes. The data contains information such as property owner, property land use, estimated impervious area, account number, etc. The cost for this effort is estimated to be \$50,000.

The total estimated cost for a delay in making a decision on the recommended ordinance would be approximately \$75,000. This amount assumes that the base rate methodology approach, using estimated impervious area, will be maintained in the final recommendation.

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Public Works Response to Committee Directives: Vacant Property Recommendations

Below is the Public Works response to:

- b) Return to Committee with a more definitive recommendation on whether to include vacant property in the stormwater utility fee schedule

Public Works now recommends that properties classified as vacant will be charged a Stormwater Utility fee. (This is a change in what was proposed at the Sept. 14 T & PW).

Previously it was proposed that vacant properties be exempt from being billed a stormwater fee. Communities around the United States vary in whether they bill undeveloped properties for stormwater service. As part of the Minneapolis Stormwater Rate Model, vacant properties were defined as undeveloped.

With the comments received from Council, Open Houses, and the Citizen Advisory Committee we conducted spot checks of properties listed as vacant. During these checks it had been found that 95% of the properties were residential and contained a garage. Because the properties usually had impervious areas, Public Works is recommending that vacant properties be added as a billable classification and removed from the definition of exempt properties. This change altered section 510.10 and table 1, of the proposed ordinance.

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Public Works Response to Committee Directives: Stormwater Credit System Overview

Below is the Public Works response to:

Return to Committee with information regarding the credit systems that are currently in use by other communities across the U.S. as part of their stormwater utilities.

Upon further research into credit systems used across the United States it has been found that there are primarily two components that receive a credit. These options include onsite water quality efforts (rain gardens, filter strips, NURP pond) and onsite water quantity retention (retention ponds, holding tanks). The range of credits varies depending on the philosophy of the community.

I) Below is a table of recent contact made no credits being given, to a credit to reduce the fee to the minimum charge. Below is a table of recent contacts made to communities.

City	Single Family Residential Stormwater Rate	Credit Sys	Types of Credit
Arlington, TX	1.30/month	No	
Bloomington, IN	2.70/month SFR	Yes	Max of 20%, schools or school systems max. 40%
Burnsville, MN	17/Qtr or 5.66/month	No	
Chicago, IL	No Utility		
Indianapolis, IN		Yes	Non-residential only, Up to 90%
Portland, OR	13.30/month SFR	No	Credit system is ready, but will be delayed until 2006, when their new UB system will be up and tested. The credit system had been studied for more than 2 yrs before final was created.
Rochester, MN	3.75/month SFR	Yes	Non-residential only, up to 100% but then must pay base ESU amount
Seattle, WA	9.20/month or 110.36/Annual	No	Low Income/Elderly/Disabled can receive 50% discount on their bill. Not based on water quality/quantity

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II) Below is additional credit information from the “Stormwater Credit Programs” document that was provided to Council Members on July 20.

Summary of Credit Options					
Utility	Eligible Users	Basis for Credit	Design Storm	Maximum Credit	Typical Credit
Gainesville, Fla.	Nonresidential properties	Volume of onsite retention	25-yr, 24-hr	100% of base fee	15%-35%
Orlando, Fla.	Commercial and multifamily residential	Onsite retention or detention	NA	42%	42%
Wichita, Kan.	Properties less than or equal to 50 ERUs	Two credits: volume of detention or retention	1. 100-yr 2. Complete retention	1. 40% 2. 80%	Currently no applications
Louisville-Jefferson County, Ky.	Commercial properties	Onsite detention of peak flows	2-yr, 10-yr, and 100-yr predevelopment runoff	82%	Varies with degree of control
St. Paul, Minn.	Nonresidential properties	Onsite detention of peak flows; acreage, peak flows	5-yr and 100-yr; release limited to (1.64 ft ³ /ac/s)	10% (5-yr) 25% (100-yr)	Varies with degree of control
Charlotte, N.C.	Commercial, industrial, institutional, multifamily, residential and homeowner associations	1. Peak discharge 2. Total runoff volume 3. Annual pollutant loading reduction	1. 10-yr, 6-hr 2. 2-yr, 6-hr 3. Reduction in loading	1. 50% 2. 25% 3. 25% Up to 100%	Varies with degree of control
Durham, N.C.	Nonresidential properties	Pollution credits for water quality and quantity controls	State standards for facility design; estimated pollutant runoff efficiency	25%	Few applications received
Cincinnati, Ohio	Commercial properties	Onsite retention	Limit discharge to predevelopment runoff	50%	Credit never used
Tulsa, Okla.	Privately maintained facilities	50% greater detention; maintenance costs of onsite facilities	NA	60%	Varies
Austin, Texas	Commercial properties	Onsite detention; inspection	NA	50%	50%
Bellevue, Wash.	All properties	Onsite detention; intensity of development	NA	Reduction of one rate (intensity of development) class	Varies
King County, Wash.	Commercial properties	Private maintenance	NA	Reduction of one rate class	Varies

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III) The current recommended credit system is compared to the prior recommendation in the below table.

	Water Quality Efforts	2 yr* & 10 yr** Rain Event for Water Quantity Retention	Up to 100 yr*** Rain Event for Water Quantity Retention
Prior Proposed Credit Level	5%	25%	50%
Sept 28, 2004 Proposed Credit Level	25%	50%	100% (new)

This credit system will be reviewed each year to assess the impact to the storm drain system as well as the Stormwater Utility Fund. It is thought that changes to the credit system can be made during the annual budget process.

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Stormwater Credit Manual
City of Minneapolis, Minnesota
Department of Public Works

Preface

Send Application Forms to: Department of Public Works
Stormwater Utility Credits Section
350 South 5th Street
Room #203
Minneapolis, MN 55415

Make Checks Payable to: City of Minneapolis

For Questions Regarding the Credit Application, Contact: Paul Chellsen, Stormwater Engineer or
Julia Lui, Stormwater Engineer

Application Procedure:

Initial review of stormwater utility user fee credit applications will be completed within 60 days of receipt of application form and fee payment. Application fees are one-time and non-refundable. Department of Public Works reviewers will check application forms for completeness and accuracy. If the application is found to be complete and accurate, a letter will be sent to the applicant notifying approval of the credit. Application for any credit is an acknowledgement of the City of Minneapolis' ("City") right-of-entry to inspect and verify the information submitted on said application. If deficiencies are found during the review, a deficiency letter will be sent to the applicant's contact person. Upon receipt of additional information from applicant, the review will resume and be completed within 60 days of receipt of the additional information. Billing adjustments required to implement credits shall be applied retroactively to the date of the customer's original application. If an application is denied, a letter explaining the reasons for the denial will be provided to the applicant. The applicant has the right to appeal this decision, in accordance with the procedures outlined in Sec. 510.70 of City Ordinance No. ____, 2004.

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CHAPTER 1: INTRODUCTION

The City Council of the City of Minneapolis - Hennepin County, Minnesota passed Ordinance No. ____, which created a city-wide Minneapolis Stormwater Utility within the Department of Public Works. Stormwater user fees have been established on the basis of the amount of impervious surface area, as the amount of stormwater runoff a property generates is directly related to the amount of hard surface on that piece of property. A statistical sampling of residential properties within the City determined that, on average, a developed single-family residential property has 1,530 square feet of impervious area. As a result, 1,530 square feet is used as the base billing unit or equivalent stormwater unit (ESU). Two additional samples were analyzed; one from all records with impervious areas greater than 1,530 square feet and one with impervious areas less than 1,530 square feet. The average impervious areas and gross parcel areas were calculated. As a result of this analysis, three categories of single-family residential customers were identified:

Low – impervious area of 1,260 square feet

Medium – impervious area of 1,530 square feet

High – impervious area of 1,790 square feet

Additional statistical analysis was conducted to determine if the square footage of the Low, Medium, and High categories were statistically different from one another. Statistical testing verified that the sampled impervious areas and gross parcel areas were statistically different from zero when tested against each other (Low vs. Medium and Medium vs. High), thus confirming the need for three single family residential customer classes. Because single family residential parcel records maintained by the Assessor's office do not include all the impervious areas (garages, driveways, outbuildings, etc.) and it is not practical to make assumptions of these impervious areas for approximately 80,000 records, the single-family residential customer classes are sorted by gross parcel size. All single-family parcels less than or equal to 5,485 square feet will be categorized as Low, all single-family parcels equal to or greater than 6,325 square feet will be High, and all other single-family parcels will be Medium.

Each single-family residential property is assigned a flat rate bill based on its customer class and associated number of ESUs.

Low – 0.75 ESUs

Medium – 1.00 ESUs

High – 1.25 ESUs

The billing rate applied to each base unit is \$8.72 per month. Each non-residential property is then measured and its impervious surface translated into a whole number of ESUs. That number multiplied by the unit billing rate yields the monthly stormwater user fee for that particular property. The number of ESUs assigned to a

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non-residential property will remain constant unless any changes are made to the property that alter the amount of its impervious surface area. The Department of Public Works has developed a system of credits for stormwater service customers who have facilities or controls in place to temporarily store stormwater runoff, thereby reducing the impact on the drainage system. This manual details the policies and procedures applicable to the stormwater user fee credit program.

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CHAPTER 2: CREDIT POLICIES

It is the City's intent to encourage sound technical design practices which reduce the negative impact of development on the drainage system through an effective credit system. Properties whose impact on the public stormwater drainage system is significantly limited or has been effectively reduced through specific controls shall be entitled to a credit adjustment that will be applied to their stormwater user fee.

- A. **APPLICATION FEE AND DETERMINATION** - A credit application will not be considered complete and will not be processed unless accompanied by the application fee and all appropriate forms and information as required in this manual. The credit application fee is \$____. It is the intent of the Department to process applications within sixty (60) days of submittal of the complete and correct application package. Billing adjustments required to implement credits shall be applied retroactively to the date of the customer's application. Adjustments shall be made by crediting the customer's stormwater user fee charge until any overpayment has been fully repaid. A pending application for credit shall not constitute a valid reason for non-payment of the currently assessed stormwater user fee by the customer.
- B. **QUALITY CREDIT** is offered to properties that discharge a portion of their runoff to a natural area, such as a rain garden, filter strip or natural preservation area; thus, removing water from the stormwater system and improving the water quality. Qualification requirements and application procedures for this credit are outlined in Chapter 3.
- C. **QUANTITY REDUCTION CREDIT (QRC)** is offered to customers that maintain runoff facilities or controls, such as detention or retention facilities, that significantly restrict stormwater released from their property. City-owned or maintained facilities do not qualify.

The Standard Quantity Reduction Credit (SQRC) is available for stormwater facilities that reduce post-development peak rates of stormwater runoff to the pre-development rates of stormwater runoff for the two (2) and ten (10) year design storms.

The Additional Quantity Reduction Credit (AQRC) is available for stormwater facilities that reduce post-development peak rates of stormwater runoff to the pre-development rates of stormwater runoff for the two (2), ten (10), and one hundred (100) year design storms.

Qualification requirements and application procedures for these credits are outlined in Chapter 4.

- D. **UNIQUE AND SPECIAL CASES** - Where a property owner or customer can unequivocally document and demonstrate through appropriate engineering studies that their property's stormwater runoff impact on the public stormwater drainage system is significantly less than suggested by its assigned ESUs, Public Works staff has the authority to make adjustments

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consistent with the intent of the ordinance establishing charges for stormwater services.

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CHAPTER 3: QUALITY REDUCTION CREDIT

A Quality Reduction Credit will be available to properties where non-structural or structural stormwater best management practices (BMPs) are located and used to treat stormwater runoff, specifically total suspended solid (TSS) loads. Non-structural BMPs include rain gardens, filter strips, Nationwide Urban Runoff Program (NURP) ponds, and natural preservation areas that are properly designed, constructed and maintained according to Department standards and requirements outlined in Chapter 54 Storm Water Management of the Minneapolis Code of Ordinances. Other professional techniques, such as those published by U. S. EPA, National Resource Conservation Service, American Society of Civil Engineers, and other professional organizations will be considered.

A. QUALITY REDUCTION CREDIT

Property owners of private non-structural stormwater BMPs including rain gardens, filter strips, NURP ponds, and natural preservation areas may be eligible for credit.

Credit amount: 25% (aggregate total for all BMPs, not each individual BMP)
Application fee: \$

A Quality Reduction Credit will be granted for properties for which the applicant can prove there is a non-structural stormwater BMP being applied. The credit will be granted for the portion of impervious area that drains to the BMP (Qualifying Impervious Area). Applications for Quality Reduction Credits are one-time, not annual.

Quality Reduction Credit = (Qualifying Impervious Area) / (1,530 Square feet/ERU) x 0.05

B. TECHNICAL INFORMATION REQUIREMENTS

The Quality Reduction Credit application must include the application fee and the following information:

1. The completed application form;
2. Plat or survey of the property indicating the following and certified by a Minnesota Registered Land Surveyor:
 - a. The location of the rain garden, filter strip, or natural preservation area;
 - b. Dimensions of rain garden, filter strip, NURP pond, or natural preservation area;
 - c. Watershed breaks across the property;
 - d. Layout of impervious surface areas on the property;
 - e. Layout of the drainage system on the property, including location and elevations of natural and man-made features, and
 - f. Sufficient topographic data and contour elevations to verify general drainage patterns across the property.

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In order to receive a Quality Reduction Credit for a rain garden, filter strip, NURP pond, or natural preservation area, the following criteria must be met:

1. The minimum area of the rain garden, filter strip, or natural preservation area must be greater than or equal to 20 percent of the gross parcel area. The minimum area for a NURP pond must be greater than or equal to 1 percent of the gross parcel area.
2. The maximum contributing length to the rain garden, filter strip, NURP ponds, or natural preservation area shall be 150 feet for residential properties and 75 feet for commercial properties.
3. The average contributing overland slope shall be less than or equal to 5 percent.
4. Flow to the rain garden, filter strip, NURP pond, or natural preservation area must be sheet flow. A level spreader shall be used if sheet flow cannot be established.
5. The applicant must be able to ensure protection of the area for the duration of the credit.
6. The area shall not be disturbed during any construction process.
7. The area must be protected by limits of construction shown on all construction drawings.

See Chapter 5 for example calculations for the Quality Reduction Credit.

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CHAPTER 4: QUANTITY REDUCTION CREDIT

A Quantity Reduction Credit (QRC) will be available to properties whose peak stormwater runoff rate is restricted and controlled through onsite facilities or controls, such as detention and retention ponds, that are privately designed, constructed, and maintained at or above the designed efficiency submitted for credit and according to Department of Public Works standards and requirements. Credit will also be considered, on a case-by-case basis, for other types of facilities or control devices which restrict and control the impact of a property's stormwater runoff on the municipal stormwater system, provided sufficient technical justification is submitted in the application package to make such determinations. If Standard Quantity Reduction Credits are applied to a given property in addition to other stormwater user charge fee credits including Quality Reduction Credits, the total maximum combined credit that can be received by one property is 50%. If Additional Quantity Reduction Credits are granted, the total maximum combined credit that can be received by one property is 100%.

A. LEVELS OF CREDIT

Property owners of private stormwater facilities, such as retention/detention facilities, eligible for credit under this chapter may, at their option, apply for either a Standard Quantity Reduction Credit of 50% or an Additional Quantity Reduction Credit of 100% as described below.

1. Standard Quantity Reduction Credit. The Standard Quantity Reduction Credit (SQRC) is available for stormwater facilities that reduce the post-development peak rate of stormwater runoff to the pre-development rates for the two (2) and ten (10) year design storms.

Credit amount: 50%
Application fee: \$____

2. Additional Quantity Reduction Credit. The Additional Quantity Reduction Credit (AQRC) is available for stormwater facilities that reduce the post-development peak rate of stormwater runoff to the pre-development rates for the two (2), ten (10), and one hundred (100) year design storms.

Credit amount: 100%
Application fee: \$____

Basic information shall be supplied by the owner. Such information shall include name of owner, location, parcel number, size and shape of basin, type and size of outlet. The owner shall rate the condition of basin as "good", "fair", or "poor" and indicate how many times per year basic maintenance (such as erosion control and/or mowing) activities are performed. The owner shall be required to sign a statement certifying that information is correct and acknowledge that the credit determination will be based on information provided. A later determination that the information was inaccurate may result in loss of credit.

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Detailed technical information shall be supplied by the owner and the owner's engineer. Such information shall include as-built data, results of routing the storm runoff for the two (2), ten (10), and one-hundred (100) year storm events through the basin or control, comparison of pre-development and post-development runoff rates, total storage volume, and emergency spillway configuration.

B. TECHNICAL INFORMATION REQUIREMENTS

1. Applications for SQRC and AQRC credits for new developments can occur as part of the normal development plan review procedures. A pre-submittal meeting with the Department of Public Works Permits Division is recommended, at which time an initial sketch plan may be presented. At a minimum, the sketch plan should include:
 - Conceptual site plan and structural control location diagram;
 - Locations, dimensions and characteristics of all proposed and existing drainage patterns and facilities; and
 - Existing and proposed grading indicated by contour elevation and location of all structures, parking, driveways, and other impervious areas.

Detailed engineering calculations, watershed maps, completed credit application forms and supporting documentation shall be submitted with the grading and drainage plan, if required.

2. Existing structures will be eligible for credit as long as they meet the requirements of the Public Works Department standards and requirements of Chapter 54 of Storm Water Management of the Minneapolis Code of Ordinances in effect at the time of construction. However, credit applications and supporting materials shall be submitted for review. Pre-submittal coordination is advised to ensure all policy requirements have been fulfilled.
3. Retrofitting of existing structures is allowed to provide or increase the amount of credit for a property. The process for retrofitting existing structures is similar to that for new developments.
 - A pre-submittal meeting may be scheduled to determine the nature of the retrofit and to investigate any conditions or extraordinary situations. A brief sketch plan for the retrofit should be prepared for the meeting.
 - A set of plans and specifications along with sizing, calculations, watershed area maps, and credit application forms shall be submitted for review and approval.
4. The following shall also be provided for all new and existing stormwater facilities and controls before an application for a Quantity Reduction Credit is considered complete:
 - The applicant takes sole responsibility for the design of this system. The applicant understands that the City is not designing this system. The applicant has chosen the design for this system.

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- The owner of Record shall provide the City with “As-Built Plans” (or similar), calculations, and watershed maps stamped and signed by the owner’s engineer to verify that the drainage system has adequate capacity to meet the design criteria for which the owner is requesting a credit. New calculations and “As-Built Plans” shall be prepared and stamped by the owner’s engineer if the facility or control is increased or decreased in size from the original credit request, or for existing structures that do not have plans, calculations, and required documents on file or have changed from the original plans either by design or by time and nature.
- Each owner of Record shall provide a “hold harmless” statement on a form provided by the Public Works Department that indemnifies the City from any loss incurred from the construction and maintenance and operation of the owner’s drainage facilities for both water quantity and quality runoff from the owner’s property. This statement shall be signed by the owner and will be recorded with the Hennepin County Recorder by the owner of Record. The owner of Record shall provide the Public Works Department a copy of the agreement with the Hennepin County Recorder number stamped on it before the application will be deemed complete. Approval of drainage facilities by the City does not, in and of itself, constitute approval by the City that the drainage facilities are operating as the applicant claims. A copy of the indemnification form is provided in Appendix A of this manual.

See Chapter 5 for example calculations for the Standard Quantity Reduction Credit and the Additional Quantity Reduction Credit.

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CHAPTER 5: EXAMPLE CREDIT CALCULATIONS

Following are sample calculations for approved credit adjustments to the stormwater user fee. Example #1 presents the application for a Quality Reduction Credit (Chapter 3). Example #2 illustrates a Standard Quantity Reduction Credit for a customer with a stormwater detention basin (Chapter 4). Example #3 presents an Additional Quantity Reduction Credit for a customer with a stormwater detention basin (Chapter 4).

EXAMPLE #1: Quality Reduction Credit

Total onsite impervious surface area = 76,500 SF
ESUs = (76,500 SF) / (1,530 SF/ESU) = 50 ESUs

Initial Stormwater User Fee = (50 ESUs) x (\$8.72/ESU/Month) = \$436.00/Month

Site impervious area draining to BMP = 38,250 SF

Maximum Credit = 25%

Allowable Credit = (38,250 SF) / (1,530 SF/ESU) x 0.25 = 6.25 ESUs

Applied Credit Adjustment = (-6.25 ESUs) x (\$8.72/ESU/Month) = -\$54.50/Month

Initial Stormwater User Fee = \$436.00/Month

User Fee Credit Adjustment = -\$54.50/Month

Final (Adjusted) Stormwater User Fee = \$381.5/Month

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EXAMPLE #2: Standard Quantity Reduction Credit

Total onsite impervious surface area = 30,600 SF
 ESUs = (30,600 SF) / (1,530 SF/ESU) = 20 ESUs

Initial Stormwater User Fee = (20 ESUs) x (\$8.72/ESU/Month) = \$174.40/Month

Site impervious area draining to detention basin = 30,600 SF

Table 6-1
Comparison of Peak Runoff Rates
Standard Quantity Reduction Credit

	<u>Pre- Development</u>	<u>Post- Development</u>	<u>Post<=Pre</u>
2-year	10 cfs	9 cfs	Yes
10-year	20 cfs	20 cfs	Yes
100- year	35 cfs	41 cfs	No

Maximum Credit = 50%

Allowable Credit = (30,600 SF) / (1,530 SF/ESU) x 0.50 = 10.0 ESUs

Applied Credit Adjustment = (-10.0 ESUs) x (\$8.72/ESU/Month) = -\$87.20/Month

Initial Stormwater User Fee = \$174.40/Month

User Fee Credit Adjustment = -\$87.20/Month

Final (Adjusted) Stormwater User Fee = \$87.20/Month

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EXAMPLE #3: Additional Quantity Reduction Credit

Total onsite impervious surface area = 30,600 SF
 ESUs = (30,600 SF) / (1,530 SF/ESU) = 20 ESUs

Initial Stormwater User Fee = (20 ESUs) x (\$8.72/ESU/Month) = 174.40/Month

Site impervious area draining to detention basin = 30,600 SF

Table 6-2
Comparison of Peak Runoff Rates
Additional Quantity Reduction Credit

	<u>Pre- Development</u>	<u>Post- Development</u>	<u>Post<=Pre</u>
2-year	10 cfs	9 cfs	Yes
10-year	20 cfs	20 cfs	Yes
100- year	35 cfs	35 cfs	Yes

Maximum Credit = 100%

Allowable Credit = (30,600 SF) / (1,530 SF/ESU) x 1.00 = 20.0 ESUs

Applied Credit Adjustment = (-20.0 ESUs) x (\$8.72/ESU/Month) = -\$87.90/Month

Initial Stormwater User Fee = \$174.40/Month
 User Fee Credit Adjustment = -\$174.40/Month

Final (Adjusted) Stormwater User Fee = \$0.00/Month

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CHAPTER 6: EXAMPLE APPLICATION FORMS

A. Application for Quality Reduction Stormwater User Fee Credit

B. Application for Quantity Reduction Stormwater User Fee Credit

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**APPLICATION FOR
QUALITY REDUCTION STORMWATER USER FEE CREDIT**

Property Owner(s)

Contact Person
(if different from Owner)

Name(s): _____
 Mailing Address: _____
 Service Address: _____
 Tax Map Parcel No.(s): _____
 Phone: (_____) (_____) _____

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_____ ESUs, from Utility bill or from Early Certification Agreement

Registered Minnesota Professional Engineer:

Name: _____ Registration No: _____
 Company: _____
 Phone: (_____) _____

Check if attached	Required for Submission by Owner
<input type="checkbox"/>	Completed Standard or Additional Quantity Reduction Stormwater User Fee Credit Form if Submitting a Structural BMP OR
<input type="checkbox"/>	Calculations and Map Showing Rain Garden, Filter Strip, or Natural Conservation Area Site
<input type="checkbox"/>	Indemnification Agreement
<input type="checkbox"/>	Application Fee (\$____)

Owner Certification

I certify that the information contained in this application is, to the best of my knowledge, correct and represents a complete and accurate statement. I further understand that the credit determination will be based on the information provided and a later determination that the information provided was inaccurate may result in a loss of the credit.

Signature of Owner or Authorized Representative

Date

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APPLICATION FOR QUANTITY REDUCTION STORMWATER USER FEE CREDIT

Property Owner(s)

Contact Person
(if different from Owner)

Name(s): _____
 Mailing Address: _____
 Service Address: _____
 Tax Map Parcel No.(s): _____
 Phone: (____) _____ (____) _____

_____ ESUs, from Utility bill or from early certification

Type of Credit: (Check)

Standard Quantity Reduction Credit

Additional Quantity Reduction Credit

Registered Minnesota Professional Engineer:

Name: _____ Registration No: _____

Company: _____

Phone: (____) _____

Check if attached	Required for Submission by Owner
	Date Constructed
	As-Built Drawings, or similar
	Location Map
	Routing Calculations through the Facility or Control for the 2, 10, and 100 year Design Storms
	Pre-Development and Post-Development Runoff Calculations for the 2, 10, and 100 year Design Storms
	Total Storage Volume of Facility or Control
	Principal Outlet Size, Type, and Rating
	Emergency Spillway Size, Type, Configuration, and Rating
	Condition Rating of Facility and Control by Owner (e.g., good, fair, or poor)
	Maintenance Plan and Schedule
	Indemnification Agreement
	Application Fee (\$____)

Engineer Certification

I certify that the "As-Built Plans" (or similar) are an accurate representation of the subject stormwater facility or control and that the required calculations have been performed in compliance with the Minneapolis Public Works Department standards and requirements *(specify Minneapolis stormwater design and specifications manual here)*, (latest version).

Signature of Minnesota Professional Engineer

Date

Owner Certification

I certify that the information contained in this application is, to the best of my knowledge, correct and represents a complete and accurate statement. I further understand that the credit determination will be based on the information provided and a later determination that the information provided was inaccurate may result in a loss of the credit.

Signature of Owner or Authorized Representative

Date

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EARLY CERTIFICATION AGREEMENT

Owner of Parcel

(Please Print): _____

Location of Parcel (address): _____

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Relevant Terms

Equivalent Stormwater Unit (ESU) shall mean a unit of measure that is equal to the average impervious area of Single-Family Residential Developed Property that falls within the Medium Class, with a single-family detached Dwelling Unit located thereon and within the City's limits, as established by City Council resolution or ordinance. One ESU is hereby established as 1,530 square feet of impervious area.

Impervious Area shall mean the number of square feet of hard surface areas that either prevent or retard the entry of water into the soil matrix, as it entered under natural conditions as Undisturbed Property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as Undisturbed Property, including, but not limited to, roofs, roof extensions, driveways, pavement, and athletic courts.

Estimated ESUs

The aforementioned property contains _____ ESUs. This reported amount may be used as the basis for deriving the Stormwater User Fee for this parcel when multiplied by the unit rate per ESU as prescribed by Ordinance No. _____ as passed by the City Council of Minneapolis – Hennepin County on _____, 2004, effective _____, 2004.

Owner Certification

I certify that the information contained in this agreement is, to the best of my knowledge, correct and represents a complete and accurate statement. I further understand that the City of Minneapolis by its Department of Public Works will make the final determination upon which the final assessment will be based and reserves the right to amend the ESU amount reported above.

Signature of Owner

Date

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APPENDIX A

INDEMNIFICATION FORM

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INDEMNIFICATION AGREEMENT

In consideration for permission to construct or install a stormwater improvement/best management practice (BMP) to their property, _____ ("Owners") hereby agree to and acknowledge the following:

1. Owners shall construct or install a stormwater improvement/BMP in substantial compliance with Chapter 54 of the Code of Minneapolis and Hennepin County, Minnesota, and the Minneapolis Public Works on the following described real estate and premises situated in Hennepin County, Minnesota, to wit:

See legal description(s) attached as Exhibit A.

2. After completion of the construction or installation by Owners and approval by the City, the construction or installation of a stormwater improvement/BMP shall remain a privately owned and maintained stormwater improvement/BMP, shall not be accepted by the City, and shall not become a part of the maintenance program of the Minneapolis Stormwater Utility or the Department of Public Works. All maintenance responsibility and liability shall be and remain with Owners, their personal representatives, heirs, grantees, successors, and assigns.
3. Owners, their personal representatives, heirs, grantees, successors, and assigns shall indemnify and hold harmless the City of Minneapolis, its officers, agents, and employees from any and all claims, actions, causes of action, judgments, damages, losses, costs, and expenses (including attorney's fees) arising out of or resulting from the construction, installation, maintenance, or operation of the stormwater improvement/BMP.
4. This Agreement shall run with the real estate described above and shall be binding upon Owners, their personal representatives, heirs, grantees, successors, and assigns so long as the drainage facility and/or improvement or any part of it shall be used by them. At such time as the stormwater improvement/BMP shall cease to be so used, this Agreement shall immediately terminate, and this instrument shall be of no further force and effect.
5. Owners warrant that they are the owners in fee simple of the above-described real estate, are lawfully seized thereof, and have the legal authority to execute this Agreement, and affirm that no unauthorized alterations of this document have taken place.

IN WITNESS WHEREOF, Owners and the City have executed this Agreement on the _____ day of _____, 200____.

Signature of Owner

Signature of Owner

Printed Name

Printed Name

