



City of Fergus Falls Committee of the Whole Agenda

October 12, 2022

7:00 am

City Council Chambers

A. Call to Order

B. Roll Call

C. Discussion Items

1. Letter of Interest from the Fergus Falls School District for Kirkbride Park
Andrew Bremseth
Requested Action: Recommendation to the council to accept a letter of interest and authorize staff to negotiate a Purchase Agreement with the Fergus Falls School District for Kirkbride Park
2. City Project 5960 – 2023 Street Reconstruction and Utility Improvement Project No. 1: Linden Street and Summit Avenue from Broadway Avenue to Oak Street and Laurel Street from 1st Avenue to Broadway Avenue
Brian Yavarow
Requested Action: Recommendation to the council to initiate PI 5347, 5348, 5349, 7212, 7213, 7214, 8227, 8228, & 8229; Combine PI 5347, 5348, 5349, 7212, 7213, 7214, 8227, 8228, & 8229 into CP 5960; Order the Preliminary Engineering Report (PER) for CP 5960; Accept Patchin Messner’s professional services proposal for appraisal services not to exceed amount of \$9,000.00
3. City Project 5959 - 2023 Street and Utility Improvement Project No. 2
Stanton Avenue Reconstruction Improvement Project: Union to Broadway
Brian Yavarow
Requested Action: Recommendation to the council to accept Patchin Messner’s professional services proposal for appraisal services not to exceed \$11,000; accept Terracon’s professional services proposal for geotechnical exploration services not to exceed \$8,900
4. Downtown Riverfront Project Phase 2 Update
Brian Yavarow
5. Stormwater Management Ordinance
Brian Yavarow

Requested Action: Recommendation to the council to direct the City Attorney to draft an update to City Code Chapter 152, Stormwater Management

6. Pebble Lake Golf Course Clubhouse HVAC System

Len Taylor

Requested Action: Recommendation to the council to enter into an agreement with PLGC to purchase and install HVAC equipment in the clubhouse

7. Lake Alice Planning Discussion

Andrew Bremseth

D. Additional Agenda Items

Announcements

October 17	5:30 pm	City Council meeting
November 2	7:00 am	Committee of the Whole meeting
November 2	Bagged leaf pick-up beginning at 6 am	

Adjourn



Council Action Recommendation

Page 1 of 2

Meeting Date:

October 12, 2022 Committee of the Whole/ October 17, 2022 Council

Subject:

Letter of Interest from Fergus Falls Public Schools for Kirkbride Park

Recommendation:

Resolution accepting Letter of Interest (LOI) and directing staff to develop a purchase agreement with the School District contingent on a successful school referendum

Background/Key Points:

Fergus Falls Public Schools is interested in Kirkbride Park as their preferred site for a proposed elementary school location. They have submitted a Letter of Interest (attached) indicating their interest in this property. The area they would be interested in acquiring is two parcels to the south of the Kirkbride building, totaling approximately 14.83 acres.

The City currently operates and maintains this property as part of our parks system. If the Council is in favor of moving forward with this, staff will work with the School District on a proposed purchase agreement laying out the terms of a potential transaction. The School District would need to hold a successful bond referendum to construct the school and would only be interested in moving forward with this purchase if that referendum was successful.

The City would continue to own and maintain the park until a transaction took place or if the referendum was unsuccessful.

Budgetary Impact:

Purchase proceeds will likely need to be returned to the State of MN. Maintenance and operation costs for this park would be eliminated.

Originating Department:

Administration

Respectfully Submitted:

Andrew Bremseth, City Administrator

Attachments:

LOI submitted by Fergus Falls Public Schools

FERGUS FALLS PUBLIC SCHOOLS
SUPERINTENDENT JEFF DRAKE
jdrake@fergusotters.org
601 Randolph Avenue, Fergus Falls MN 56537
218-988-0544 , Ext. 9010



*Committed
To
Excellence!*

09/30/2022

City of Fergus Falls
112 W Washington Ave
Fergus Falls, MN 56537

RE: Letter of Interest

City of Fergus Falls,

This letter is intended to formally express the Fergus Falls Public School District's interest in acquiring the Kirkbride Park parcels presently owned and maintained by the City of Fergus Falls for the purpose of constructing a new elementary school. The parcels are identified as:

Parcel: 71003991874000
E-911 ADDRESS: 1515 N UNION AVE
ACRES: 13.51
OWNER: CITY OF FERGUS FALLS
TOWNSHIP: 133
SECTION: 27
RANGE: 043
JURISDICTION: FERGUS FALLS/544/HRA

Parcel: 71003991879000
E-911 ADDRESS: 1515 N UNION AVE
ACRES: 1.32
OWNER: CITY OF FERGUS FALLS
TOWNSHIP: 133
SECTION: 27
RANGE: 043
JURISDICTION: FERGUS FALLS/544/HRA



If the city is supportive of this proposal an agreeable purchase price for the Kirkbride Park parcels would be negotiated between the City of Fergus Falls and the Fergus Falls Independent School District.

The acquisition of the property by the school district could be made contingent on the passage of a voter-approved bond supporting the construction of a new elementary school.

Respectfully submitted,

A handwritten signature in black ink that reads "Jeffrey D. Drake". The signature is written in a cursive style.

Jeff Drake, Superintendent
Fergus Falls Public Schools



Council Action Recommendation

Page 1 of 2

Meeting Date:

October 12, 2022 – Committee of the Whole

October 17, 2022 – City Council

Subject:

City Project CP No. 5960 – 2023 Street and Utility Improvement Project No. 1

Recommendation:

- Initiate PI No.'s 5347, 5348, 5349, 7212, 7213, 7214, 8227, 8228, & 8229
- Combine PI No.'s 5347, 5348, 5349, 7212, 7213, 7214, 8227, 8228, & 8229 into CP 5960
- Order the Preliminary Engineering Report (PER) for CP 5960
- Accept Patchin Messner's professional services proposal for appraisal services not to exceed amount of \$9,000.00

Background/Key Points:

Staff is evaluating future improvement projects for next year's construction season. I am proposing reconstructing the pavement and utilities located along:

- Linden Street and Summit Avenue from Broadway Avenue to Oak Street.
- Laurel Street from 1st Avenue to Broadway Avenue

Please refer to the project location map for reference.

Similar to the past reconstruction projects (CP 5954, 5956, & 5955), a portion of street reconstruction is proposed to be funded thru 429 special assessments. The utility replacements will be funded through the appropriate enterprise fund. I am also requesting the Council order the Preliminary Engineering Report (PER) and to Accept Patchin Messner's professional services proposal for appraisal services not to exceed amount of \$9,000.00.

If acceptable, City staff will begin drafting the Preliminary Engineering Report in-house for presentation to this Council later.

Budgetary Impact:

The estimated cost for this project is not determined at this time. Potential funding sources might be utility enterprise funds, PIR Bonds, and special assessment, and/or a combination thereof.

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow - City Engineer

Attachments:

Project Location Map

LEGEND:

 Proposed Street & Utility Locations



1 inch = 400 feet

**2023 Street & Utility Reconstruction Improvement
Project C.P. No. 5960**

This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.



Council Action Recommendation

Page 1 of 2

Meeting Date:

October 12, 2022 – Committee of the Whole

October 17, 2022 – City Council

Subject:

City Project CP No. 5959 – 2023 Street and Utility Improvement Project No. 2

Stanton Avenue Reconstruction Improvement Project from Union Avenue to Broadway Avenue

Recommendation:

- Resolution accepting Patchin Messner’s professional services proposal for appraisal services not to exceed amount \$11,000.00
- Resolution accepting Terracon’s professional services proposal for geotechnical exploration services not to exceed amount \$8,900.00

Background/Key Points:

Based on anecdotal evidence and historical accounts the underlying soil beneath Stanton Avenue is believed to be unsuitable (poor) soil however, the extent is not fully known. Therefore, I contacted Terracon for geotechnical exploration services. In general, Terracon will drill a series of soil borings thru the pavement to soil collect soil samples, prepare a geotechnical report along with recommendations to mitigate the potential unsuitable soils. I suspect geosynthetic products such as fabrics, geo grid, etc. might be a recommendation for the new street construction process.

Secondly, although the estimated costs for this project have not been determined, special assessments for a portion of the street are likely to be utilized as a portion of the total project funding. Because of this, I solicited Patchin Messner for professional services proposal for appraisal services. Patchin Messner has provided appraisal services these services for past City projects.

Budgetary Impact:

The estimated cost for this project is not determined at this time. Potential funding sources might be Municipal State Aid (street portion), enterprise funds (City utilities), special assessment, and/or a combination thereof. Funding options will be reviewed after the completion of the PER and preliminary design.

Originating Department:

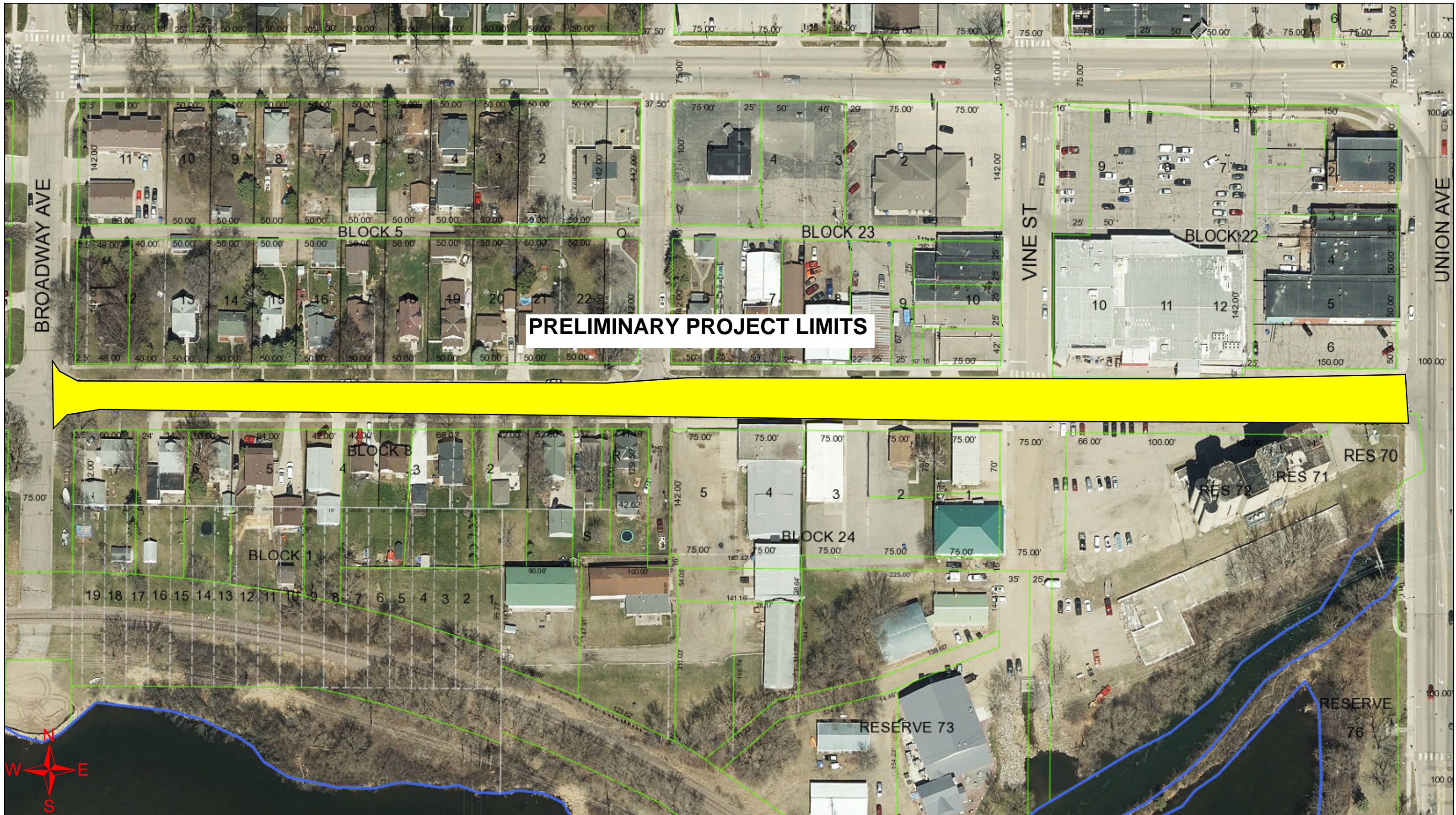
Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. - City Engineer

Attachments:

Project Location Map



PRELIMINARY PROJECT LIMITS

1 inch = 100 feet

PI 5350, 7215 & 8230 Street & Utility Replacement



This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.



Council Action Recommendation

Page 1 of 3

Meeting Date:

October 12, 2022 – Committee of the Whole

October 17, 2022 – City Council

Subject:

Chapter 152 - Stormwater Management Ordinances

Recommendation:

- Motion directing the City Attorney to draft the Stormwater Management Ordinance revisions for Chapter 152

Background/Key Points:

On September 14, 2022 the MPCA provided written responses to their audit of the City's Stormwater Management program. A majority of the MPCA alleged violations can be resolved with site plan reviews, construction inspections, and City Code updates. The City has procedures and written forms to resolve requirements of the MS4 permit. The City has since responded to the MPCA with facts and/or circumstances to consider in its process of determining enforcement actions regarding their audit.

Budgetary Impact:

General staff time

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. - City Engineer

Attachments:

List of Ordinance revisions

Chapter 152 - Stormwater Management Ordinances - Redlines

- 1) Develop regulatory mechanism(s) that establishes requirements for erosion, sediment, and waste controls that is at least as stringent as the MPCA's most current CSW Permit.
- 2) Develop a regulatory mechanism(s) that requires owners and operators of construction activity to develop site plans that incorporate the following erosion, sediment, and waste controls that are at least as stringent as described in the CSW Permit: erosion prevention practices; sediment control practices; dewatering and basin draining; inspection and maintenance; pollution prevention management measures; temporary sediment basins; and termination conditions.
- 3) Develop a regulatory mechanism(s) that prohibits infiltration systems from being constructed in the following areas:
 - that receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface.
 - where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater.
 - where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour.
 - with less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock of predominately Hydrologic Soil Group D (clay) soils
 - in an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health.
 - in an ERA within a DWSMA classified as moderate vulnerability unless the Regulated Party performs or approves a higher level of engineering
 - review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater
 - outside of an ERA within a DWSMA classified as high or very high vulnerability unless the Regulated Party performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater
 - within 1,000 feet up-gradient or 100 feet down gradient of active karst features; and
 - that receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.
- 4) Incorporate the following requirement into your regulatory mechanism(s): "for non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the Regulated Party must identify, or may require owners of the construction activity to identify, locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment and, at a minimum, ensure the requirements of items 20.11 through 20.14 are met."

- 5) Incorporate the following requirement into your regulatory mechanism(s), “that off-site treatment project areas are selected in the following order of preference: locations that yield benefits to the same receiving water that receives runoff from the original construction activity; locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity; locations in the next adjacent DNR catchment area up-stream; or locations anywhere within the Regulated Party's jurisdiction.”
- 6) Incorporate the following requirement into your regulatory mechanism(s), “that off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs already required by the General Permit cannot be used to meet this requirement.”
- 7) Incorporate the following requirement into your regulatory mechanism(s), “that off-site treatment projects must be completed no later than 24 months after the start of the original construction activity.”

TITLE XV: LAND USAGE

CHAPTER 152: STORM WATER MANAGEMENT

Section

Storm Water Drainage Utility

- 152.01 Establishment
- 152.02 Findings and determination
- 152.03 Storm Drainage Utility Fund
- 152.04 "Runoff equivalent factor" ("REF") defined
- 152.05 Storm water drainage charges
- 152.06 Drainage units
- 152.07 Other land uses
- 152.08 Adjustment of charge
- 152.09 Exemptions
- 152.10 Payment of charge
- 152.11 Late payment penalty
- 152.12 Establishment of tax lien

Storm Water Management

- 152.25 Purpose
- 152.26 Definitions
- 152.27 Scope; exemptions; installation and repair
- 152.28 Site vegetation management
- 152.29 Storm water management plan; application and content
- 152.30 Review process
- 152.31 Duration
- 152.32 Conditions
- 152.33 Plan; approval standards
- 152.34 State's Storm Water Manual
- 152.35 Models, methodologies and computations
- 152.36 Criteria for new and redeveloped permanent facilities
- 152.37 Operation, maintenance and inspections
- 152.38 Easements
- 152.39 Plan applicability
- 152.40 Plan amendment
- 152.41 NPDES permits
- 152.42 Inspections of prevention measures
- 152.43 Construction plans and specifications
- 152.44 Construction activities
- 152.45 Violations and reporting
- 152.46 Emergency suspension
- 152.47 Non-emergency revocation of plan

Fergus Falls, MN Code of Ordinances

- 152.48 Notification
- 152.49 Costs of damage; attorney fees and costs
- 152.50 Falsifying information

- 152.99 Penalty

STORM WATER DRAINAGE UTILITY

§ 152.01 ESTABLISHMENT.

Pursuant to M.S. § 444.075, as it may be amended from time to time, the city establishes a storm drainage utility and authorizes the imposition of just and reasonable charges for the use and availability of storm drainage facilities. The storm drainage utility operations shall be a part of the Public Works Department and under the administration of the City Administrator.
(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.02 FINDINGS AND DETERMINATION.

(A) 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 drainage system. This subchapter is adopted in the further exercise of the authority and for the same purposes.

(B) 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 additional 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 subchapter.

(C) 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 improving, establishing, enlarging, replacing, repairing, maintaining and operating the system on the basis of the expected storm water runoff from the various parcels of land within the city during a standard rainfall event.
(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.03 STORM DRAINAGE UTILITY FUND.

There is hereby created a Storm Drainage Utility Fund into which all charges, when collected, and all moneys received from the sale of any facilities or equipment, or any by-products shall be placed. The moneys shall be used first to pay the normal,

Fergus Falls, MN Code of Ordinances
reasonable and current costs of operating and maintaining the facilities.
(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.04 “RUNOFF EQUIVALENT FACTOR” (“REF”) DEFINED.

For the purpose of this subchapter, **RUNOFF EQUIVALENT FACTOR (REF)** is defined as the ratio of the average volume of surface water runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land, during a standard one-year rainfall event.(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.05 STORM WATER DRAINAGE CHARGES.

(A) In determining charges, the City Council shall, by resolution, establish a basic system rate to be charged monthly against one standardized or measured drainage unit having an REF of one. The charge to be made against each parcel of land shall then be determined by multiplying the REF for the parcel's land use, classification times the parcel's drainage unit times the basic system rate.

(B) The REF values for various land uses are as follows:

Class	Land Use	REF
1	Single-family and duplex residential	1.00
2	Small commercial	2.00
3	Large commercial, industrial, institutional, churches and the like	4.00
4	Parks, cemeteries and vacant land	0.00

(2002 Code, §3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.06 DRAINAGE UNITS.

(A) *Standardized drainage unit (Classification 1)*. For the purpose of calculating storm water drainage charges, all Classification 1 land use parcels shall be considered to have one drainage unit per residence (duplex, two residences).

(B) *Standardized drainage unit (Classification 2)*. For the purpose of calculating storm water drainage charges, all Classification 2 land use parcels shall be considered to have one drainage unit per business (maximum parcel size = one-half an acre).

(C) *Measured drainage unit (Classification 3)*. For the purpose of calculating storm water drainage charges, all Classification 3 land use parcels shall be considered to have one drainage unit for each one acre of measured impermeable surface (roofs, parking lots and the like) located on the parcel (minimum parcel size = one-half an acre).

(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.07 OTHER LAND USES.

(A) Other land uses not listed in the foregoing table shall be classified by the City Administrator by assigning them to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event.

(B) An appeal of the classifications from the determination of the City Administrator may be made to the City Council.

(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.08 ADJUSTMENT OF CHARGE.

The City Council may, by resolution, adopt policies providing for the adjustment of charges for parcels based upon land use data supplied by affected property owners which demonstrates a runoff volume for a standard rainfall event substantially different from the REF being used for the parcels. The adjustments for storm water drainage charges shall not be made retroactively.

(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.09 EXEMPTIONS.

Public street rights-of-way, cemeteries, parks and vacant land with ground cover are exempt from storm water drainage charges.

(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.10 PAYMENT OF CHARGE.

Statements for storm water drainage charges shall be made a part of the present utility billing system invoiced through the City Administrator's office on a monthly basis. All charges shall be subject to established procedure for determining and collecting customer charges.

(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.11 LATE PAYMENT PENALTY.

Each billing for storm water drainage charges which are not paid when due shall incur a penalty charge of 10% of the amount past due.

(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

§ 152.12 ESTABLISHMENT OF TAX LIEN.

Any past due storm water drainage charges will be certified to the County Auditor

Fergus Falls, MN Code of Ordinances
for collection with real estate taxes against the property served by the utility established in this subchapter for collection as other taxes are collected in the following year pursuant to M.S. § 444.075, subd. 3, as it may be amended from time to time, and the code. In addition, the city may have the right to bring a civil action or take other legal remedies to collect unpaid charges.
(2002 Code, § 3.93) (Ord. 14, Fifth Series, passed 11-18-1996)

STORM WATER MANAGEMENT

§ 152.25 PURPOSE.

(A) This subchapter outlines the requirements for storm water management systems within the city. In the event of any conflict between the provisions of this subchapter or other regulations adopted by the city, the state or federal authorities, the more restrictive standard prevails. The objectives of this subchapter are as follows:

- (1) To protect the natural resources within the city from undesirable impacts related to development or other activities;
- (2) To promote the safety of people and property through effective storm water quantity and quality management practices;
- (3) To regulate land development activity, land-disturbing activity or other activities that may have an adverse impact on storm water quantity or quality;
- (4) To establish standards and procedures for land development activities throughout the city, which balance development and the protection of water quality;
- (5) To provide the basis for storm water system analysis necessary to protect public and private property, water quality and existing natural resources; and
- (6) To comply with the requirements of the city's National Pollution Discharge Elimination System's (NPDES) municipal separate storm sewer system (MS4) permit and associated storm water pollution prevention program (SWPPP).

(B) Except as otherwise provided herein, the City Engineer shall administer, implement and enforce the provisions of this subchapter.
(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any person or group that applies for a building permit, subdivision approval, zoning change, approach, excavation or special use permit, storm water plan approval or any other permit which allows land-disturbing activities.

BEST MANAGEMENT PRACTICES (BMP). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing the degradation of surface water, including

Fergus Falls, MN Code of Ordinances

construction-phasing, minimizing the length of time soil areas are exposed, prohibitions and other management practices published by federal, state or designated area-wide planning agencies.

BMPs. Measures designed to:

- (1) Prevent pollutants from leaving a specific area;
- (2) Reduce/eliminate the introduction of pollutants;
- (3) Protect sensitive areas; or
- (4) Prevent the interaction between precipitation and pollutants.

BUFFER.

(1) The buffer strip begins at the ordinary high water mark for wetlands and the top of the bank of the channel for rivers and streams. This start point corresponds to the State Department of Natural Resources' definition of a "shoreline" in Minn. Rules part 6115.0030 or as may be amended from time to time.

(2) A protective vegetated zone located adjacent to a natural resource, such as a water of the state that is subject to direct or indirect human alteration. Such a buffer strip is an integral part of protecting an aquatic ecosystem through trapping sheet erosion, filtering pollutants, reducing channel erosion and providing adjacent habitat.

CITY. The City of Fergus Falls or the City Council of the City of Fergus Falls.

CITY ENGINEER. The City Engineer of the City of Fergus Falls or authorized agent. The **CITY ENGINEER** may require a third party Engineer's service at the applicant's expense.

COMMON PLAN OF DEVELOPMENT OR SALE. A contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

CONTROL MEASURE. A practice or combination of practices to control erosion and attendant pollution. See also **BMPs (BEST MANAGEMENT PRACTICES)**.

COUNCIL. The City Council of the City of Fergus Falls.

DETENTION FACILITY. A natural or human-made structure, including wetlands, used for the temporary storage of runoff and which may contain a permanent pool of water or may be dry during times of no runoff.

DEVELOPMENT. Any land-disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

DEVELOPER. A person, firm, corporation, sole proprietorship, partnership, federal or state agency, or political subdivision thereof engaged in a land-disturbance and/or land development activity.

DISCHARGE. The release, conveyance, channeling, runoff or drainage of storm water, including snowmelt.

DRAINAGE EASEMENT. A right to use the land of another for a specific purpose, such as a right-of-way for the movement of water across or under the land surface or the storage of water.

DRAINAGE SYSTEM. Local drainage system.

EROSION. Removing the surface of the land by the action of water, wind, ice or gravity. **EROSION** can be accelerated by the activities of humans and nature.

EROSION CONTROL. Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

EROSION AND SEDIMENT CONTROL PLAN (E&S CONTROL PLAN).

A written description and/or plan indicating the number, locations, sizes and other pertinent information about best management practice methods designed to reduce erosion of the land surface and the deposition of sediment within a waterway. An **E&S CONTROL PLAN** is required as part of a storm water management plan. Both the storm water management plan and **E&S CONTROL PLANS** are used in developing the state-mandated storm water pollution prevention plan (SWPPP). An **E&S CONTROL PLAN** may be required for certain projects not requiring a full storm water management plan, as outlined in this subchapter or determined necessary by the City Engineer.

EXPOSED SOIL AREAS. All areas of the construction site where the vegetation (trees, shrubs, brush, grasses and the like) or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered **EXPOSED SOIL**, until it meets the definition of "final stabilization".

FINAL STABILIZATION. All soil disturbing activities at the site have been completed, and that a uniform (evenly distributed - e.g., without large bare areas) perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered **FINAL STABILIZATION**. Where agricultural land is involved, such as when pipelines are built on crop or rangeland, **FINAL STABILIZATION** constitutes returning the land to its preconstruction agricultural use.

HYDRIC SOILS. Soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile.

HYDROPHYTIC VEGETATION. Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

IMPERVIOUS AREA. A constructed hard surface that either prevents or retards the entry of water into the soil, and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas and concrete, asphalt or gravel parking lots and roads.

LAND DEVELOPMENT ACTIVITY. The act of subdivision or platting properties for personal use, adding value or for the purposes of resale. This includes the construction and/or demolition of buildings, structures, roads, parking lots, paved storage areas and similar facilities.

LAND-DISTURBING ACTIVITY. Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the city's jurisdiction, including construction, clearing and grubbing, grading, excavating, transporting and filling of land. Within the context of this subchapter,

LAND-DISTURBANCE ACTIVITY does not mean:

(1) **MINOR LAND-DISTURBANCE ACTIVITIES** such as home gardens and an individual's home landscaping, repairs and maintenance work, which will not result in sediments entering the storm water system;

(2) Additions or modifications to existing single-family structures that

Fergus Falls, MN Code of Ordinances

result in creating under 5,000 square feet of exposed soil or impervious surface and will not result in sediments entering the storm water system; Construction, installation, and maintenance of trees, fences, signs, posts, poles and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under 5,000 square feet of exposed soil or impervious surface and will not result in sediments entering the storm water system;

(3) Tilling, planting or harvesting of agricultural, horticultural or silvicultural (forestry) crops; and/or

(4) Emergency work to protect life, limb or property and emergency repairs, unless the land- disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the city's requirements as soon as possible.

LANDOWNER. Any person holding title to or having a divided or undivided interest in land.

LOCAL DETENTION. Detention intended to serve only the developing area in question and no areas outside of the development boundaries. As such, it is under the control of one owner or group of owners. This is also known as **ON-SITE DETENTION**.

LOCAL DRAINAGE SYSTEM. The storm drainage system which transports the minor and major storm water runoff to the major storm water system serving only the property within the development boundaries, under the control of one owner or group of owners. This is also known as the **ON-SITE DRAINAGE SYSTEM**.

MANAGEMENT PRACTICE. A practice or combination of practices to control erosion and water quality degradation.

Municipal Separate Storm Sewer System (MS4). [The system of conveyances and structural stormwater BMPs \(including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains\) owned or operated by the City, designed or used for collecting or conveying stormwater, and not used for collecting or conveying wastewater that discharges to waters of the United States.](#)

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)

STORM WATER PERMIT. Any permit or requirement enforced pursuant to the Clean Water Act, being 33 U.S.C. §§ 1251 et seq., as amended, for the purposes of regulating storm water discharge.

NATIONWIDE URBAN RUNOFF PROGRAM (NURP). An urban runoff study by the United States Environmental Protection Agency.

NATURAL WATER. A river, stream, pond, channel or ditch.

NON-COMPLIANCE FEE. The administrative penalty, or fee, for re-inspection of a property which may be assessed to a permittee, land owner, developer or their contractor(s) for non-compliance with the provisions and/or conditions of an approved storm water plan and/or permit or the violation of any other provisions contained in this subchapter.

ON-SITE DETENTION. Local detention system.

OUTLET. Any discharge point, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or ground water.

OWNER or OCCUPANT. Any person owning or using a lot, parcel of land or premises connected to and discharging storm water into the storm water system of the city, and who pays for and is legally responsible for the payment of storm water rates or charges made against the lot, parcel of land, building or premises, if connected to the

Fergus Falls, MN Code of Ordinances

storm water system or who would pay or be legally responsible for such payment.

PERMANENT CONSTRUCTED DEVELOPMENT PERMANENT FACILITIES.

Those features of a storm water management plan which are part of any natural or constructed storm water system that requires periodic maintenance to retain their operational capabilities. This includes, but is not limited to, storm sewers, infiltration areas, detention areas, channels, streets and the like.

PERMANENT COVER. Final stabilization. Examples include grass, gravel, asphalt and concrete. See also the definition of **FINAL STABILIZATION**. Any buildings, structures, landscaping and related features as part of a development project approved for construction or constructed prior to the passage of this subchapter.

PERMIT. Within the context of this rule, a **PERMIT** is a written warrant or license granted for construction, subdivision approval or to allow land-disturbing activities.

PERMITTEE. Any person who applies for and receives approval of a storm water plan and/or permit from the city and/or state.

PERSON. Any developer, individual, firm, corporation, partnership, franchise, association, owner, occupant of property or agency, either public or private.

PROHIBITED DISCHARGE.

(1) A non-storm water discharge into the storm water system or a natural water, including, but not limited to:

(a) Debris or other materials such as grass clippings, vegetative materials, tree branches, earth fill, rocks, concrete chunks, metal, other demolition or construction materials or structures;

(b) The disposal or misuse of chemicals or any other materials that would degrade the quality of waters within the system, including, but not limited to, chemicals (fertilizers, herbicides, pesticides and the like) or petroleum based products (gasoline, oil, fuels, solvents, paints and the like);

(c) Erosion and sediment originating from a property and deposited onto city streets, private properties or into the storm water conveyance system, including those areas not specifically covered under an approved storm water management plan or storm water permit; and

(d) Failure to remove sediments transported or tracked onto city streets by vehicles or construction traffic within 24 hours of it being deposited on the street.

(2) For the purposes of this section, **PROHIBITED DISCHARGES** do not include the following, unless information is available to indicate otherwise:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Diverted stream flows;
- (d) Rising ground water;
- (e) Uncontaminated ground water infiltration;
- (f) Uncontaminated pumped ground water;
- (g) Discharges from potable water sources;
- (h) Foundation drains;
- (i) Air conditioning condensate;
- (j) Irrigation water;
- (k) Springs;
- (l) Water from crawl space pumps;
- (m) Footing drains;
- (n) Lawn watering;

Fergus Falls, MN Code of Ordinances

- (o) Individual residential car washing;
- (p) Flows from riparian habitats and wetlands;
- (q) De-chlorinated swimming pool discharges; and
- (r) Street wash water.

PUBLIC STORM SEWER. A storm sewer located entirely within publicly-owned land or easements.

REGIONAL DETENTION. Detention facilities provided to serve an area outside the development boundaries.

RETENTION FACILITY. A natural or human-made structure that provides for the storage of all or a portion of storm water runoff.

RUNOFF. The rainfall, snowmelt, dewatering or irrigation water flowing over the grounds surface and into open channels, underground storm sewers and detention or retention ponds.

SEDIMENT. Solid material or organic material that, in suspension, is being transported or has been moved by air, water, gravity or ice, and deposited at another location.

SEDIMENT CONTROL. The methods employed to prevent sediment from leaving the development site. Examples of **SEDIMENT CONTROL** practices include, but are not limited to, silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection and temporary or permanent sedimentation basins.

SIGNIFICANT REDEVELOPMENT. Alterations of a property that changes the footprint of a site or building in such a way that results in the disturbance of over one acre of land. This term is not intended to include activities, which would not be expected to cause adverse storm water quality impacts and offer no new opportunity for storm water controls, such as exterior remodeling.

SITE. The entire area included in the legal description of the parcel or other land division on which the land development or land-disturbing activity is proposed in the storm water plan or permit application.

STABILIZE. To make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, placing concrete, gravel or other measures.

STABILIZED. The exposed ground surface after it has been covered by sod, erosion control blanket, riprap, pavement or other material that prevents erosion. Simply sowing grass seed is not considered **STABILIZATION**. Ground surfaces may be temporarily or permanently **STABILIZED**. (Also, see **FINAL STABILIZATION**.)

STATE. The State of Minnesota.

STORM SEWER. A pipe or conduit for carrying storm waters, surface runoff and drainage, excluding sewage and industrial wastes.

STORM WATER. Precipitation runoff, storm water runoff, snow melt runoff and any other surface runoff and drainage. **STORM WATER** does not include construction site dewatering.

STORM WATER DEPRESSED DETENTION. Temporary storage of storm water runoff in ponds, parking lots, grassy areas, rooftops, buried underground tanks and the like, for future or controlled release. Used to delay and attenuate flow.

STORM WATER MANAGEMENT. The planned set of public policies and activities undertaken to regulate runoff and reduce erosion, and maintain or improve

water quality under various specified conditions within various portions of the drainage system. It may establish criteria for controlling peak flows and/or runoff volumes, for runoff detention and retention, or for pollution control, and may specify criteria for the relative elevations among various elements of the drainage system. **STORM WATER MANAGEMENT** is primarily concerned with limiting future flood damages and environmental impacts due to development, whereas flood control aims at reducing the extent of flooding that occurs under current conditions.

STORM WATER MANAGEMENT CRITERIA. Specific guidance provided to the engineer/ designer to carry out drainage and storm water management policies. An example might be the specification of local design hydrology and use of the design storm.

STORM WATER MANAGEMENT PLAN. A document containing the requirements identified by the city in §§ 152.29 and 152.30 of this chapter that when implemented will provide solutions to storm water management problems that may occur as a result of the proposed development or land-disturbing activity.

STORM WATER MANAGEMENT SYSTEM. Physical facilities that collect, store, convey and treat storm water runoff in urban areas. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels and special structures, such as inlets, manholes and energy dissipaters.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A joint storm water and erosion and sediment control plan that is written as a prerequisite to obtaining an NPDES storm water permit for construction activity, that when implemented will decrease soil erosion on a parcel of land and off-site non-point pollution. It involves both temporary and permanent controls. The **SWPPP**, which draws its information from a storm water management plan and is typically condensed, must be incorporated into the construction grading plans for the project.

STORM WATER RETENTION STRUCTURE. Storage designed to eliminate or reduce the frequency of subsequent surface discharge. Wet ponds are the most common type of retention storage (though wet ponds may also be used for detention storage). Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots and paved storage areas.

SUBDIVISION. Any tract of land divided into building lots for private, public, commercial, industrial and the like development for the purpose of sale, rent or lease, including planned unit development.

SYSTEM CHARGE OR ASSESSMENT. A charge for connecting an outlet to a regional storm water management facility, typically a pond. The charge is normally assessed to recover the proportional cost of constructing a regional pond or storm water treatment facility.

TEMPORARY PROTECTION. Short-term methods employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips and erosion netting.

UNDEVELOPED LAND. Land that in its current state has not been impacted by significant land- disturbance activities, annexed into the city or subdivided into multiple ownership lots and is typically zoned agricultural.

URBAN AREA. Land associated with, or part of, a defined city or town.

USER. Any person who discharges, causes or permits the discharge of storm water into the city's storm water management system.

VIOLATION. The willful or negligent act of non-compliance with the conditions attached to an approved storm water plan and/or permit, or any other provisions contained in this subchapter, subject to enforcement and penalty or non-compliance fees.

WATERCOURSE. The natural path for the flow of water where there is sufficient natural and accustomed runoff to form and maintain a distinct and defined channel or an open channel facility that has been constructed for such purpose. This shall include any easements obtained for the purposes of runoff conveyance.

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.

WATERSHED MASTER PLAN. A plan that an engineer/designer formulates to manage urban storm water runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the existing and future site development, land use and grading plan, peak rates of runoff, flow duration, runoff volumes for various return frequencies, locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations and how the plan addresses them and consistency with secondary objectives such as public recreation, aesthetics, public safety and ground water recharge. It may be submitted to regulatory officials for their review for adoption.

WET POND or WET DETENTION FACILITY. A retention facility which includes a permanent pool of water used for the purposes of providing for the treatment of storm water runoff.

WETLANDS. Lands that transition between terrestrial and aquatic systems (excluding drainage ditch bottoms) where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition,

WETLANDS must have the following three attributes:

- (1) A predominance of hydric soils;
- (2) Are inundated or saturated by the surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances support the prevalence of the vegetation.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.27 SCOPE; EXEMPTIONS; INSTALLATION AND REPAIR.

(A) *Prohibited discharges.* It shall be considered an offense for any person to cause or allow a prohibited discharge into waters of the state, including the city storm water system or any natural water.

(B) *Land-disturbing activity requiring a storm water management plan.* Any person, firm, sole proprietorship, partnership, corporation, state agency or political subdivision proposing subdivision or plat approval, a building permit or any land-disturbance activity greater than one acre within the city must submit a state-issued NPDES permit and storm water pollution prevention plan to the City Engineer unless a waiver is provided in accordance with this subchapter. No subdivision approval, plat approval or building permit shall be issued until a state NPDES permit and storm water pollution prevention plan or a waiver of the approval requirements has been approved by the City Engineer in strict conformance with the provisions of this subchapter. No land shall be disturbed until the permit is approved by the City Engineer and conforms to the standards set forth herein. A storm water management plan may also be required in some situations as determined by the City Engineer (i.e., development within an existing subdivision with documented flooding problems associated with storm water runoff).

(C) *Exemptions.* Exemptions to the storm water management plan requirements of this subchapter include:

(1) Any part of a subdivision that is included in a plat that has been approved by the City Council and recorded with the office of the County Recorder on or before the effective date of this subchapter. A storm water permit for land-disturbing activities on such properties may still be required, as determined by the City Engineer, and such activities are still subject to other compliance requirements in accordance with this subchapter;

(2) A storm water management plan is generally not required for individual lots or properties located within a subdivision or plat for which a storm water management plan has already been approved. This exemption is subject to the City Engineer's consideration and approval;

(3) A parcel for which a building permit has been approved on and/or before the effective date of this section and an NPDES/SDS permit was not required;

(4) Any land-disturbance activity not associated with building construction that will affect less than one acre of undeveloped land; or

(5) Emergency work to protect life, limb or property.

(D) *Land-disturbing activity involving the construction of a single-family or two-family dwelling.* Construction of single-family or two-family dwellings must comply with in place approved BMPs and any existing permitted SWPPP for the subdivision, including NPDES/SDS permit requirements and subdivision agreement. Compliance with the single-family residential construction erosion/sediment control standards is required.

(E) *Installation and repair of utility service lines.*

(1) At project sites that require permit coverage where a utility contractor is not the site owner or operator, each utility contractor must comply with the provisions of the storm water pollution prevention plan (SWPPP) for the project their construction activities will impact. Each utility contractor must ensure that their activities do not render ineffective, the erosion prevention and sediment control best

management practices (BMPs) for the site. Should a utility contractor damage or render ineffective any BMPs for the site, the owner must ensure such BMPs are repaired or replaced within seven days of completion of utility installation on the site.

(2) At project sites where a utility contractor is the site owner or operator, and the utility company disturbs one or more acres of soil for the purpose of installation of utility service lines, including, but not limited to, residential electric, gas, telephone and cable lines, the utility company must apply for permit coverage from the state prior to commencement of construction.

(3) Utility contractors working in a street right-of-way to repair existing or install new utilities and disturbing less than one acre are required to provide appropriate inlet protection and sediment control during the course of the work so as to ensure the storm sewer system is protected from pollution. The utility contractor is also required to provide street sweeping as necessary to ensure that sediments resulting from their activity do not enter the storm water system following construction. The street shall be swept within working day of completion of utility installation on the site. All disturbed vegetation shall be replaced with seed or sod within seven days of completion of utility installation on the site. The city will provide guidance regarding acceptable temporary protection BMPs for inlets and methods to stabilize the exposed soil areas until they meet the definition of final stabilization.

(F) *Waivers.* The City Engineer may waive any requirement of this subchapter upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement is not contrary to the objectives in this subchapter. The City Engineer may require as a condition of the waiver, the dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the standards and requirements.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.28 SITE VEGETATION MANAGEMENT.

(A) Any landowner shall provide for the installation and maintenance of vegetation on his or her property in accordance with the following criteria, regardless as to whether or not a storm water management plan has been approved or is necessary under this subchapter.

(1) *Use of impervious surfaces.* No person shall apply items included in the definition of "prohibited discharge" on impervious surfaces or within storm water drainage systems with impervious liners or conduits.

(2) *Unimproved land areas.* Except for driveways, sidewalks, patios, areas occupied by structures, landscaped areas or areas that have been otherwise improved, all areas shall be covered by plants or vegetative growth.

(3) *Use of pervious surfaces.* No person shall deposit grass clippings, leaves or other vegetative materials, with the exception of normal mowing or weed control, within natural or human-made watercourses, wetlands or within wetland buffer areas. No person shall deposit items included in the definition of "prohibited discharge", except as noted above.

(B) Failure to comply with this subchapter shall constitute a violation and subject the landowner to the enforcement provisions, penalties and non-compliance fees outlined in §§ 152.39 and 152.99 of this chapter. (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015) Penalty, see § 152.99

§ 152.29 STORM WATER MANAGEMENT PLAN; APPLICATION AND CONTENT.

(A) (1) A written storm water management plan shall be filed with the City Engineer. The storm water management plan shall include:

- (a) A statement indicating the grounds upon which the approval is requested;
- (b) A statement indicating that the proposed use is permitted in the underlying zoning district; and
- (c) Adequate evidence showing the proposed use will conform to the standards set forth in this subchapter and the *Minnesota Storm Water Manual* (hereinafter referred to as the "Manual").

(2) Prior to seeking approval of a storm water management plan, it is recommended that the storm water management plan be reviewed by any affected public agencies.

(B) Two sets of legible copies of the drawings and required information shall be submitted to the City Engineer at the time of plat approval or when applying for a building permit. Plans shall be prepared to a scale appropriate to the site of the project and suitable for performing the review.

(C) (1) The storm water management plan shall contain the following information:

- (a) A written storm water management report discussing the pre and post development hydrologic and hydraulic analysis, erosion and sedimentation control during and after construction;
 - (b) Protective measures for proposed and existing structures;
- and
- (c) Shall address water quality concerns.

(2) For additional information, refer to the storm water management plan approval standards in § 152.33 of this chapter.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.30 REVIEW PROCESS.

A storm water management plan meeting the requirements of § 152.29 of this chapter shall be submitted to the City Engineer for review and to determine its compliance with the standards as outlined in § 152.33 of this chapter. The City Engineer shall approve, approve with conditions or deny the storm water management plan. If a particular storm water management plan involves a complex application or has the

potential for significant controversy, the City Engineer may bring the proposed storm water management plan before the City Council for consideration and public comment. The City Engineer may also require that the proposed storm water management plan be reviewed by a third-party engineer at the applicant's expense. (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.31 DURATION.

Approval of any storm water management plan shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if, prior to the expiration of approval, the applicant makes a written request to the City Engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the City Engineer may grant one extension of not greater than one year. The City Engineer shall acknowledge receipt of any request for an extension and shall make a decision on the extension within 30 days of receipt. Any expired and/or revised plan may be resubmitted following the same procedure for an original approval. Any denied or expired plan may be resubmitted with additional information addressing the concerns contained within the denial. The resubmitted application shall be subject to the applicable review time lines. (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.32 CONDITIONS.

A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to ensure that the requirements contained in this subchapter are met. The conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure proper buffering, require the acquisition or dedication of certain lands or easements and require the conveyance to the city or other public entity of certain lands or interests therein for storm water system facilities. The City Engineer may specify special requirements or conditions for specific major or minor watersheds within the city and its extraterritorial jurisdiction. The nature of these requirements will be subject to the unique environmental and natural resource environment of each sub watershed. Approval of a plan shall bind the applicant to perform and comply with all the requirements and conditions of the plan prior to commencing or concurrent with any land-disturbing activities. (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.33 PLAN; APPROVAL STANDARDS.

The City Engineer shall not approve a storm water management plan, which fails to meet the standards set forth within this subchapter. Other ~~applicable standards, such as state and federal standards, shall also apply~~ standards of the most currently approved NPDES/SDS and NPDES MS4 permit must be met by proposed stormwater plans. If the standards of different agencies conflict, the more restrictive standards shall apply. It shall be the applicant's responsibility to obtain any required permits from other governmental agencies having any jurisdictional authority over the work to be performed. ~~Typically, such agencies include, but are not limited to, the state's Department of Natural Resources, the state's Department of Transportation, the state's Pollution Control Agency, the state's Historical Preservation Office, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, Federal Emergency Management Agency and others.~~ The city may choose to obtain some of the required permits. The applicant will be notified which permits are to be obtained by the city. (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

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§ 152.34 STATE'S STORM WATER MANUAL.

The *Minnesota Storm Water Manual* contains the principal standards and design criteria for developing an effective and acceptable storm water management plan. The Manual contains an overview of state storm water management policy and design objectives as well as a detailed discussion of the required contents for storm water management plans submitted to the state for approval. The Manual contains detailed criteria for hydrologic evaluations, the design of storm water management system facility components, water quality protection standards, instructions for the development of an erosion and sedimentation control plan. The Manual also contains a discussion of operation and maintenance requirements, standard forms to be used and standard construction details approved by the state. (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.35 MODELS, METHODOLOGIES AND COMPUTATIONS.

Other than those outlined in the Manual, any hydrologic models and/or design methodologies used to determine runoff conditions and to analyze storm water management structures and facilities, shall be approved in advance by the City Engineer. ~~All storm water management plans, drawings, specifications and computations for storm water management facilities submitted for review shall contain a validated seal and shall be signed by a professional engineer registered in the state.~~ (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

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§ 152.36 CRITERIA FOR NEW AND REDEVELOPED PERMANENT FACILITIES.

Storm water control facilities, included as part of the final design for a permanent development, shall be addressed in the storm water management plan and shall meet the following criteria:

(A) *Pre- versus post-hydrological response of site.* An applicant shall design, install or construct, on or for the proposed land-disturbing activity, development activity or redevelopment activity, all storm water management facilities necessary to manage runoff such that increases in flow under the design conditions will not occur that could exceed the capacity of the outlet, or the storm water management system, into which the site discharges or that would cause the storm water management system to be overloaded or accelerate channel erosion as a result of the proposed land-disturbing activity or development activity. Under no circumstances shall the two-, ten- or 100-year developed peak flow exceed the two-, ten- or 100-year existing peak flow without prior written approval by the City Engineer. Post construction storm water management BMPs shall be installed to the maximum extent practical (MEP) and shall show a net [per annual basis](#) reduction for volume, total suspended solids (TSS) and total phosphorus (TP) for new or redeveloped sites from pre-project conditions. For regional detention or storm water management system, the City Engineer shall recommend a proposed system charge or assessment to be approved by the City Council based upon an approved watershed master plan and an analysis of required drainage systems, projected costs and flood protection benefits provided to those properties directly or indirectly impacted by the regional detention or storm water management system. [Design criteria must meet the most current state approved NPDES/SDS and NPDES/MS4 general permit requirements.](#)

(B) *Natural features of the site.* The applicant shall give consideration to reducing the need for storm water management system facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional water flow without compromising the integrity or quality of these natural features.

(C) *Storm water management strategies.*

(1) The following storm water management practices shall be investigated when developing a storm water management plan in accordance with this subchapter and the city code:

(a) Natural infiltration of precipitation and runoff on-site, if suitable soil profiles can be created during site grading. The purpose of this strategy is to encourage the development of a storm water management plan that encourages natural infiltration. This includes, providing as much natural or vegetated area on the site as possible, minimizing impervious surfaces and directing runoff to vegetated areas rather than onto adjoining streets, storm sewers and ditches;

(b) Flow attenuation by use of open vegetated swales and natural depressions;

(c) Storm water detention facilities;

(d) Storm water retention facilities (on a case by case basis);

and

(e) Other facilities requested by the City Engineer.

(2) A combination of successive practices may be used to achieve the applicable minimum control requirements specified. Justification shall be provided by the applicant for the method selected, except as provided in storm water management "limitations" noted in the state's NPDES general permit.

(3) For non-linear projects, where the water quality volume cannot cost effectively be treated on the site of the original construction activity, the applicant is required to identify locations where off-site treatment projects can be completed. If the entire water quality volume is not addressed on the site of the original construction activity, the remaining water quality volume must be addressed through off-site treatment.

(a) Off-site treatment project areas shall be selected in the following order of preference: locations that yield benefits to the same receiving water that receives runoff from the original construction activity; locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity; locations in the next adjacent DNR catchment area up-stream; or locations anywhere within the Regulated Party's jurisdiction

~~(f)(b)~~ off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs already required by the General Permit cannot be used to meet this requirement

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(D) *Adequacy of outlets.* The adequacy of any outlet used as a discharge point for proposed storm water management system must be assessed and documented to the satisfaction of the City Engineer. To the extent practicable, hydraulic capacities of downstream natural channels, storm sewer systems or streets shall be evaluated to determine if they have sufficient conveyance capacity to receive and accommodate post-development runoff discharges and volumes. In addition, projected velocities in downstream natural or human-made channels shall not exceed that which is reasonably anticipated to cause erosion unless protective measures acceptable to the City Engineer are approved and installed as part of the storm water management plan. The assessment of outlet adequacy shall be included in the storm water management plan.

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~~(E) Storm water detention/retention facilities. Storm water detention or retention facilities proposed to be constructed in the storm water management plan shall be designed according to the most current practices as reflected in the nationwide urban runoff program study.~~

~~(F) Pond buffers. A pond buffer extending 20 feet outward and two feet up from the high water level must be provided around the entire pond. The developer must provide signs denoting pond buffer limits, as deemed necessary and as approved by the~~

~~city. Deviations from this standard will only be allowed with prior review and approval from the city.~~

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.37 OPERATION, MAINTENANCE AND INSPECTION.

All storm water management systems shall be designed to minimize the need for maintenance, to provide easy vehicle (typically, eight feet or wider) and personnel access for maintenance purposes, and to be structurally sound. All storm water management systems shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in storm water runoff. The City Engineer may inspect all public and private storm water management systems at any time. Inspection records will be kept on file at the City Engineer's office. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management system for inspection and maintenance purposes. The owner must perform routine maintenance and inspections that are required annually and includes mowing grass, controlling weeds and woody vegetation, repairing eroded areas and removing debris. Owner shall maintain records and provide annual maintenance and inspection reports. The reports shall be made available to the City upon request.

~~A pond's buffer should be maintained as a meadow, prairie or forest with no more than two mowings annually at a height of no less than four inches.~~ The owner must perform non-routine maintenance which includes sediment cleanout and major structural repairs when needed. Inspections for non-routine maintenance items must occur at a minimum of every five years. Sediment cleanout must occur when 50% of the permanent pool storage volume is sediment. The City Engineer shall retain

enforcement powers for assuring adequate operation and maintenance activities through permit conditions, penalties, non-compliance orders and fees.
(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.38 EASEMENTS.

Easements may be required as conditions to the issuance of a storm water management plan approval. If a storm water management plan involves directing some or all of the site's runoff to a drainage easement, the applicant or his or her designated representative shall obtain from the property owners any necessary easements or other property interests concerning the flowing of the water. No fill, structures, fences, walls, rip-rap, buildings, docks, bridges, fountains or other similar encumbrances to access or restrictions to the flow of water may be placed within the drainage easement without the prior written consent of the city.
(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.39 PLAN APPLICABILITY.

A storm water management plan approval issued under this subchapter runs with

the land and is a condition of plat or development approval. Any landowner or subsequent landowner of any parcel within the plat or development area must comply with the plan or any approval, condition, revision or modification of the plan. The landowner must also comply with all applicable state subdivision registration, permit transfer/modification and notice of termination permits and provide a copy of the permit applications to the city for approval. Failure to comply with this plan shall constitute a violation and subject the permittee, developer and/or landowner to the enforcement provisions, penalties and non-compliance fees.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.40 PLAN AMENDMENT.

Storm water management plans may be amended only by a written request submitted to the City Engineer. This request shall contain the reason for the change and documentation related to any additional change in projected impacts, which may result from amendment approval. Amendment requests submitted prior to final approval of a plan application shall be considered part of the original submittal. Amendment requests filed after plan approval shall be considered following the same procedures as if it were a new application and subject to applicable review periods.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.41 NPDES PERMITS.

(A) It is unlawful to initiate any land development activity, land-disturbing activity or other activities which may result in an increase in storm water quantities, degradation of storm water quality, or restriction of flow in any storm sewer system, open ditch or natural channel, storm water easement, waterbody or wetland outlet within the jurisdiction of the city, without having first complied with the terms of this subchapter. Other activities include those outlined herein.

(1) *Permit.* All persons subject to meeting the requirements and needing to obtain a NPDES permit shall apply for coverage and file a copy with the City Engineer. The permit will be accompanied by a storm water management plan as prescribed under §§ 152.29 and 152.30 of this chapter, if such a plan has not been previously approved. Permit applications may be denied if the applicant is not in compliance with the NPDES permit currently in effect. Commencing earthwork on a project prior to plan or permit approval is considered a violation of this subchapter.

(2) *Permit delays.* The City Engineer may withhold granting approval of a permit until all issues associated with the site are resolved to the satisfaction of the City Engineer. Permits may be conditioned with delays such that work cannot begin until a specified date or until after the site is inspected.

(3) *Permit amendments.* NPDES permits may be amended (by applicant) only by a written request submitted by the permittee to the state. This request shall contain the reason for the change and documentation related to any additional impacts, which may result from amendment approval. A copy of the request will be submitted to the City Engineer within seven days of the submittal to the state. The state-

approved amended permit will also be submitted to the City Engineer within seven days of receipt.

(4) *Permit transfer.* A NPDES permit runs with the property it covers, until the permitted activities are completed, and is transferable to new landowners in its entirety or by parcel, with each parcel being subject to the permit and any conditions, which apply to that parcel. Land transfers must be reported to the City Engineer prior to issuing of permits.

(5) *Inspection.* The City Engineer may inspect the storm water management system of any permittee to determine compliance with the requirements of this subchapter. The applicant shall promptly allow the city and its authorized representatives, upon presentation of credentials to:

- (a) Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys;
- (b) Bring the equipment upon the permitted site as is necessary to conduct such inspections, surveys and investigations.
- (c) Examine and copy any books, papers, records or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site;
- (d) Inspect the storm water pollution control measures; and
- (e) Sample and monitor any items or activities pertaining to storm water pollution control measures.

(B) Any applicant or permittee shall provide safe and easy access for inspections.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

Cross-reference:

Enforcement, see § 10.20

§ 152.42 INSPECTIONS OF PREVENTION MEASURES.

At a minimum, inspections shall be done weekly by the permittee (general contractor, developer or the developer's designated representative), and within 24 hours after every storm or snow melt event large enough to result in runoff from the site (one-half inches or more in 24 hours). Date and amount of all rainfall events greater than one-half inch in 24 hours must be recorded. Rainfall amounts must be obtained by a properly maintained rain gauge installed onsite, a weather station that is within one mile of your location or a weather reporting system that provides site specific rainfall data from radar summaries. At a minimum, these inspections and rainfall recording shall be done during active construction (the MPCA has inspection forms available upon request).

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.43 CONSTRUCTION PLANS AND SPECIFICATIONS.

- (A) The plans and specifications prepared for the construction of the storm

water management system must be:

- (1) Consistent with the storm water management plan approved by the City Engineer, including any special provisions or conditions;
 - (2) In conformance with the requirements of the city and any other necessary permits required and issued by other governmental agencies;
 - (3) Sealed and signed by a professional engineer registered in the state;
 - (4) Submitted to the City Engineer for approval; and
 - (5) Approved by the City Engineer prior to commencing construction.
- ~~(5)~~(6) Site plan reviews shall be documented by the City to achieve compliance with MS4 permitting requirements.

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- (B) The construction grading and erosion/sediment control plans, in a format

acceptable to the City Engineer, shall contain a drawing or drawings delineating the features incorporated into the storm water pollution prevention plan (SWPPP) including details of perimeter protection, construction phasing, storm drain inlet protection, erosion control measures, temporary and final stabilization measures, including all BMPs. In addition, the construction specifications shall contain technical provisions describing erosion, sedimentation and water control measures to be utilized during and after construction as well as to define the entities responsible for the installation and maintenance of the BMPs. The project SWPPP must be incorporated into the construction specification documents.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.44 CONSTRUCTION ACTIVITIES.

Construction operations must at a minimum comply with any applicable federal or state permit and SWPPP in addition to the following best management practices.

(A) *Site dewatering.* Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, soil concentrators or other appropriate controls as deemed necessary. Water may not be discharged in a manner that causes erosion, sedimentation or flooding on the site, on downstream properties, in the receiving channels or in any wetland.

(B) *Waste and material disposal.* All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, petroleum based products, paints, toxic materials or other hazardous materials) shall be properly disposed of off-site and shall not be allowed to be carried by runoff into a receiving channel, storm sewer system or wetland.

(C) *Tracking management.* Each site shall have roads, access drives and parking areas of sufficient width, length and surfacing to minimize sediment from being tracked onto public or private roadways. Any material deposited by vehicles or other construction equipment onto a public or private road shall be removed (not by flushing) before the end of each day's work.

(D) *Water quality protection.* The construction contractor, including the general contractor and all subcontractors, shall be required to control oil and fuel spills and chemical discharges to prevent the spills or discharges from entering any watercourse, sump, sewer system, waterbody or wetland.

(E) *Site erosion and sedimentation control.* Construction operations must include erosion and sedimentation control measures meeting accepted design criteria, standards and specifications contained in the *Minnesota Storm Water Manual* or other standards determined by the City Engineer.

(F) *Water quantity.* The construction contractor, including the general contractor and all subcontractors, shall be required to minimize the volume of surface water runoff which flows from any specific site during development. This volume is not to exceed the pre-development hydrologic regime to the maximum extent practicable.

(G) *Temporary sediment basins.* Where ten or more acres of disturbed soil drain to a common location, the permittee(s) must provide a temporary sediment basin to provide treatment to the runoff before it leaves the construction site or enters surface

waters. A temporary sediment basin may be converted to a permanent basin after construction is complete. The temporary basin is no longer required when permanent cover has reduced the acreage of disturbed soil to less than ten acres draining to a common location. The permittee(s) is/are encouraged, but not required, to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils even if less than ten acres drains to one area. The basins must be designed and constructed according to the state's NPDES general permit requirements.

(H) *Mitigation provisions.* Construction must meet all of the state's NPDES general permit requirements.
(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.45 VIOLATIONS AND REPORTING.

(A) Storm water management plan, NPDES permit and non-permit related storm water violations include, but are not limited to:

(1) Commencing site grading or preparation work without first having obtained approval from the City Engineer of all applicable permits;

(2) Non-compliance with the requirements or conditions attached to an approved SWPPP of an NPDES/SDS storm water permit for construction activity, storm water management plan or other standards established by the City Engineer, under authority of the city;

(3) The causing or allowing of a prohibited discharge in the city storm water system, a natural watercourse, storm water easement, stream or river;

(4) Failure to remove sediments transported or tracked onto city streets by vehicles or construction traffic within 24 hours of it being deposited on the street;

(5) Failure to install and maintain the erosion control measures (BMPs) on a construction site as outlined in the approved SWPPP and its amendments or other standards established by the City Engineer, under authority of the city; and

(6) Other violations or issues as noted or described throughout this subchapter.

(B) The City Engineer shall document the reporting of a violation in writing. Documentation shall include, at a minimum, the following:

(1) Name of the person responsible for violating the terms and conditions of the permittee's regulatory mechanism(s);

(2) Date(s) and location(s) of the observed violation(s);

- (3) Description of the violation(s), including reference(s) to relevant regulatory mechanism(s);
 - (4) Corrective action(s) (including completion schedule) issued by the permittee;
 - (5) Date(s) and type(s) of enforcement used to compel compliance (e.g., written notice, citation, stop work order, withholding of local authorizations and the like);
 - (6) Referrals to other regulatory organizations (if any); and
 - (7) Date(s) violation(s) resolved.
- (2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.46 EMERGENCY SUSPENSION.

(A) The City Engineer may for cause order the suspension of a storm water management plan when the City Engineer determines that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons downstream, or substantial danger to the environment. If such a suspension occurs, all work in the area covered by the plan shall cease immediately. If any person is notified of the suspension and then fails to comply voluntarily with the suspension order, the city shall commence whatever steps are necessary to obtain compliance. The City Engineer may reinstate the storm water management plan upon proof of compliance with all plans or permit conditions. The City Engineer may also order the immediate suspension of all work if a person or entity is conducting an activity for which a permit is needed without first obtaining the appropriate permit. The suspension shall remain in effect until the required permit(s) are obtained.

(B) Whenever the City Engineer orders the suspension of a plan and/or orders all work to stop pursuant to the emergency provisions of this subchapter, the City Engineer shall serve notice on the landowner and/or permittee personally, or by registered or certified mail.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.47 NON-EMERGENCY REVOCATION OF PLAN.

(A) A storm water management plan may be revoked following notice. The City Engineer may revoke a plan or permit for cause, including, but not limited to:

- (1) Violation of any terms or conditions of the applicable plan or permit;
- (2) False statements on any required reports and applications;
- (3) Obtaining a plan or permit by misrepresentation or failure to disclose fully all relevant facts; or
- (4) Any other violation of this subchapter or related ordinance.

(B) The City Engineer may revoke a storm water management plan and order a work stoppage to bring a project into compliance. Notice of an order shall be given in accordance with § 152.48 of this chapter. Under a revoked plan, no additional permit approvals (i.e., building, excavation and the like) shall be issued for any properties within the area included within the plan or permit boundaries until approved by the City Engineer. In addition, the city may deny new permits (i.e., building, excavation and the

like) to the permittee or landowner in violation for projects in other locations until current permits are brought into compliance.
(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.48 NOTIFICATION

(A) Whenever the City Engineer finds that any person has violated or is violating this subchapter, the City Engineer shall serve upon the person a written notice stating the nature of the violation. A plan satisfactory to the Engineer for correction thereof must be submitted to the City Engineer within an approved time frame. If a satisfactory plan is not submitted or the terms of the plan are not followed, the City Engineer may order all work in the affected area to cease. The City Engineer reserves the right to have the required work to be completed by others at the owner's expense.

(B) If any person commences any land-disturbing activities which result in increased storm water quantity or storm water quality degradation into the city's storm water management system contrary to the provisions of this subchapter, federal or state requirements or any order of the City Engineer, the City Attorney may commence action for appropriate legal and/or equitable relief, including administrative or criminal penalties.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.49 COSTS OF DAMAGE; ATTORNEY FEES AND COSTS.

(A) *Costs of damage.* Any person violating any of the provisions of this subchapter or who initiates an activity which causes a deposit, obstruction or damage or other impairment to the city's storm water management system is liable to the city for any expense, loss or damage caused by the violation or the discharge. The city may bill the person violating this subchapter the costs for any cleaning, repair or replacement work caused by the violation of storm water discharge, and if unpaid within 90 days may result in assessment of the costs against the violator's property.

(B) *City Attorney's fees and costs.* In addition to the civil penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate action against the person found to have violated this subchapter or the orders, rules, regulations and permits issued hereunder.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)

§ 152.50 FALSIFYING INFORMATION.

Any person who knowingly makes any false statements, representations or certification in any applicable record, report, plan, permit or other document filed or required to be maintained pursuant to this subchapter, or who knowingly falsifies, tampers with or knowingly renders inaccurate any monitoring devices or method

required under this subchapter, shall be guilty of a misdemeanor.
(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015) Penalty, see § 152.99

§ 152.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person who is found to have violated an order of the City Engineer made in accordance with §§ 152.25 through 152.50 of this chapter, or who has failed to comply with any provision of §§ 152.25 through 152.50 of this chapter and the orders, rules, regulations and permits issued hereunder, is guilty of a misdemeanor. Each day on which a violation occurs or continues to exist shall be deemed a separate and distinct offense. All land use and building permits may be suspended until the applicant has corrected the violation. One re-inspection of a site will be allowed before any re-inspection fees will be applied. Reasonable non-compliance and re-inspection fees may be imposed for violation of §§ 152.25 through 152.50 of this chapter.

(2) Any person violating any provision of §§ 152.25 through 152.50 of this chapter, in addition to other sanctions set forth above, may be charged with a criminal misdemeanor or, alternatively, may be charged with an administrative violation pursuant to city code.

(2002 Code, § 3.94) (Ord. 109, Sixth Series, effective 6-25-2009; Ord. 24, Seventh Series, effective 5-23-2015)



Council Action Recommendation

Page 1 of 1

Meeting Date: 10-12-22

Subject: Club house Heating/Ventilation/Air Conditioning (HVAC)

Recommendation: Jointly (City and Pebble Lake Golf Club "PLGC") replace the club house HVAC equipment.

Background/Key Points: The air conditioning capabilities of the club house have shown to be inadequate with the opening of the restaurant and the prospect of it (restaurant) being in operation year-round. Pebble Lake Golf Club (PLGC) approached the city about replacing the equipment. Staff is recommending the city enter into an agreement with PLGC where the city would "front" the expense from the Golf Course budget and PLGC would repay 50% of the cost over a 5 year term.

The city recognizes the asset that the course and its amenities are to its citizens and appreciates all that PLGC does to provide this opportunity to the citizens and the region.

Budgetary Impact: One estimate of \$50,000 has been received and we are waiting on more. The funds are available in the Golf Course line of the Park and Recreation budget. The available funds are funds that have been set aside and have been building over the last few years to undertake an exterior face lift. This would delay that project indefinitely. Once all quotes are received, the city council will be asked to approve.

Originating Department: Public Works

Respectfully Submitted: Len Taylor

Attachments: