

Office of County Recorder
County of Crow Wing, MN }

*4600
city wk*

I hereby certify that the within instrument was filed
in this office for record on the 24 day of May
A.D. 2006 at 8 o'clock A.M.
and was duly recorded as Doc. No. 0709740

By *Victoria Stange* County Recorder
Deputy

ORDINANCE NO. 2000-18

**AN ORDINANCE AMENDING TITLE 8 OF THE BAXTER CITY CODE REGARDING
A NEW STORM WATER UTILITY DISTRICT – CLARIFICATION OF FEES.**

The City Council of Baxter Minnesota, ordains:

SECTION 1.

Section 8-4 of the City Code is hereby amended to read as follows:

“8-4 Storm Water Utility District

8-4-1 Purpose. The purpose of this ordinance is to establish a City of Baxter Storm Water Improvement District which shall include all lands within the City limits. The objectives are to acquire, construct, reconstruct, extend and maintain storm water ponds, storm sewer systems and related facilities within the District.

8-4-2 General Operation. The city storm water system shall be operated as a public utility (“hereinafter called the “storm water utility” or “utility”), pursuant to Minn. Stat. Section 444.075, from which revenues will be derived subject to the provisions of this article and said Minnesota Statute.

8-4-3 Definitions. The following terms shall have the meanings as defined below solely for this Section:

Commercial – any Use other than Residential. As excluded by definition of Residential Uses, Commercial Uses shall include multi-family dwellings, institutions, industrial and all other Uses.

Impervious Surface – roofs on structures and any hard surface designed for pedestrian or vehicular traffic including bituminous, gravel and cement.

Residential – any Use designed for a dwelling, including Single Family dwellings and duplexes (two dwellings per structure), but excluding any other multi-family structure that has three or more Units.

Single Family – and Residential Use where there is only one family per structure

Unit – the space apportioned for one family within a Multi-Family structure or an Apartment

Use – means any improvements to a parcel which create Impervious Surface area, but excluding cemeteries, public roads and parks.

Utility Fee – the annual charge for storm water costs assessed to each parcel.
8-4-4 Utility Fee.

A) Determination. The Storm Water Utility Fees set forth below are based upon the 100% financing of the storm water budget for the City of Baxter as calculated by the most recent revision of the City of Baxter Storm Water Utility Policy Manual. These calculations were determined by examining the existing Impervious coverage within Baxter and comparing how different Uses affect water quality. These rates may change by resolution of the Baxter City Council based upon later studies, data or budget needs.

B) Utility Fees.

1) Residential As per the most recent Utility Fee Schedule adopted by Council resolution

Commercial As per the most recent Utility Fee Schedule adopted by Council resolution

2) All Uses shall pay at least one equivalent residential unit.

3) The Utility Fee shall be adjusted if the owner increases the Impervious Surface area or the City determines that past calculations of the Impervious Surface area were incorrect. Said adjustment shall be due the month following change.

C) Credits. The most recent revision of the Storm Water Utility Policy Manual may include methods by which a property owner may apply for an adjustment to their Utility Fees. Information to justify a Utility Fee adjustment must be supplied in writing by the property owner. Any adjustment shall not be retroactive and shall be reviewed by the Public Works Director. Adjustments may be reviewed by the Utilities Commission and Council like any other appeal as set forth below.

D) Payment. Utility Fees shall be collected each month with other City utility bills. The Utility Fee shall be due and payable at the same time and upon the same terms as other city utility bills. If a Use is not currently served by City utilities, an annual bill shall be sent to the property owner in the month of June and shall be due within thirty days of mailing (Commercial Users with more than 8 ERUs shall continue to be billed monthly even without other utilities). Any Utility Fee not paid within 30 days of mailing shall be assessed a late fee equaling ten percent of the amount then due.

1) Prorations. The City shall not refund or reallocate past annual payments for properties that are sold or transferred.

2) Payor. If instructed in writing by all owners and parties in possession, the City shall bill as requested. If no such written direction is on city file, the city shall bill the party in possession. If there are numerous owners, the entire bill shall be presented to the address submitted to the County Auditor for property tax collection, unless all owners and parties in possession instruct otherwise in writing.

3) Miscellaneous. Users who turn off other utilities for an extended period must pay any remaining Utility Fees for that period upon turning on utilities. Users who connect to other city utilities during the year shall be credited or billed for any past annual payment.

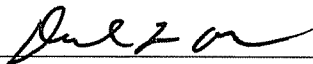
E) Collection. Delinquent Utility Fees may be certified to the county auditor for collection with real estate taxes, may be collected by bringing a civil action or may be collected by any other remedy available at law. The City may certify delinquent Utility Fees to the county auditor as authorized under Minnesota Statutes Section 444.075 if 1) the Utility Fee is more than 60 days delinquent, 2) the City Council holds a public hearing regarding the proposed assessment and 3) notice of said hearing is mailed to the property owner at the address as then shown on the county auditor's records for that parcel at least 14 days prior to the hearing. To appeal this assessment, the property owner must present a written objection to the assessment at said public hearing and then file a district court action in Crow Wing County within 30 days of said public hearing.

F) Appeal. If a property owner or person responsible for paying the Utility Fee believes that a particular Utility Fee is incorrect, such person may request that the fee be re-computed by the Public Works Director. If said person still believes the City is in error, they may request a hearing in front of the Utilities Commission at the next regularly scheduled meeting. Said property owner may appeal any decision of the Utilities Commission to the City Council by making a written request to be on the council agenda within 30 days of the Utilities Commission ruling. ”


SECTION 2. This ordinance shall be in full force and effect upon its passage and publication according to law.

Passed by the Baxter City Council on May 16, 2006.

CITY OF BAXTER, MINNESOTA

By 
Darrel Olson
Its Mayor

ATTEST:


Beva Olson
City Clerk

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THIS DOCUMENT DRAFTED BY:
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