

CITY OF ST. FRANCIS  
CITY COUNCIL AGENDA

June 4, 2012

ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)  
4115 Ambassador Blvd. NW

5:30 pm Councilmember Tour of the new Public Works/Police Facility

6:00 pm Regular City Council Meeting

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
  - a. Approve City Council Minutes – May 16, 2012
  - b. Accept the resignation of Fire Fighter Brigit Kelley
  - c. Accept the resignation of Fire Fighter John Marshall
  - d. SFHS Dance Team Booster Club requesting the City waive the rental fee of Warming House for Fundraiser
  - e. Enter into an Agreement for Building Official Services between the City of Nowthen and the City of St. Francis
  - f. Approve Building Official Employment Agreement
  - g. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
  - a. St. Francis Lions Club
7. Ordinances & Resolutions:
  - a. Ord. 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities (1<sup>st</sup> Rdg)
8. Reports of Consultants & Staff Members
  - a. Engineer: Hwy 47 Crosswalk Lights
  - b. Attorney:
  - c. Staff:  
Fire:  
Public Works:  
Liquor Store:  
Police:  
City Administrator:
9. Reports from Council Members
10. Report from Mayor
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

June 8-10: PIONEER DAYS  
June 16: St. Francis Motorcycle Ride-Starting at Zylstra's in Elk River at Noon  
June 18: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm  
June 20: Planning Comm. Mtg. @ ISD #15 Central Services Center 7:00 pm  
July 2: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm  
July 4: City Offices Closed in Observance of 4<sup>th</sup> of July Holiday  
July 10: Anoka County Board of Commissioners holding their Board meeting in St. Francis

TO: Mayor & City Council

FROM: Matthew L. Hylan,  
City Administrator



RE: Agenda Memorandum – June 4, 2012 Meeting

**Agenda Items:**

**4. Consent Agenda:**

- f. **Building Official Contract:** Attached is the employment contract with our current Building Official Andy Schreder. This is unique due to the flexibility we needed to have with Mr. Schreder being utilized with the City of Nowthen and also accounting for the “slow” times over the winter. Please note there is NOT a start date in the contract due to Nowthen giving final consideration on the service contract on June 18. The actual date will be when Nowthen begins service.

**6. Petitions, Requests, Applications:**

**7. Ordinances & Resolutions:**

- a. *Ordinance 170, Second Series:* Ordinance 170, Second Series (first reading) amends Chapter 3 regarding Municipal Utilities. Attached is a summary memorandum from City Planner Nate Sparks outlines the changes section by section. A motion would be in order to approve Ordinance 170, Second Series (first reading). This ordinance does require a roll call vote.

**8. Reports:**

- a. **Engineer:** *Hwy 47 Crosswalk Lights:* Staff will bring direction to the meeting.
- b. **City Attorney:**
- c. **Staff:**
  - Fire:**
  - Public Works:**
  - Liquor Store:**
  - Police:**
  - City Administrator:**

**11. Old Business**

**12. New Business:**

CITY OF ST. FRANCIS  
ST. FRANCIS, MN  
ANOKA COUNTY

CITY COUNCIL MINUTES

MAY 21, 2012

1. **Call to Order/Pledge of Allegiance:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 p m.
2. **Roll Call:** Present were Mayor Jerry Tveit, Council members Jeff Sandoval, Tim Brown, and Chris McClish. Steve Kane excused. Also present were City Attorney Scott Lepak (Barna, Guzy and Steffen, Ltd) City Engineer Jared Voge (Bolton & Menk, Inc.), Police Chief Jeff Harapat, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, City Administrator Matt Hysten and City Clerk Barb Held.
3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND McCLISH TO ADOPT THE MAY 21, 2012 CITY COUNCIL AGENDA. Motion carried 4-0.
4. **Consent Agenda:** MOTION BY BROWN SECOND McCLISH TO APPROVE THE MAY 21, 2012, CITY COUNCIL CONSENT AGENDA-J AS FOLLOWS:
  - a. Approve the City Council Minutes of May 7, 2012.
  - b. Authorization to hire Part Time Liquor Store Applicants Erin Mulcahy and Lisa Bauer
  - c. Authorization to hire Full Time Public Works Applicant David Thelen
  - e. Accept the Resignation of Public Works Employee Dave Tucker
  - f. Acknowledging the Matching DNR Grant Request for the Fire Department
  - g. Ratify the General Laborer's Union Local 563 Contract for 2012-2014
  - h. Approved Pay Estimate No. 5 from Amcon Construction Management (\$876,530) for Gopher State Contractors, Inc. \$1,615; McDowall Company \$24,372; SCR, Inc.-St Cloud \$280,250; Electrical Solutions Inc. \$27,083; North Metro Asphalt and Contracting \$99,245; New Look Contracting, Inc. \$148,9120; Classic Construction, Inc. \$251,336; Central Minnesota Fabricating, Inc. \$38,720 and Greystone Construction Company \$4,997.
  - i. Authorization to hire an a Administrative Intern Christopher Mickelson
  - j Approve the Payment of Claims for \$136,474.03Motion carried 3-1. Sandoval voting nay.
5. **Meeting Open to the Public: None.**
6. **Petitions, Requests, Applications:**
  - a. **Abdo, Eick and Meyers: 2011 Annual Financial Report:** Andy Berg of Abdo, Eick and Meyers was present to give a recap of the 2011 Annual Financial Report. Mr. Berg reported the Audit went well and asked if there were any questions. The City Council had none.
7. **Ordinances & Resolution:**

**a. Resolution 2012-15: Adopting 2012 Pay Plan for Non-Organized Employees and Setting the General City Health Insurance Stipend and Benefits:** MOTION BY SANDOVAL SECOND BROWN ADOPTING RESOLUTION 2012-15 A RESOLUTION ADOPTING 2012 PAY PLAN FOR NON-ORGANIZED EMPLOYEES AND SETTING ATHE GENERAL CITY HEALTH INSURANCE STIPEND AND BENEFITS. Motion carried 4-0.

**8. Reports of Consultants & Staff Members:**

**a. Engineer:**

**b. Attorney:**

**c. Staff: Fire Department:**

**Public Works: Regular Part Time Employees:** One of the City's current regular full time employee asked if the City would be willing change his position status to regular part time employee status do to family priorities. The City has looked over the request and made sure their Union was supportive of the proposed change. Public Works Director Paul Teicher stated in his agenda report the reasoning in hiring another part time person to make up for the loss of a full time position. The part time average hours per week would be approximately 25-30 hour per employee. Due to the fact we do not have to pay benefits we would have 50-60 hours of work per week instead of 40 hours. MOTION BY TVEIT SECOND SANDOVAL APPROVING THE CHANGE OF EMPLOYMENT STATUS OF THE REQUESTING FULL TIME EMPLOYEE TO A REGULAR PAR TIME EMPLOYEE STATUS AT THE TIME THE CITY ADDS THE ADDITIONAL REGUALR PART TIME EMPLOYEE AND DECLARING A VACANCY FOR A REGULAR PART TIME EMPLOYEE IN ADDITION AUTHORIZE CITY STAFF TO FILL THIS POSITION. McClish's only concern is we don't keep changing full time employees to part time positions. Motion carried 3-1. McClish voting nay.

**Authorization to Purchase a Ball Field Groomer:** The current ball field groomer is made to only be used on our 2003 Kawasaki Mule, which was to be traded in with the purchase of the Toolcat that was approved at the March 5, 2012 Council meeting. We have taken possession of the Toolcat and accessories; Crawford's Equipment has allowed us to continue to use the Mule until we have purchased a new infield groomer. Staff has been researching infield drags since March and have identified the PR72 Pro Groomer as the attachment that will work the best for the City. This groomer also will be able to be used our zero turn mower and Belo's machine. Tveit stated it is in the budget. Sandoval asked how many fields are we grooming and how often. Teicher stated currently we have two fields and is used weekly. Tveit asked if we could lease or use the schools. Teicher said the school does have a busy schedule and have worked with them but it does not always work out. Sandoval questioned the purchase of the piece of equipment and asked can we get by with a drag with just two fields? I understand the need of one but the cost at this time is what I am questioning. Teicher justified the use of this piece of equipment. Brown asked how long will this piece of equipment last. Teicher stated staff has been researching this type for a while and I am sure it will last for some time. MOTION BY SANDOVAL SECOND McCLISH APPROVING THE PURCHASE OF A PR72-E PRO GROOMER STAND ELECTRIC LIFT MACHINE WITH THE FOLLOWING OPTIONS; DRAG MAT, DUAL REMOTE CONTROL, TONGUE STAND AND 2" BALL COUPLER HITCH, FOR \$5,831.71 (TAX INCLUDED) FROM HEYING COMPANY. Brown said in the future, I want all

accessories purchased at one time. Tveit said I do understand why Teicher would not want to purchase future items all at once, because of the cost. Tveit would like to see the City borrow from someone else. Brown said if we borrow it weekly a lot of staff time would be spent on transporting this equipment. Motion carried 3-1. Tveit voting nay.

Sandoval asked if we used a piece of equipment like this before and if it does not work the way we want it to, do we have the ability to return it.

**Liquor Store:**

**Police Dept:**

**City Administrator Report: Phone System Discussion:** Currently we have a six-year old phone system. With the current technology and systems changing daily our system is not functioning as good as it should be lately. Our system currently is not being manufactured anymore and does go down quite frequently. This is not a budgeted expense but with a new public work/police facility being built; now would be a good time to change, if we decide to change. Direction from the City Council was to look into a new phone system, citywide.

**Building Official Employment Agreement:** Currently we have been talking with our current building official Andy Schreder about changing his employment from part time to full time. This does go hand in hand with the possibility of the City of Nowthen requesting our building official for their inspection needs.

**Nowthen Building Inspection Contract Update:** Nowthen still has some questions on the Contract that was submitted to them. Mr. Lepak and I are working with Nowthen to answer their questions. If for some reason Nowthen does agree with the contract and their building inspection service quits immediately and does not give their 30-day notice we would like to have Mr. Schreder ready.

9. **Reports from Council Members:** Brown asked if someone leases out phone systems. Staff stated they would look into lease options.

10. **Report from Mayor:** The St. Francis Motorcycle Ride will be held June 16, 2012. The ride will start in Elk River at Zylstra's and end in St. Francis. I would like something tangible the proceeds of this ride to be spent on in our community. I am looking to make this a success.

Did have an individual call about a four-wheeler driving in one of our parks and called the non-emergency number at the police department. Tveit stated we just have to educate people to dial 911. The resident was happy to see the police department in the area shortly after his call.

11. **Old Business:** None.

12. **New Business:** Brown said being our first Monday in July is the 2<sup>nd</sup> can we change it. The meeting dates are set according to our Charter. Brown said I will not be here. The council will still hold the City Council meeting on July 2, 2012.

Sandoval said we have a resident living close to city hall that has fence post right next to the road, can we check into it. Hylan said we will have staff look into that.

13. **Adjournment:** The City Council adjourned the meeting at 6:50 pm.

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Barbara I. Held, City Clerk

DRAFT

5/29/12

I, Janette Ledder, from the  
St. Francis High School Dance Team  
Booster Club, would like to  
ask the City Council to waive the  
rental fee of the warming house.  
Our dance team will be having  
a garage sale to raise funds  
for our high school dance team.

kindest regards,

Janette Ledder

High Quality Fe.  
Micro Print Line  
Chemically Sensitive P.c.  
Screen



## CITY OF ST. FRANCIS FACILITY USE PERMIT

Which Facility do you wish to use: (Circle one)      Community Center      Woodbury Park

Community Park:    Concession    Shelter    Softball field    Hockey Rink    Ice Rink    Warming House

Are they any special requirements: \_\_\_\_\_

\*\*\*\*\*  
 Date Requested: 9/7-9/8      Times: All day  
 Name: SFOT      Resident of St. Francis: Yes  No   
 Address: 20861 Verdin St      Adults  Youth Group  Family Reunion   
 Phone: \_\_\_\_\_      Date Key Picked up: 9/6    Returned: 9/10  
 (Late key return fee is \$25 if not returned within 2 business days.)

### FEE SCHEDULED

	Resident	Non-Resident
<b>Community Center (23340 Cree Street)</b>	\$30 per event	\$55 per event
<b>Woodbury Park (3646 Bridge Street)</b>	\$50 per event	\$100 per event
<b>Community Park (22835 St. Francis Blvd)</b>		
Ball Park-Outside organization	\$100 per night for season	\$200 per night for season
Ball Park-One game fee	\$25	\$50
Community park Shelter	\$25	\$50
Concession Stand	\$25	\$50
<b>Warming House</b>	<u>\$50</u>	\$100
Rink rental for reserved time	\$25 per hour	\$50 per hour
<b>Hidden Ponds Park (23950 Roanoke St.)</b>		
Football Field	\$25 each team	\$27 each team
Football Youth Program	\$43 per week/per team	
Soccer	\$34 per week/per team	
Soccer Field	\$25 each	
<b>Key Replacement</b>	\$50	\$50

Damage Deposit		Date Damage Deposit Received	Date Damage Deposit Returned
\$100	Community Center		
<u>\$50</u>	City Parks Residents		
\$75	City Parks Non-Residents		

St. Francis City Council has authority to charge or waive an annual fee of \$100 for Non-profits.

I, the Permit User(s), have read and understand the policies and procedures for the St. Francis Facility Use as printed on the back of this form and further agree that they shall be strictly observed and accept responsibility for the enforcement of them. In consideration of acceptance, I, the user (s) waive and release any and all rights and claims for damages against the City of St. Francis and agree to protect, indemnify and hold harmless the City of St. Francis, City of St. Francis Police Department and City of St. Francis Public Employees from any and all claims, liabilities, damages or rights of action (directly or indirectly) while participating or using the facility covered at this point.

[Signature]  
 Signature & Date of Responsible Person

[Signature]      5-29-12  
 City of St. Francis (Employee) & Date

**AGREEMENT FOR  
BUILDING OFFICIAL SERVICES  
BETWEEN  
THE CITY OF NOWTHEN, MINNESOTA AND  
THE CITY OF ST. FRANCIS, MINNESOTA**

This agreement (“Agreement”) is made and entered into this \_\_\_\_ day of May, 2012 by and between the City of St. Francis, a Minnesota municipal corporation (“St. Francis”) and the City of Nowthen, a Minnesota municipal corporation (“Nowthen”). The Cities will collectively be referred to as the parties.

**WHEREAS**, St. Francis has a Building Official position (“Building Official”); and

**WHEREAS**, St. Francis and Nowthen are committed to obtaining efficiencies in providing services to their respective citizens through the use of shared service arrangements; and

**WHEREAS**, the parties have held discussions and determined that it is in the best interests of both Cities to have the St. Francis Building Official provide Building Official services to Nowthen in addition to his duties for St. Francis; and

**WHEREAS**, this Agreement will detail the terms of that shared service; and

**NOW THEREFORE**, in consideration of the premises and good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **PURPOSE.** The purpose of this Agreement is for Nowthen to purchase Building Official services from St. Francis.
2. **SERVICES TO BE PROVIDED.** The Building Official will provide the following services for Nowthen:
  - a. **Building Inspections.** The Building Official will be responsible for the legal aspects of building code administration and enforcement to include plan reviews and inspections per the Uniform State Building Code and Nowthen City Ordinances.
  - b. **Permit Issuance.** The Building Official will accept and review all relevant building and related permit applications, conduct all necessary investigations, and ensure that said applications meet all requirements under all applicable Nowthen ordinances as well as all applicable State and Federal laws, rules, and regulations, and will issue permits consistent with Nowthen City ordinances.
  - c. **Attendance at Nowthen Meetings.** The Building Official will attend Nowthen City Council meetings, public hearings, and/or special meetings upon request by Nowthen as Nowthen’s consulting Building Official. St. Francis may decline to

provide the Building Official's attendance at any meeting or hearing where St. Francis determines the Building Official's attendance is required elsewhere.

- d. **Administrative Assistance.** The Building Official will perform all relevant administrative assistance related to the above specified services.
  - e. **Code Enforcement Services.** The Building Official will inspect properties alleged to be in nonconformity with Nowthen's City Ordinances when asked to do so by Nowthen. The Building Official will notify the owners of properties that appear to be in nonconformance with the City Code giving the owner a period of time to bring his/her property into compliance with the City Code. After two notices and there being no or unsatisfactory action by the owner to bring his/her property into compliance, the Building Official will notify the Nowthen City Attorney of the nonconformity and request that legal action be taken. Each party is responsible for enforcement within their respective City and will direct the Building Official in all enforcement actions.
  - f. **Hours worked at each City.** The parties acknowledge that the Building Official shall divide his time as needed between St. Francis and Nowthen. If either party requires Building Official to work a set number of hours, the parties agree to meet in good faith to negotiate the number of hours the Building Official shall work at each respective City.
  - g. **Building Official Not Available Due to Illness/Vacation.** St Francis agrees to provide Nowthen with a replacement Building Official to provide services under this agreement if the regular Building Official is not available due to illness or vacation.
3. **TERM.** The term of this Agreement shall be from June 1, 2012 through December 31, 2013. Thereafter this Agreement will continue until terminated pursuant to paragraph 10.
4. **COMPENSATION.**
- a. **Hourly Rate.** The compensation to be paid by Nowthen to St. Francis for the Building Official's services as defined herein shall be on an hourly basis equivalent to the hourly rate paid to Building Official by St. Francis plus one dollar (\$1) per hour to cover St. Francis administrative costs.
  - b. **Health Insurance.** Nowthen agrees to pay a flat cents per hour equivalent to the contribution and increase in the health insurance and disability/life insurance payments that St. Francis provides to the Building Official divided by 174.

By way of illustration only, if the City of St. Francis increases its contribution toward the Building Official's health insurance on January 1, 2013 from \$650/month to \$675 per month, that will increase the hourly rate charged to Nowthen by (\$25 divided by 174) fourteen cents (\$.14) per hour.

c. **Mileage.** Nowthen agrees to reimburse the City of St. Francis for mileage incurred by the Building Official in performing the duties noted in this Agreement for Nowthen, including mileage from the St. Francis City Hall to any inspection or meeting point. This amount will be established at the maximum rate permitted as a nontaxable expense by the IRS.

d. **Unemployment.**

i. In the event that the Building Official becomes eligible for unemployment benefits as a result of Nowthen's termination of services pursuant to paragraph 10 of this Agreement, Nowthen will pay an amount to St. Francis equal to the St. Francis unemployment obligation divided by that percent of the Building Official's hours spent performing services for Nowthen in the prior full calendar quarter.

By way of illustration only, in the event that the Building Official had performed an average of ten (10) hour per week for Nowthen and thirty (30) hours per week for St. Francis in the prior calendar quarter, Nowthen would be required to pay St. Francis for 25% of the amount that St. Francis is required to pay the department of economic security for the Building Official's unemployment compensation.

ii. In the event that the Building Official becomes eligible for unemployment benefits as a result of discontinued service by Nowthen and continued service by St. Francis but at a reduced level, Nowthen will pay an amount to St. Francis equal to the St. Francis unemployment obligation. Nowthen will not be obligated to pay any amounts toward unemployment where the reduced hours are solely attributable to St. Francis.

e. **Replacement Cost.** Nowthen agrees to pay the full hourly amount charged by a third party replacement for the Building Official for services performed for Nowthen while the Building Official is absent, whether because of vacation, sick leave or other reason, including resignation.

f. Nowthen agrees to pay a prorated share of all sick and vacation leave utilized by the Building Official. This will be a end of year adjustment based on the total paid leave utilized by the Building Official divided by the percentage of time the Building Official worked for Nowthen as compared to total services to both parties.

5. **BILLING.** St. Francis will bill Nowthen for services rendered under this Agreement on a monthly basis. Nowthen will make payment for services rendered by the Building Official directly to St. Francis. Payments will be made no later than two weeks after receiving a bill for services rendered.

6. **EMPLOYMENT STATUS.** The Building Official is an employee of St. Francis and will remain an employee of St. Francis while performing services under this Agreement. No tenure or any rights or benefits, including medical or health insurance coverage, sick

leave, vacation leave, severance pay or other benefits available to Nowthen employees will accrue to the Building Official under this agreement unless specifically stated. Payment of wages as well as payroll deductions for PERA, taxes, unemployment insurance, health insurance, disability insurance, or worker's compensation will be made by the St. Francis as required by law.

7. **INSURANCE AND LIABILITY.**

- a. **Insurance.** While attending to Nowthen matters, the Building Official will be insured by Nowthen under its insurance coverages including commercial general liability. St. Francis will also carry similar insurance on the Building Official.
- b. **Liability of St. Francis.** St. Francis agrees to defend and indemnify Nowthen and its employees, officials, volunteers and agents from and against all claims, actions, damages, losses and expenses arising out of the Building Official's performance or failure to perform his duties under this Agreement except where such claim, action, damage, loss and expense is attributable to a specific direction from Nowthen or its employees, officials, agents or representatives.
- c. **Liability of Nowthen.** Nowthen agrees to defend and indemnify St. Francis and its employees, officials, volunteers and agents from and against all claims, actions, damages, losses and expenses arising out of the Building Official's performance or failure to perform his duties under this Agreement where such claim, action, damage, loss and expense is attributable to a specific direction from Nowthen or its employees, officials, agents or representatives.

8. **WARRANTIES.** In performing services under this Agreement, the St. Francis warrants and represents that the Building Official will exercise that degree of skill and care that a professional building official would exercise under the same or similar circumstances. St. Francis further warrants and represents that the Building Official has and will maintain all necessary licenses and certifications necessary to perform the terms and conditions of this Agreement.

9. **DISPUTE RESOLUTION.** The parties shall cooperate and use their best efforts to ensure that the various provisions of this Agreement are fulfilled. The parties agree to act in good faith to undertake resolution of disputes, in an equitable and timely manner and in accordance with the provisions of this Agreement. If disputes cannot be resolved informally by the parties, the following procedures shall be used:

- a. **Mediation.** Whenever there is a failure between the parties to resolve a dispute on their own, the parties shall first attempt to mediate the dispute. The parties shall agree upon a mediator, or if they cannot agree, shall obtain a list of court-approved mediators from the Anoka County District Court Administrator and select a mediator by alternately striking names until one remains. St. Francis shall strike the first name followed by Nowthen, and shall continue in that order until one names remains.

- b. **Litigation.** If the dispute is not resolved within 30 days after the end of medication proceedings, the parties may litigate the matter. Each party will be responsible for all of their own costs associated with such litigation.
- c. **Termination.** In addition to the remedies outlined in this Paragraph, an ongoing dispute may also be resolved by terminating the Agreement as outlined in paragraph 10.

10. **TERMINATION/EXTENSION.**

- a. **Termination.** This Agreement may be terminated by the party desiring that the Agreement be terminated providing sixty (60) days written prior notice to all other parties any time after December 31, 2012. Cause is not required for such termination. Payment for services rendered will be through the date of termination as identified in the written notification.
- b. **Extension.** This Agreement may be extended beyond the time designated in Paragraph 3 of this Agreement by written agreement of all of the parties hereto which written agreement will contain any amendment of the existing terms of this Agreement. In the event that the Agreement is not formally extended by written agreement and services continue, the terms of this Agreement will continue to apply until Termination noted in paragraph 10(a) or the parties enter into a written extension Agreement.

11. **OWNERSHIP AND INSPECTION OF DOCUMENTS.** All documents including electronic data prepared under this Agreement will be the property of Nowthen and will be collected and maintained in a manner as deemed appropriate by Nowthen. Records Availability and Retention: The books, records, documents, and accounting procedures and practices of the Building Official relevant to this Agreement are subject to examination by St. Francis or its designated representative and either the Legislative Auditor or State Auditor as appropriate. The Building Official and both parties to this Agreement will be bound under the provisions of the Minnesota Data Practices Act and will maintain records in a fashion consistent with Minnesota Statutes, Chapter 13.

12. **GENERAL PROVISIONS.**

- a. **Entire Agreement.** This Agreement supersedes any prior or contemporaneous representations or agreements, whether written or oral, between the parties and contains the entire agreement.
- b. **Amendments.** Any modification or amendment to this Agreement shall require a written agreement signed by all parties.
- c. **Notice.** Any notice, statement or other written documents required to be given under this Agreement shall be considered served and received if delivered personally to the other party, or if deposited in the U.S. First Class mail, postage prepaid, as follows:

City of St. Francis  
City Administrator  
23340 Cree Street NW  
St. Francis, MN 55070

City of Nowthen  
City Clerk  
8188 199<sup>th</sup> Avenue NW  
Nowthen, MN 55330

- d. **Captions.** Captions or headings contained in this Agreement are included for convenience only and form no part of this Agreement between the parties.
- e. **Waivers.** The wavier by any party of any breach or failure to comply with any provision of this Agreement by another party shall not be construed as, or constitute a continuing waiver of such provision or a waiver of any other breach of or failure to comply with any other provision of this Agreement.
- f. **Counterparts.** This Agreement may be executed n several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.
- g. **Savings Clause.** If any court finds any portion of this Agreement to be contrary to law or invalid, the remainder of this Agreement will remain in full force and effect.
- h. **Successors and Assigns.** St. Francis shall not have any right to assign, transfer, or sublet its interest or obligations hereunder without the written consent of Nowthen. However, nothing in this subparagraph shall prevent St. Francis from providing Nowthen with a substitute for the incumbent Building Official in the event of the Building Official's absence or separation as provided for in paragraph 2g.
- i. **Interpretation.** The laws of the State of Minnesota will govern as to the interpretation, validity, and effect of this Agreement.

IN WITNESS, the parties hereto have executed this Agreement the day and year first above stated.

**CITY OF NOWTHEN**

**CITY OF ST. FRANCIS**

\_\_\_\_\_  
William Schulz  
Mayor

\_\_\_\_\_  
Jerry Tveit  
Mayor

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Corrie LaDoucer  
City Clerk

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Matthew Hylan  
City Administrator

566764-v2

## EMPLOYMENT AGREEMENT

**AGREEMENT** by and between the **CITY OF ST. FRANCIS**, a Minnesota municipal corporation ("Employer"), and Andy Schreder ("Employee").

The parties agree as follows:

**1. POSITION.** Employer agrees to employ Employee as its City Building Official. Employee represents that he is fully qualified to perform these duties and agrees to serve as the City Building Official in accordance with state statutes and City ordinances and to perform such other legally permissible and proper duties and functions as the City Council or City Administrator shall from time to time assign and that such additional duties may also involve Code Enforcement. Employee acknowledges that the City intends that a substantial portion of his services will include providing services for the City of Nowthen.

**2. SALARY.** Effective \_\_\_\_\_, Employer shall pay Employee the amount indicated on Grade 14, Step 1 of the City's salary schedule. This amount will be subject to review and amendment by the City on an annual basis. Employee shall be given an annual performance review.

**3. EXEMPT STATUS.** The parties agree that this position is exempt based on the need for this position to provide the City with opinions and recommendations regarding policies and procedures based on his experience and observations in addition to providing inspection services. Accordingly, the employee will be paid at the same salary regardless of the number of hours worked in a week. The parties further agree that the employee will not be eligible for overtime pay. The parties agree that the employee will not collect any salary for weeks in which the Employee does not perform any work.

**4. BENEFITS.** Employee will receive the economic benefits as outlined in the City's personnel policies. The parties agree that the noneconomic provisions of the City's personnel policies will also apply to this position.

**5. GENERAL EXPENSES.** Employer shall reimburse Employee miscellaneous job related expenses which it is anticipated Employee will incur from time to time when provided appropriate documentation. This will include reimbursement for use of employee's personal vehicle at the rate established by the City (or in the absence of a rate established by the City, the standard IRS mileage rate) when a City vehicle is not available.

**6. HOURS OF WORK.** As an exempt position, Employer and Employee agree that the time needed to perform the duties of the position may vary significantly. The Employee agrees to fill out a time card that will not be utilized for payroll purposes but rather will serve as a performance tool. It is understood that the position of City Building Official may require attendance outside of the hours that City Hall is open.

**7. GENERAL CONDITIONS OF EMPLOYMENT.** Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employer to terminate the services of Employee at any time, for any reason, subject only to the provisions of this Agreement and statutory requirements. Furthermore, nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign at any time from his position with Employer, subject only to the provisions of this Agreement.

**8. CHANGE IN EMPLOYMENT TERMS.** In addition to the General Conditions of Employment noted above, this Agreement will automatically terminate upon the effective date that the City of Nowthen discontinues to contract with the City of St. Francis for inspection services performed by Employee. At such time, the Employer and Employee will meet to discuss a revised employment relationship.

Approved: \_\_\_\_\_ by Employee:

EMPLOYEE:

\_\_\_\_\_

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS \_\_\_\_  
DAY OF \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Jerry Tveit  
Mayor

ATTEST:

\_\_\_\_\_  
Barbara I. Held  
City Clerk



PAYMENT BATCH AP 06-04-12

<b>AMCON</b>					
05/30/2012	CM234-12	E 402-43000-300	Professional Services	CONSTRUCTION MANAGEMENT	7,500.00
05/30/2012	CM234-12	E 402-43000-314	Construction	GENERAL CONDITIONS	26,913.23
05/30/2012	CM234-12	E 402-43000-340	Advertising	PRINTING	74.42
					\$34,487.65
<b>AMERIPRIDE LINEN &amp; APPAREL SER</b>					
05/23/2012	1002145035	E 609-49750-219	Rug Maintenance	RUG MAINT	49.07
					\$49.07
<b>ASPEN MILLS</b>					
05/16/2012	121359	E 101-42210-437	Uniform Allowance	KAPLER	194.72
					\$194.72
<b>ASSURANT EMPLOYEE BENEFITS</b>					
05/23/2012	5447229.0512	E 101-41400-130	Employer Paid Insurance	JUNE PREMIUMS	127.69
05/23/2012	5447229.0512	E 101-41500-130	Employer Paid Insurance	JUNE PREMIUMS	45.97
05/23/2012	5447229.0512	E 101-42110-130	Employer Paid Insurance	JUNE PREMIUMS	504.82
05/23/2012	5447229.0512	E 101-43100-130	Employer Paid Insurance	JUNE PREMIUMS	73.05
05/23/2012	5447229.0512	E 101-43210-130	Employer Paid Insurance	JUNE PREMIUMS	16.23
05/23/2012	5447229.0512	E 101-45200-130	Employer Paid Insurance	JUNE PREMIUMS	73.05
05/23/2012	5447229.0512	E 601-49440-130	Employer Paid Insurance	JUNE PREMIUMS	13.49
05/23/2012	5447229.0512	E 602-49490-130	Employer Paid Insurance	JUNE PREMIUMS	13.48
05/23/2012	5447229.0512	E 609-49750-130	Employer Paid Insurance	JUNE PREMIUMS	81.13
					\$948.91
<b>BELLBOY CORPORATION</b>					
05/15/2012	73521300	E 609-49751-206	Freight and Fuel Charges	FREIGHT	15.50
05/15/2012	73521300	E 609-49751-251	Liquor For Resale	LIQUOR	1,019.00
05/15/2012	73521300	E 609-49751-254	Miscellaneous Merchandise	MISC	93.75
					\$1,128.25
<b>BERNICK COMPANIES, THE</b>					
05/18/2012	167634	E 609-49751-252	Beer For Resale	BEER	219.75
05/18/2012	167634	E 609-49751-255	N/A Products	N/A	20.50
					\$240.25
<b>BIRCHWOOD CONSTRUCTION</b>					
05/21/2012	321	E 101-45200-401	Repairs/Maint Buildings	REPAIR GAZABO ROOF	250.00
					\$250.00
<b>BOBCAT COMPANY</b>					
05/15/2012	188114	E 101-45200-580	C-O-L Other Equipment	SKID-STEER LOADER	29,743.83
05/15/2012	188114	R 101-39101	Sale of Property	SKID-STEER LOADER	(28,140.70)
					\$1,603.13

**CEDAR CREEK SPRINKLERS**

05/26/2012	836	E 101-45200-229	Project Repair & Maintenance	REPLACE SPRINKLER HEADS	215.00
					<u>215.00</u>

**CHISAGO LAKES DISTRIBUTING CO.**

05/21/2012	473267	E 609-49751-252	Beer For Resale	BEER	392.20
					<u>392.20</u>

**COCA COLA REFRESHMENTS**

05/15/2012	0118001825	E 609-49751-254	Miscellaneous Merchandise	MISC	349.68
05/22/2012	0198094811	E 609-49751-254	Miscellaneous Merchandise	MISC	312.48
					<u>\$662.16</u>

**CONNEXUS ENERGY**

05/21/2012	.0511	E 101-41940-381	Electric Utilities	CITY HALL	289.10
05/21/2012	.0511	E 101-41940-381	Electric Utilities	SIGN	73.41
05/21/2012	.0511	E 101-42110-381	Electric Utilities	POLICE	160.30
05/21/2012	.0511	E 101-42110-381	Electric Utilities	AMBASSADOR SIREN	5.34
05/21/2012	.0511	E 101-42110-381	Electric Utilities	WOODBINE SIREN	5.34
05/21/2012	.0511	E 101-42210-381	Electric Utilities	FIRE	374.02
05/21/2012	.0511	E 101-43100-381	Electric Utilities	3518 BRIDGE	19.55
05/21/2012	.0511	E 101-43100-386	Street Lighting	STREET LIGHTING	3,562.32
05/21/2012	.0511	E 101-45200-381	Electric Utilities	PARKS	249.62
05/21/2012	.0511	E 101-45200-381	Electric Utilities	3518 BRIDGE	19.56
05/21/2012	.0511	E 601-49440-380	Electric-System	WATER	3,403.61
05/21/2012	.0511	E 602-49451-381	Electric Utilities	LIFT STATIONS	6,437.65
05/21/2012	.0511	E 609-49750-381	Electric Utilities	LIQUOR	945.61
					<u>\$15,545.43</u>

**CONSTRUCTION & GENERAL**

05/30/2012	053012	G 101-21707	Union Dues	JUNE DUES	152.00
					<u>\$152.00</u>

**CRYSTAL SPRINGS ICE**

05/15/2012	26360	E 609-49751-254	Miscellaneous Merchandise	MISC	157.80
05/22/2012	26448	E 609-49751-254	Miscellaneous Merchandise	MISC	213.60
					<u>\$371.40</u>

**DAHLHEIMER DIST. CO. INC.**

05/15/2012	4330	E 609-49751-252	Beer For Resale	BEER	366.05
05/16/2012	1020994	E 609-49751-252	Beer For Resale	BEER	9,130.33
05/23/2012	1025040	E 609-49751-252	Beer For Resale	BEER	10,172.62
05/23/2012	1025040	E 609-49751-254	Miscellaneous Merchandise	MISC	262.00
					<u>\$19,931.00</u>

**ELECTRIC PUMP**

05/14/2012	0047297-IN	E 602-49490-228	Equipment Maintenance	BLOWER BUILDING	797.30
					<u>\$797.30</u>

**FERGUSON WATERWORKS**

05/17/2012	S01358569.002	E 601-49440-229	Project Repair & Maintenance	REPAIR TOPS	72.59
					<u>\$72.59</u>

**G&K SERVICES, INC**

05/11/2012	1043173840	E 101-43100-402	Janitorial Service	TOWELS	21.39
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05/11/2012	1043173840	E 101-45200-402	Janitorial Service	TOWELS	21.39
05/11/2012	1043173840	E 601-49440-402	Janitorial Service	TOWELS	21.40
05/11/2012	1043173840	E 602-49490-402	Janitorial Service	TOWELS	21.39
05/25/2012	1043183756	E 101-43100-402	Janitorial Service	TOWELS	15.00
05/25/2012	1043183756	E 101-45200-402	Janitorial Service	TOWELS	15.00
05/25/2012	1043183756	E 601-49440-402	Janitorial Service	TOWELS	15.00
05/25/2012	1043183756	E 602-49490-402	Janitorial Service	TOWELS	15.00
					\$145.57

**GOOSE LAKE FARM & WINERY**

05/30/2012	640388	E 609-49751-253	Wine For Resale	WINE	108.00
					\$108.00

**GRANITE CITY JOBBING CO.**

05/15/2012	721760	E 609-49750-210	Operating Supplies	OPERATING	126.18
05/15/2012	721760	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
05/15/2012	721760	E 609-49751-254	Miscellaneous Merchandise	MISC	18.70
05/15/2012	721760	E 609-49751-256	Tobacco Products For Resale	TOBACCO	545.04
05/15/2012	721760	G 101-20810	Sales Tax Payable	USE TAX	(1.32)
05/22/2012	722679	E 609-49750-210	Operating Supplies	OPERATING	58.37
05/22/2012	722679	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
05/22/2012	722679	E 609-49751-254	Miscellaneous Merchandise	MISC	84.01
05/22/2012	722679	E 609-49751-256	Tobacco Products For Resale	TOBACCO	1,315.50
05/22/2012	722679	G 101-20810	Sales Tax Payable	USE TAS	(0.88)
					\$2,154.10

**GUYER, TOMMY**

		E 230-49990-441	Miscellaneous	FINAL PAYMENT	400.00
					\$400.00

**HACH COMPANY**

05/17/2012	7758181	E 601-49440-235	Lab Supplies	CHEMICALS	302.06
					\$302.06

**HENRYS WATERWORKS, INC.**

05/21/2012	15768	E 601-49440-229	Project Repair & Maintenance	PENTAGON PLUG LID	233.14
					\$233.14

**JEFFERSON FIRE & SAFETY INC.**

05/09/2012	18700	E 101-42210-437	Uniform Allowance	VELCRO HEM PATCH	56.43
					\$56.43

**JOHNSON BROS WHLSE LIQUOR**

05/16/2012	1298541	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.88
05/16/2012	1298541	E 609-49751-251	Liquor For Resale	LIQUOR	462.48
05/16/2012	1298542	E 609-49751-206	Freight and Fuel Charges	FREIGHT	17.64
05/16/2012	1298542	E 609-49751-253	Wine For Resale	WINE	470.50
05/17/2012	1298781	E 609-49751-206	Freight and Fuel Charges	FREIGHT	11.76
05/17/2012	1298781	E 609-49751-253	Wine For Resale	WINE	339.05
05/17/2012	534846	E 609-49751-206	Freight and Fuel Charges	CREDIT	(1.47)
05/17/2012	534846	E 609-49751-253	Wine For Resale	CREDIT	(41.60)
05/23/2012	1303984	E 609-49751-206	Freight and Fuel Charges	FREIGHT	19.36
05/23/2012	1303984	E 609-49751-251	Liquor For Resale	LIQUOR	1,289.82
05/23/2012	1303985	E 609-49751-206	Freight and Fuel Charges	FREIGHT	26.46

05/23/2012	1303985	E 609-49751-253	Wine For Resale	WINE	700.65
05/23/2012	1303986	E 609-49751-253	Wine For Resale	WINE	20.99
					\$3,321.52

**KID POWER PEDAL PULLS, LLC**

E 230-49990-441	Miscellaneous	2ND HALF PAYMENT	340.00
			\$340.00

**KIMS KLEANING**

05/28/2012	2050	E 101-42110-402	Janitorial Service	POLICE	577.16
05/28/2012	2051	E 101-42210-402	Janitorial Service	FIRE	136.81
05/28/2012	2052	E 101-41940-402	Janitorial Service	CITY HALL	256.52
05/28/2012	2053	E 101-45000-402	Janitorial Service	COMMUNITY CENTER	106.88
05/28/2012	2054	E 601-49440-233	Water Treatment Plant Maint	WATER PLANT	160.00
05/28/2012	2055	E 101-43100-402	Janitorial Service	PUBLIC WORKS	171.01
05/28/2012	2056	E 101-45200-402	Janitorial Service	WARMING HOUSE	53.44
					\$1,461.82

**LAW ENFORCEMENT LABOR SVCS.**

05/30/2012	053012	G 101-21707	Union Dues	JUNE DUES	323.82
					\$323.82

**M & G TRAILER SALES**

05/24/2012	12051501	E 101-42210-580	C-O-L Other Equipment	2012 TRAILER FOR UTV	4,202.00
					\$4,202.00

**MCDONALD DIST CO.**

05/17/2012	301672	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
05/17/2012	301672	E 609-49751-252	Beer For Resale	BEER	6,768.11
					\$6,771.11

**MCFOA**

05/30/2012	053012	E 101-41400-433	Dues and Subscriptions	MEMBERSHIP DUES	35.00
					\$35.00

**MIDWEST TESTING LLC**

05/21/2012	2396	E 601-49440-233	Water Treatment Plant Maint	WATER METER TEST	1,100.00
					\$1,100.00

**MN NCPERS LIFE INSURANCE**

05/23/2012	733400.0512	G 101-21710	Other Deductions	JUNE	48.00
					\$48.00

**NELSON ELECTRIC MOTOR REPAIR**

05/10/2012	5768	E 602-49490-228	Equipment Maintenance	FIELD LABOR	150.00
					\$150.00

**NORTH METRO TREE SERVICE INC.**

05/23/2012		E 101-45200-311	Contract	COMMUNITY PARK TREES	587.81
05/23/2012		E 101-45200-311	Contract	WOODBURY PARK TREES	480.94
					\$1,068.75

**NORTHERN LIGHTER PYROTECHNICS,**

E 230-49990-441	Miscellaneous	FINAL PAYMENT	8,000.00
			\$8,000.00

**PAUSTIS & SONS**

05/21/2012	8350830-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.50
05/21/2012	8350830-IN	E 609-49751-253	Wine For Resale	WINE	183.00
					\$187.50

**PHILLIPS WINE & SPIRITS CO.**

05/16/2012	2241564	E 609-49751-206	Freight and Fuel Charges	FREIGHT	22.79
05/16/2012	2241564	E 609-49751-251	Liquor For Resale	LIQUOR	2,611.47
05/16/2012	2241565	E 609-49751-206	Freight and Fuel Charges	FREIGHT	40.16
05/16/2012	2241565	E 609-49751-253	Wine For Resale	WINE	1,212.00
05/23/2012	2245103	E 609-49751-206	Freight and Fuel Charges	FREIGHT	16.17
05/23/2012	2245103	E 609-49751-251	Liquor For Resale	LIQUOR	1,631.49
05/23/2012	2245104	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.78
05/23/2012	2245104	E 609-49751-253	Wine For Resale	WINE	380.00
05/23/2012	2245105	E 609-49751-206	Freight and Fuel Charges	FREIGHT	2.94
05/23/2012	2245105	E 609-49751-254	Miscellaneous Merchandise	MISC	79.20
					\$6,007.00

**RAMSEY, CITY OF**

05/30/2012	053012	E 101-42210-311	Contract	CHIEF KAPLER'S SERVICES - M/	666.00
					\$666.00

**ROBBINSDALE COMMUNITY BAND**

		E 230-49990-441	Miscellaneous	BAND FOR PIONEER DAYS	800.00
					\$800.00

**SCHMIDT, JOHN**

05/23/2012	052312	E 609-49750-331	Travel Expenses	DRIVING TO MMBA CONFERENC	133.20
					\$133.20

**SHOOKINATOR LAWNS**

05/30/2012		E 101-43100-441	Miscellaneous	23243 ARROWHEAD MOWING	250.00
					\$250.00

**SKINNER, MARLINE**

		E 101-42700-311	Contract		500.00
					\$500.00

**SOUTH SIDE SEWER SERVICE INC**

05/23/2012	12894	E 101-42110-401	Repairs/Maint Buildings	POLICE DEPT REPAIRS	98.75
					\$98.75

**SOUTHERN WINE & SPIRITS OF MN**

05/17/2012	1786523	E 609-49751-206	Freight and Fuel Charges	FREIGHT	12.50
05/17/2012	1786523	E 609-49751-251	Liquor For Resale	LIQUOR	771.88
05/17/2012	1786523	E 609-49751-253	Wine For Resale	WINE	96.00
					\$880.38

**THE AMERICAN BOTTLING COMPANY**

05/18/2012	2449912438	E 609-49751-254	Miscellaneous Merchandise	MISC	129.80
05/18/2012	2449912439	E 609-49751-254	Miscellaneous Merchandise	CREDIT	(1.25)
					\$128.55

**TOM LYNCH ELECTRIC**

05/08/2012		E 101-43100-401	Repairs/Maint Buildings	WEST SHOP	56.25
05/08/2012		E 101-45200-401	Repairs/Maint Buildings	WEST SHOP	56.25
05/08/2012		E 601-49440-401	Repairs/Maint Buildings	WEST SHOP	56.25

05/08/2012	E 602-49490-229	Project Repair & Maintenance	WEST SHOP	335.00
05/08/2012	E 602-49490-401	Repairs/Maint Buildings	WEST SHOP	56.25
05/10/2012	E 609-49750-401	Repairs/Maint Buildings	LIQUOR STORE WORK	150.00
05/15/2012	E 101-42210-401	Repairs/Maint Buildings	FIRE DEPT WORK	875.00
05/24/2012	E 101-42210-401	Repairs/Maint Buildings	FIRE DEPT WORK	1,575.00
				\$3,160.00

**VESSCO, INC.**

05/22/2012	54158	E 601-49440-233	Water Treatment Plant Maint	PARTS	487.11
					\$487.11

**VINOCOPIA, INC.**

05/18/2012	0056952-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	14.00
05/18/2012	0056952-IN	E 609-49751-253	Wine For Resale	WINE	520.00
					\$534.00

**WATER LABORATORIES INC.**

05/08/2012	12E-134.0512	E 601-49440-313	Sample Testing	TEST	17.00
05/15/2012	12D-369.0512	E 602-49490-313	Sample Testing	TEST	71.00
05/15/2012	12D-370.0512	E 602-49490-313	Sample Testing	TEST	71.00
05/15/2012	12D-371.0512	E 602-49490-313	Sample Testing	TEST	71.00
					\$230.00

**WINE MERCHANTS**

05/23/2012	410419	E 609-49751-206	Freight and Fuel Charges	FREIGHT	2.94
05/23/2012	410419	E 609-49751-253	Wine For Resale	WINE	190.50
					\$193.44

**WIRTZ BEVERAGE MN**

05/17/2012	746716	E 609-49751-206	Freight and Fuel Charges	FREIGHT	44.95
05/17/2012	746716	E 609-49751-251	Liquor For Resale	LIQUOR	2,620.63
05/17/2012	746716	E 609-49751-253	Wine For Resale	WINE	679.25
05/24/2012	749929	E 609-49751-206	Freight and Fuel Charges	FREIGHT	26.10
05/24/2012	749929	E 609-49751-251	Liquor For Resale	LIQUOR	1,105.84
05/24/2012	749929	E 609-49751-253	Wine For Resale	WINE	255.36
05/24/2012	749929	E 609-49751-254	Miscellaneous Merchandise	MISC	83.88
					\$4,816.01

\$126,334.32

FUND SUMMARY

101 GENERAL FUND	\$19,197.87
230 PIONEER DAYS	\$9,540.00
402 CAPITAL EQUIPMENT	\$34,487.65
601 WATER FUND	\$5,881.65
602 SEWER FUND	\$8,039.07
609 MUNICIPAL LIQUOR FUND	\$49,188.08
Total	126,334.32



**MEMORANDUM**

TO: St. Francis City Council  
Matt Hylen, City Administrator

FROM: Nate Sparks, Consulting Planner

DATE: May 30, 2012

MEETING DATE: June 4, 2012

RE: Utility Code Update

**BACKGROUND**

Recently, City Staff reviewed Chapter 3 of the City Code regarding municipal utilities. There were several areas that were not consistent with current City policies and plans. The proposed ordinance update is intended to address these issues. Some of the changes are very minor such as updating position titles and fee schedule references. Other changes are more substantial.

Chapter 3 is divided into five sections. Section 1 is general standards applicable to billing and accounts. Section 2 is related to water service. Section 3 is about sewer service. Section 4 is currently about septic systems but is proposed to be modified to include well regulations. Section 5 is a codified version of a trunk area fee ordinance.

**SECTION 1 – GENERAL PROVISIONS**

The changes to Section 1 of Chapter 3 are more minor in nature. The primary change is to include the City’s “Zero Read” policy into the ordinance. This is the policy that the Public Works Department follows regarding meters that are not detecting water use. Other changes include putting the requirement to pay for connection and access charges into this section to ensure it is applicable to all potential utilities, referring to the fee schedule as an ordinance, and other such changes.

**SECTION 2 – RULES & REGULATIONS RELATING TO WATER SERVICE**

The City has had an established policy and ordinance that the property owner is to care for their service line from the (and including) the curb stop box to the house. The policy has been difficult to enforce, as it is hard to ascertain if the leak is on the City’s side or the property owner’s side of the box in many cases. This policy’s purpose was to make the service line the financial responsibility of property owners rather than all system users or taxpayers. Thus, the wording of this ordinance was changed to state the responsibilities for service line lie with the utility user from the corporation stop through the curb stop box and into the building served. Safeguards are put in place requiring

permits and inspections to ensure the right-of-way is maintained properly and that work will not cause problems for neighboring properties.

Section 3-2-4 regarding service pipes was expanded to include all of the City's requirements and standards for private facilities such as corporation stops, curb stops, and service lines. These are the standards that the City currently employs but are now being placed into the ordinance for the sake of clarity.

Section 3-2-6 is the ordinance section regarding the City's watering ban. Instead of generally referencing potential watering restrictions, this Section is proposed to be expanded to clearly state the City's watering ban policy. A general "water emergency" section was also added for severe or unusual cases that lie outside of the watering ban.

The ordinance included archaic references to private fire hose connections and use of unmetered service that are out of line with current Public Works and Engineering Policies. These have been removed and amended.

Also included into the updated water section are standards for backflow protection and a clear authorization to collect specific water connection charges. Neither area is of a major concern, at this time, but other area cities have run into issues that these ordinance sections helped to address.

### **SECTION 3 - RULES & REGULATIONS RELATING TO SEWAGE SERVICE**

The City's policy has been to require the removal of abandoned underground tanks and vaults when no longer in use whenever feasible. Section 3-3-2-E has been updated to include this requirement but also allow for it to be waived by the City Engineer in certain cases.

Section 3-3-5 is proposed to have several updates. The City's current ordinance generally addressed items not allowed to be put into the sewer but more specificity was needed. Such discharges are broken into two categories. The first category is items that should never go into the sewer. The second category is items the City may take from certain users with agreements (i.e. industrial). This section includes more specific standards for these agreements and testing. Also included is the City's current policy regarding sump pumps and floor drains being daylighted.

The other major change is to delete the sewer equivalency connection table and to refer to the standard table created by the Met Council. They continuously do studies, review standards, and update the tables for use throughout the metropolitan area. The City's current SEC table is an older version of theirs and this reference allows the City to automatically use their newer versions.

### **SECTION 4 – RULES & REGULATIONS RELATING TO SEPTIC & WELL**

Section 4 has been amended to include the City's private well standards. Until recently, individual cities were not allowed to regulate wells by ordinance in this manner by the

State Department of Health. The City has an adopted wellhead protection plan that states that no private wells in the urban area may be allowed within the area around the source wells for drinking water. The proposed regulations state that to use a well for irrigation, a permit is required and that the permit may be denied if it is in this wellhead protection area. Currently a plumbing permit is required but it is unclear if the City could deny the permit to be consistent with the adopted Wellhead Protection Plan.

**RECOMMENDED ACTION**

Included in the packet are two documents. One is a review draft showing the changes via strikethrough for deletion and underline for addition to allow for you to follow the changes. Another is the ordinance form with how each changed section will read after amendment. If the Council finds the changes to be acceptable, it would be recommended to approve the ordinance.

**CITY OF ST. FRANCIS  
ST FRANCIS MN  
ANOKA COUNTY**

**ORDINANCE 170, SECOND SERIES**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CITY CODE  
REGARDING MUNICIPAL UTILITIES**

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 3-1-2 shall hereby be amended to read as follows:

3-1-2: **FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.** All rates and charges for municipal utilities, including, but not by the way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if nay, shall be fixed, determined and amended by the Council and adopted by ordinance as part of the City's Fee Schedule. Such ordinance, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

Section 2. Code Amended. That Section 3-1-4-B shall hereby be amended to read as follows:

B. **Application, Connection and Sale of Service.** Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Section 3. Code Amended. That Section 3-1-4-C shall hereby be amended to read as follows:

- C. **Discontinuance of Service.** All municipal utilities may be shut off or discontinued whenever it is found that:
1. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith.
  2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after notice thereof.
  3. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

4. The City will not shut off water service to a residential unit from October 15<sup>th</sup> through April 15<sup>th</sup> if that shut off would in any way affect the primary heat source of the unit and the present owner or occupant complies with the provisions of state law and regulations.
5. The Building Official or the Director of Public Works to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist:
  - a. The property if vacant;
  - b. The property if unsecured;
  - c. The property is determined to be uninhabitable or unsuitable for occupancy;
  - d. Other utilities to the property providing heat and/or light have been shut off;
  - e. The property has plumbing that is failing or unsafe;
  - f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property; or
  - g. The property owner or occupancy has refused access by authorized officials as authorized by this Section.
6. If the Public Works Director or designee determines a meter needs reading, inspection, maintenance, or replacement, a notification shall be placed on the property. If the owner or occupier of a premise fails to respond to the order within fourteen (14) days, the City may cause to have a No Response Fee, as established by the Fee Schedule, charged to the property or premise account. After such charge is applied to the property, the City may cause to have the water shut-off.
7. The water service shall not be re-connected to the property until it has passed an inspection by the Director of Public Works or designee and/or the Building Official and the necessary permits have been issued and fees have been paid. The inspection fee will be determined by the City's fee schedule.

Section 4. Code Amended. That Section 3-2-4-H shall hereby be amended to read as follows:

H. Municipal Utility Services and Charges a Lien.

1. Payment for all municipal utility (as that term is defined in City Code, Section 3-1-1) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of St. Francis, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.
2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk of the City of St. Francis, Minnesota, to the

County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Section 5. Code Amended. That Section 3-1-6 shall hereby be amended to read as follows:

3-1-6: CONNECTION & ACCESS CHARGES. Connection and access charges shall be required to be paid prior to the initiation of service for any utility. The cost of such charges shall be fixed from time to time by Ordinance in the form of the City's Fee Schedule. Such charges shall be reflective of the original cost of improvements to which connection is made, together with appropriate adjustments which reflect current costs for similar improvements shall be paid at the time a connection is made or required to be made to any Sanitary Sewer, Public Water, Storm Sewer, or other Public Improvement by any premise which has not previously contributed to the costs of such Public Improvement.

Section 6. Code Amended. That Section 3-1-7 shall hereby be added to read as follows:

3-1-7: VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 7. Code Amended. That Section 3-2 shall hereby be amended to read as follows:

3-2-1: DEFICIENCY OF WATER AND SHUTTING OFF WATER. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

3-2-2: REPAIR OF LEAKS. It is the responsibility of the consumer or owner to maintain the service pipe from the corporation stop, through the curb stop box, and into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. If repairs are necessary to protect public or neighboring properties and not initiated within twenty-four (24) hours after oral and written notice, the City may cause to have the work done at the account holder or property owners' expense.

3-2-3: ABANDONED SERVICE PENALTIES. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation and subsequent restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the existing water service size, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause to allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main.

Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

#### 3-2-4: PRIVATE SERVICE CONNECTIONS & MAINTENANCE.

- A. No person may excavate in a public right-of-way to obtain service from a water main, make connection therewith, or for any purpose which will expose a water main unless in receipt of a permit for the connection.
- B. The corporation stop inserted in the distributing pipe must be of the size specified in the permit order and the connection shall be made in a manner consistent with City specifications and standards. Minimum size connection with the water main shall be one-inch in diameter.
- C. Service pipes shall extend from the main through the curb stop box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A brass ball valve, the same size as the service pipe, shall be installed close to the inside wall of the building, ahead of the meter and well protected from freezing. Service pipes 1 inch in diameter shall be Seamless Copper, Type K, Soft Annealed Copper or Polyethylene Grade PE-3408 or PE-4710 and shall be rated for 200 PSI working pressure, SDR-9, Copper Tube Size. Copper materials shall not be used for services larger than 1 inch in diameter. Service materials for services larger than 2 ½ inches in diameter shall conform to the requirements of Ductile Iron Pipe Class 52 or Polyvinyl Chloride Pipe C-900. Where non-conductive service materials are installed, #12 AWG solid copper or copper clad steel (CCS) wire with 30 mil high density polyethylene (HDPE) insulating jacket shall be installed along the entire length of service pipe. The copper wire shall be terminated such that it is able to be connected to and used for underground locating purposes.
- D. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing or other such damage.
- E. Joints on copper tubing shall be flared and kept to a minimum. Joints on polyethylene tubing shall be compression fitted with Type 304 stainless steel pipe inserts/stiffeners. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until they have been inspected.
- F. The curb stop shall be installed in a manner such that it is accessible from the surface through a curb stop box without digging. The curb stop box shall be installed in a location accessible to the City at all times and in a manner approved by the City. All curb stop boxes shall conform and be maintained to the specifications and standards of the City. All curb stops shall be installed with a stationary operating rod a minimum of 78 inches in length. All valves within curb stop boxes shall be maintained in good working condition at all times. It shall be the responsibility of the applicant, owner, occupant or user to maintain the water service curb stop box for operability and at such height as will ensure that it remains above the finished grade of the land or property. No person shall erect any fence or other structure or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. If the curb stop box needs maintenance or raising or if the area around the curb stop needs clearing for access, the City may cause to have the work done at the expense of the account holder and/or property owner.
- G. Frozen or otherwise damaged service pipes between the corporation stop and the building inclusive of the curb stop box shall be the responsibility of the private property owner. All

maintenance, repairs, or other such work to the service pipe shall be done to the specification and standards of the City and require a permit and inspection from the Public Work Director and/or Building Official.

- H. No more than one house or building shall be supplied from one corporation stop.
- I. All piping and connections from the corporation cock and/or the curb stop box to the premise supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official and/or the Public Works Director or designee. The water meter installation shall be inspected, tested, and the meter sealed by the Public Works Department.
- J. If the property owner requests maintenance services or repairs be performed by the City, or if repairs are necessary to protect public or neighboring properties in an emergency situation, the property owner shall be charged for the costs of the maintenance and/or repairs, including but not limited to any necessary street repairs, concrete, concrete curb and gutter, sidewalk, bituminous trail, turf, etc.

3-2-5: PRIVATE WATER SUPPLIES. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow as stated in Section 3-4-9.

3-2-6: WATER USE RESTRICTIONS.

- A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days between May 1<sup>st</sup> and continuing until September 30<sup>th</sup> of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.
- B. Alternating days means that property with an address ending in an odd number may irrigate only on odd-numbered days of the month and property with an address ending in an even number may irrigate only on even-numbered days of the month.
- C. Upon written request and approval by the City Administrator, or his designee, and subject to such terms and conditions imposed by the City Administrator, or his designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City's municipal water system at times other than as permitted in Section 3-2-16 Subdivision A and B hereof:
  - 1. Employees and agents of the City or School District, in such instances wherein lawn, grass, or turf used for play fields or park areas owned and operated by such entities require more frequent irrigation to prevent unreasonable damage thereto.
  - 2. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of the new sod, seed, or immature turf or grasses for a period of thirty (30) days, when in receipt of a permit for such activity from the Public Works Director.

3-2-7: WATER EMERGENCIES.

- A. Whenever in the judgment of the City Administrator, or his designee, the water pressure and/or available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be publically posted, and all orders of the City Administrator, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.
- B. During the existence of a state of water emergency the City Administrator, or his designee, may, by order, impose restrictions on sprinkling, irrigation, or other utilization of water from the City's municipal water system including, but not limited to the total prohibition of water use for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them or the prohibition of such water use on specified days or during certain hours.

3-2-8: OPENING HYDRANTS. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or offer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

3-2-9: UN-METERED SERVICE. In cases where, in the opinion of the Public Works Director, no reasonable manner for metered service is available, a private system user may be granted un-metered service on a temporary basis. The user shall pay the temporary meter fee and fees for the estimated water use based on the judgment of the Public Works Director.

3-2-10: WATER METERS AND WATER METER HORNS. All water meters shall be furnished, owned, controlled, and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All meters in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed in a manner acceptable to the City and the cost of installation shall be the responsibility of the property owner. All five-eighths (5/8) and one (1) inch meters shall be installed in a meter horn with remote wire and remote pad. All meters larger than one (1) inch shall meet City requirements including remote wire and remote pad. All meter installations shall be controlled and inspected by the City and the cost of installation shall be the responsibility of property owner.

3-2-11: CODE REQUIREMENT. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and other standards and specifications of the City. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. The corresponding fees for such permits, as established by the City's Fee Schedule, shall be paid at the time of permit issuance.

3-2-13: WATER CONNECTION CHARGES. Connection charges are due to the City upon issuance of a building permit or connection permit and prior to a new occupancy. This fee shall be set by ordinance for each equivalent connection unit. An equivalent connection unit (one E.C.) is established in Section 3-3-8 for development within the City. One single family dwelling is one unit. These Standards may be amended as may be necessary by ordinance.

3-2-14: BACKFLOW PROTECTION. Approved devices or assemblies for the protection of the potable water supply must be installed at any plumbing fixture or equipment where backflow or back siphonage

may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

- A. Any device or assembly for the prevention of backflow or back siphonage installed, shall have first been certified by a recognized testing laboratory and have a certification number clearly visible on the device. AWWA, ASSE, and USC are the certified labs recognized by the Administrative Authority. These devices must be readily accessible.
- B. The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified, accredited personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from piping installation has not interfered with the functioning of the assembly.

3-2-15: ADDITIONAL RULES AND REGULATIONS. The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

Section 8. Code Amended. That Section 3-3-1-F shall hereby be amended to read as follows:

- F. "Equivalent Connection" means a building sewer which produces a flow equivalent to an average single family detached residence contribution calculated at two-hundred seventy-four (274) gallons per day with a BOD loading of 0.60#/day.

Section 9. Code Amended. That Section 3-3-1-L shall hereby be amended to read as follows:

- L. "Normal Sewage" means sewage in volumes of two-hundred seventy-four (274) or less per day and containing an average concentration of suspended solids below hundred fifty (250) milligrams per liter and a BOD content of below two hundred fifty (250) milligrams per liter.

Section 10. Code Amended. That Section 3-3-1-Y shall hereby be amended to read as follows:

- Y. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Section 11. Code Amended. That Section 3-3-1-Z shall hereby be amended to read as follows:

- Z. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

Section 12. Code Amended. That Section 3-3-2-E shall hereby be amended to read as follows:

- E. Abandonment of Private System. At such time as public sewer becomes available to a property sewer by a private sewage disposal system, as direct connections shall be made to the public

sewer in compliance with this Section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed from the site. In cases where the City Engineer finds that removal may cause significant damage in regards to public property, erosion, or mature trees the system may be abandoned, cleaned of sludge, and filled with suitable material, such as clean pit-run gravel or dirt to the satisfaction of the Public Works Director.

Section 13. Code Amended. That Section 3-3-2-G shall hereby be amended to read as follows:

- G. Pretreatment. Sewerage systems users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all Federal categorical pre-treat wastewater to a level acceptable to the Public Works Director and/or City Engineer shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director and/or City Engineer for review, and shall be acceptable to the Public Works Director and/or City Engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce and effluent acceptable to the Public Works Director and/or City Engineer under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Public Works Director and/or City Engineer prior to the user's initiation of the charges. All records relating to the compliance with pretreatment standards shall be made available by the Public Works Director and/or City Engineer to officials of the EPA or MPCA upon request.

Section 14. Code Amended. That Section 3-3-2-H shall hereby be amended to read as follows:

- H. Confidential Information. Information and data on a user's water consumption and sewage characteristic obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for users related to this Section, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater composition and characteristics will not be recognized as confidential information. Information accepted by the Public Works Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Public Works Director until and unless a ten (10) day notification is given to the user.

Section 15. That Section 3-3-3 shall hereby be amended to read as follows:

**3-3-3: CONSTRUCTING BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS.**

- A. Unauthorized Work on a Public Sewer. It is unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Public Works Director.

- B. **Building Sewer Permits.** There shall be three classes of building sewer permits (1) for residential service; (2) service to commercial and industrial firms producing domestic wastes; and, (3) for service to firms producing industrial wastes. The owner or his agent shall make application on a special form furnished by the City which form shall be adopted by the Council and the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee set by the Council resolution according to the proposed sewer use and connection shall be paid to the City at the time the application is filed. Said permit fees may be changed by the Council, from time to time, by resolution, and a copy of such resolution shall be kept on file in the office of the City Clerk and available for inspection during regular office hours. Any fee charged by the State of Minnesota or any other entity of the State or Federal government shall also be collected and shall be in addition to the fee herein.
- C. **Installation and Connection Costs.** All costs and expenses incident to the installation and connection of the building sewer service shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. **Separate Sewer Service for Each Building.** A separate and independent building sewer shall be provided for every principal building. Residential, commercial, and industrial developments with several buildings may require sewers and manholes on private property to provide individual building services. Such a system must be approved by the City Engineer.
- E. **Reuse of Old Sewer Services.** Old building sewer services may be used in connection with new buildings only when they are found, on examination and/or testing by the owner in a manner acceptable to the Public Works Director, to meet all requirements of this Section.
- F. **Building Sewer Service Code Requirements.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connection to the public sewer, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and of other applicable rules and regulations of the City. Care shall be taken to prevent entry of groundwater or any unauthorized waters into the public sewer during construction. For residential service, no floor drains from accessory building or garages, whether attached or detached, shall be connected to the building sewer or sanitary sewer.
- G. **Gravity or Lifted Sewage Flow in Sewer Service.** Whenever possible, the building sewer service shall be brought to the building at an elevation below the basement floor, in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer service.
- H. **Building Sewer Service Inspection.** The applicant for the building sewer service permit shall notify the Public Works Director when the building sewer service is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his representative.
- I. **Public Hazard Protection During Service Installation.** All excavations for building sewer service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as required by the Minnesota Department of Transportation rules and regulations. Streets,

sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 16. Code Amended. That Section 3-3-5 shall hereby be amended to read as follows:

**3-3-5: USE OF PUBLIC SEWERS.**

**A. Prohibited Discharges.**

1. **Unpolluted Waters.** No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharge shall be directed to the storm water collection system, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.
2. **Foreign or Hazardous Substances.**
  - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
  - b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;
  - c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;
  - d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;
  - e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

- B. Regulated Discharges.** No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of

the sewage plant, the City's NPDES permit, and other pertinent determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances restricted shall be:

1. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.).
3. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension.
4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
7. Any water or wastes having a pH in excess of 9.5.
8. Materials which exert or cause:
  - a. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting a slug.
  - e. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

- C. Response to Improper Discharge. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Section, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:
1. Refuse to accept the discharges.
  2. Require control over the quantities and rates of discharge.
  3. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.
  4. Require payment to cover the added cost of handling or treating the wastes.
- D. Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.
- E. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- F. Testing.
1. Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.
  2. Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

- G. Industrial Waste. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.
- D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.
- E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Public Works Director or his authorized representative.
- F. Required Daylighting. All sump pumps and garage floor drains shall be daylighted to prove the discharge is not being put into the sanitary sewer system. The discharge pipes from both shall be directed away from houses/principal structures on neighboring properties and wetlands.

Section 17. Code Amended. That Section 3-3-7 shall hereby be amended to read as follows:

**3-3-7:            AUTHORITY AND POWERS OF INSPECTORS.**

- A. Permission to Enter Onto Private Property for Observation and Testing. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section. The Public Works Director shall have no authority to inquire into any proprietary processes in metallurgy, chemical manufacturing, refining, paper making, ceramics, or similar industries beyond the technical information required for the proper receiving, conveying and treatment of the particular waste.
- B. Observation of Safety Rules by City Employees. While performing the necessary work on private properties referred to herein, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- C. Inspection, Sampling, Measurement and Maintenance on Private Property. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement,

sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

Section 18. Code Amended. That Section 3-3-8 shall hereby be amended to read as follows:

**3-3-8: EQUIVALENT CONNECTION CHARGES.**

- A. Equivalent Connection Charge Definition and Application. A sum of money hereinafter termed "the equivalent connection charge" is to be collected for the purpose of providing funding necessary for the construction of the sewerage system and additions or extensions thereto, and for payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such improvements. This sum of money is hereby charged with respect to every lot, parcel of land, buildings or premises within the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Such charge is made for the privilege of making a connection, direct or indirect, to the City's facilities for the collections and treatment of sewage, industrial waste and water or other liquid discharged from such premises.
- B. Payment of Connection Charges. Connection charges are payable at the time of the building permit issuance. The Building Inspector shall not issue a building permit until such connection charge is paid. For any building permit issued prior to the effective date of this Section, in which the connection has not been made to the Public Sewerage System, connection charges are then payable prior to the time of connection or by such date as stipulated by the Council. For existing buildings connection charges are payable upon application for a connection permit.
- C. Application and Permit for a Connection. No connection from any premises to the disposal system is authorized without there being first obtained for such connection a permit issued by the City. No permit may be obtained from the City, and no representative of the City is authorized to issue a permit for connection unless and until an authorized representative of the City receives an application for such connection, determines and establishes the type of connection to be made and receives the equivalent connection fee as required. The City shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the City and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section.
- D. Increased Connection Charges Based on Measurement. The determination and establishment in the first instance of the equivalent connection charge represented by a connection, especially when made by estimate based upon representations of the owner or occupant of the premises is at all times subject to further determination and establishment after the connection has been made and determined by an actual measurement and/or analysis by the Public Works Director of the sewage or waste discharge from such connection entering into the system of the City. The receipt and acceptance by the City of any money paid and received by the City, as previously imposed does not bar the City's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the City's right to recover therefore is not impaired. After a connection has been made and the connection charge established, imposed and paid, no diminution in discharge from the premises shall entitle the owner (or occupant) against the City to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.

- E. **Computation of Connection Charges.** Connection charges are due to the City upon issuance of a building and/or connection permit. This fee shall be set by Council resolution for each equivalent connection unit. An equivalent connection unit (one E.C.) is established as the anticipated flow from a single family residence as referenced herein. City hereby adopts by reference and incorporates herein Appendix A of the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge Procedure Manual as may be amended in the future. A copy of said document and amendments thereto shall be kept on file in the office of the City Clerk for reference and open to public inspection during regular office hours. In cases where said document references MCES or MCES Staff shall be interpreted to mean City of St. Francis or City of St. Francis Staff respectively.
- F. **Determination of Equivalent Connection for Unlisted Uses.** The connection unit for those building uses not included in Subparagraph E, above, shall be determined by the Council after a report from the City Engineer. All non-residential property uses shall have a minimum of one (1) equivalent connection. The City shall supply appropriate forms to those required to get approval and shall submit the completed form to the City Clerk. No building permit may be issued until the Public Works Director or City Engineer has designated and transmitted to the City Clerk the connection unit assignment and the fee has been collected. The Public Works Director shall review actual sewage flow one (1) year after the initial discharge, and the City may impose such additional connection charges in accordance with the provisions of Section 3-3-8-D of this Code.
- G. **Application of Funds.** The funds received from the collection of connection charges authorized by this Subdivision shall be used to provide funds for the payment of principal and interest on obligations incurred to finance the cost of constructing improvements to the City sanitary sewerage system as prescribed by resolutions or covenants authorizing or securing such obligations; and to provide funds for the reasonable requirements of extending, improving and/or replacing City sanitary sewerage facilities. These funds shall be disbursed by Council resolution.

Section 19. Code Amended. That Section 3-4 is hereby amended to read as follows:

**RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEMS AND PRIVATE WELL WATER SUPPLIES**

3-4-1: **PURPOSE.** It is the purpose of this Section to establish standards for the design, location, construction, and operation of private well water supplies and individual on-site sewage treatment systems to protect and promote the health, safety and general welfare of the residents of the City.

3-4-2: **COMPLIANCE.** It is unlawful for any person to install a private well or individual on-site sewage treatment systems without securing the required permits prior to commencing construction, and all work is to be done in complete compliance with the provisions of this Section and all requirements from the State and/or County including the Minnesota Pollution Control Agency Rules Section 7080. Failure to comply with the terms of this Section shall be justification for denying a certificate of occupancy and/or use of the building or facility in addition to other penalties. No additional permits shall be issued to any contractor responsible for outstanding work which does not comply with terms of this Section.

3-4-3: **INSPECTION.** No part of any individual on-site sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected, and approved as herein provided, it shall be uncovered upon the direction of the Building

Official. The Building Official shall cause such inspections as are necessary to determine compliance with this Section. It shall be the responsibility of the applicant for the permit to notify the Building Official when the system is ready for inspection. The Building Official may require that all requests for inspections are filed with the City at least one (1) working day prior to the requested inspection.

3-4-4: STATE CODE SETTING INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEM STANDARDS. Minnesota Pollution Control Agency Rules 6 MCAR 4.8040, 7080, relating to individual on-site sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein. One copy of said Rules shall be kept on file in the office of the City Clerk and open to public inspection during regular office hours.

3-4-5: ADMINISTRATION. The Building Official shall be the person responsible for the enforcement of the provisions of this Section. All permits required under this Section must be issued by the Building Official except when otherwise noted.

3-4-6: SYSTEMS FAILURES. When an existing on-site sewage treatment system ceases to function, discharges to the surface, or fails, it shall be the responsibility of the property owner to notify the City as soon as possible. The property owner shall also repair or replace the system as soon as possible. The repair or reconstructions of said system shall comply with all provisions of this Section as well as the Minnesota Pollution Control Agency rules Section 7080.

3-4-7: INSPECTION/MAINTENANCE. Property owners with on-site sewage treatment systems, upon written notification from the City are required to perform the maintenance set forth in Minnesota State Rules 7080 and report the findings and subsequent maintenance/pumping to the City on forms to be provided by the City. The above reference reporting and maintenance shall be performed at intervals not to exceed every three (3) years. In maintenance and reporting, the City may cause the required maintenance to be performed at the expense of the property owner and recover fees and all administrative costs via assessments.

3-4-8: CONTRACTOR REQUIREMENTS.

- A. Qualifications of Persons. Any person engaged in the business of installing individual on-site sewage treatment systems, within the City shall be to perform such work and be familiar with all pertinent laws and regulations of the State of Minnesota relating to wells and individual on-site sewage treatment systems.
- B. Insurance. The contractor shall place on file with the City Clerk, his/her certificate of insurance showing that he/she is covered by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of \$100,000 per person and \$600,000 per incident for injury, including accidental death of any one person, and property damage insurance in an amount of not less than \$100,000.00 per incident.

3-4-9: PRIVATE WELL REGULATIONS.

- A. All wells shall be installed and maintained in compliance with all State and County regulations.
- B. Upon connection to City Water, any existing well on site shall be sealed and properly abandoned unless granted a permit as set forth in this Section.
- C. Permits for irrigation wells for Commercial, Industrial, Institutional, or Multi-Family users in the MUSA may be approved by the Public Works Director in the following instances:

1. The proposed well is consistent with the City's Wellhead Protection Plan.
  2. There shall be no cross connections or possible cross connections with the City Water system.
  3. The well shall be used for exterior landscape irrigation purposes only.
  4. There shall be only one well per irrigation system.
  5. Adequate backflow prevention measures have been taken.
  6. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.
  7. All requirements by the State and/or County are met.
- D. Permits for drive point irrigation wells in the MUSA may be approved by the Public Works Director in the following instances:
1. There shall be no cross connections or possible cross connections with the City Water system.
  2. The well shall be used for exterior landscape irrigation purposes only.
  3. There shall be only one well per parcel.
  4. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.
  5. All requirements by the State and/or County are met.
  6. The drive point well shall not impair or endanger the City's Wellhead Management Area.

Section 20. Code Amended. That Section 6-1-6 (Fee Schedule) shall hereby be amended to include the following fee:

Water Meter/Service Notification No Response Fee: \$250

Section 21. Effective Date. This Ordinance shall take effect 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS \_\_\_\_\_ DAY OF JUNE, 2012.

APPROVED:

\_\_\_\_\_  
Jerry Tveit  
Mayor of St. Francis

ATTEST:

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Barbara I. Held  
City Clerk

(seal)

**ST. FRANCIS UTILITY CODE UPDATES**

**REVIEW DRAFT**

**SECTION 1 – GENERAL REQUIREMENTS – PAGE 3-2**

**SECTION 2 – WATER REGULATIONS – PAGE 3-8**

**SECTION 3 – SEWER REGULATIONS – PAGE 3-15**

**SECTION 4 – SEPTIC & WELL REGULATIONS – PAGE 3-38**

**DRAFT**

## SECTION 1

### GENERAL PROVISIONS

#### SECTION:

- 3-1-1: Definitions
- 3-1-2: Fixing Rates and Charges for Municipal Utilities
- 3-1-3: Contractual Contents
- 3-1-4: Rules and Regulations Relating to Municipal Utilities
- 3-1-5: Connection or Tapping Prohibited – Delinquent Assessments or Charges
- 3-1-6: Violation a Misdemeanor

**3-1-1: DEFINITIONS.** As used this Code, the following words and terms shall have the meanings stated:

- A. "Company", "Grantee", and "Franchisee" mean any public utility system to which a franchise has been granted by the City.
- B. "Consumer" and "Customer" mean any user of a utility.
- C. "Municipal Utility" means any City-owned utility system, including, but not by way of limitation, water and sewerage service.
- D. "Service" means providing a particular utility to a customer or consumer.
- E. "Utility" means all utility services, whether the same to be public City-owned facilities or furnished by public utility companies.

**3-1-2: FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES.** All rates and charges for municipal utilities, including, but not by the way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution ordinance as part of the City's Fee Schedule. Such resolution ordinance, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk/Treasurer and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

**3-1-3: CONTRACTUAL CONTENTS.** Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all

consumers of municipal utility services, and every such consumer be deemed to assent to the same.

**3-1-4: RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.**

- A. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid at the close of business on the 15<sup>th</sup> day following such billing, provided, that if the 15<sup>th</sup> day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty of ten (10) percent of the delinquent amount shall be added to, and become part of, all delinquent utility bills. Each billing will clearly state the penalty as a percentage rate. Delinquent utility accounts shall result in disconnection within forty-eight (48) hours after mailing notice thereof to the consumer. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.
- B. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.
- C. Discontinuance of Service. All municipal utilities may be shut off or discontinued, any time between any Monday at 9:00 AM and the following Friday at 9:00 AM, except in case of an emergency, whenever it is found that:
  - 1. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or
  - 2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after notice thereof.
  - 3. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

4. The City will not shut off water service to a residential unit from October 15<sup>th</sup> through April 15<sup>th</sup> if that shut off would in any way affect the primary heat source of the unit and the present owner or occupant complies with the provisions of state law and regulations.
5. The Building Official or the Director of Public Works to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist: (Ord 133, SS, 2-2-2009)
  - a. The property if vacant;
  - b. The property if unsecured;
  - c. The property is determined to be uninhabitable or unsuitable for occupancy;
  - d. Other utilities to the property providing heat and/or light have been shut off;
  - e. The property has plumbing that is failing or unsafe;
  - f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property; or
  - g. The property owner or occupancy has refused access by authorized officials as authorized by this Section.

6. If the Public Works Director or designee determines a meter needs reading, inspection, maintenance, or replacement, a notification shall be placed on the property. If the owner or occupier of a premises fails to respond to the order within fourteen (14) days, the City may cause to have a No Response Fee, as established by the Fee Schedule, charged to the property or premise account. After such charge is applied to the property, the City may cause to have the water shut-off.

6-7. The water service shall not be re-connected to the property until it has passed an inspection by the Director of Public Works or designee and/or the Building Inspector Official and the necessary permits have been issued and fees have been paid. The inspection fee will be determined by the City's fee schedule resolution of the City Council. (Ord 133, SS, 2-2-2009)

D. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City

and no person shall own any part of portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

- E. Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.
- F. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and deposit shall be retained by the City to defray the cost of such test.
- G. Unlawful Acts.
  - 1. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.
  - 2. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.
  - 3. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.
  - 4. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume un-metered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.
- H. Municipal Utility Services and Charges a Lien.

1. Payment for all municipal utility (as that term is defined in City Code, Section ~~3-04~~ 3-1-1) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of St. Francis, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.
  2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk/Treasurer of the City of St. Francis, Minnesota, to the County Auditor, and the City Clerk/Treasurer in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.
- I. Notice and Appeal. The City will provide the current owner or occupant notice of a pending shut-off or certification prior to shutting off the water or certifying the unpaid amount and the appeal mechanism in the subdivision. This notice will be by first class mail to the individual's last known address at least twenty (20) days and, if there is no response, a red tag with the appropriate notice will be affixed to the property for a period of seven (7) days. Individuals who receive such a notice may appeal to the City Council by submitting a written appeal no later than thirty (30) calendar days after the initial notice. In addition, individuals who receive such a notice may submit a written request to meet with a City representative at any time prior to the matter being placed before the City Council to discuss the unpaid bill or other reason for shut off or certification.

**3-1-5: CONNECTION OR TAPPING PROHIBITED – DELINQUENT ASSESSMENTS OR CHARGES.** No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

~~**3-1-6: VIOLATION A MISDEMEANOR.** Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.~~

**3-1-6: CONNECTION & ACCESS CHARGES.** Connection and access charges shall be required to be paid prior to the initiation of service for any utility. The cost of such charges shall be fixed from time to time by Ordinance in the form of the City's Fee Schedule. Such charges shall be reflective of the original cost of improvements to which connection is made, together with appropriate adjustments which reflect current costs for similar improvements shall be paid at the time a connection is made or required to be made to any Sanitary Sewer, Public Water, Storm Sewer, or other Public Improvement by any premise which has not previously contributed to the costs of such Public Improvement.

**3-1-7: VIOLATION A MISDEMEANOR.** Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

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## SECTION 2

### RULES AND REGULATIONS RELATING TO WATER SERVICE

#### SECTION:

- 3-2-1: Deficiency of Water and Shutting Off Water
- 3-2-2: Notice & Repair of Leaks
- 3-2-3: Abandoned Service Penalties
- 3-2-4: Service Pipes Private Service Connections & Maintenance
- 3-2-5: Private Water Supplies
- 3-2-6: Prohibited Uses or Restricted Hours Water Use Restrictions
- 3-2-7: Water Emergencies
- 3-2-78: Private Fire Hose Connections
- 3-2-89: Opening Hydrants
- 3-2-910: Un-metered Service
- 3-2-4011: Water Meters and Water Meter Horns
- 3-2-4112: Code Requirement
- 3-2-13: Water Connection Charges
- 3-2-14: Backflow Prevention
- 3-2-4215: Additional Rules and Regulations

**3-2-1: DEFICIENCY OF WATER AND SHUTTING OFF WATER.** The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

**3-2-2: REPAIR OF LEAKS.** It is the responsibility of the consumer or owner to maintain the curb stop and service pipe from the curb stop into the house or other building. It is the responsibility of the consumer or owner to maintain the service pipe from the corporation cock, through the curb stop box, and into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. If repairs are necessary to protect public or neighboring properties and not initiated within twenty-four (24) hours after oral and written notice, the City may cause to have the work done at the account holder or property owners' expense.

**3-2-3: ABANDONED SERVICE PENALTIES.** All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation and subsequent restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the old existing water service size, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause to allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

~~**3-2-4: SERVICE PIPES.** Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven (7) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the main to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or compression fitted, and kept to a minimum. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be one inch in diameter.~~

**3-2-4: PRIVATE SERVICE CONNECTIONS & MAINTENANCE.**

- A. No person may excavate in a public right-of-way to obtain service from a water main, make connection therewith, or for any purpose which will expose a water main unless in receipt of a permit for the connection.
- B. The corporation stop inserted in the distributing pipe must be of the size specified in the permit order and the connection shall be made in a manner consistent with City specifications and standards. Minimum size connection with the water main shall be one-inch in diameter.
- C. Service pipes shall extend from the main through the curb stop box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A brass ball valve, the same size as the service pipe, shall be installed close to the inside wall of the building, ahead of the meter and well protected from freezing. Service pipes 1 inch in diameter shall be Seamless Copper, Type K, Soft Annealed Copper or Polyethylene Grade PE-

3408 or PE-4710 and shall be rated for 200 PSI working pressure, SDR-9, Copper Tube Size. Copper materials shall not be used for services larger than 1 inch in diameter. Service materials for services larger than 2 ½ inches in diameter shall conform to the requirements of Ductile Iron Pipe Class 52 or Polyvinyl Chloride Pipe C-900. Where non-conductive service materials are installed, #12 AWG solid copper or copper clad steel (CCS) wire with 30 mil high density polyethylene (HDPE) insulating jacket shall be installed along the entire length of service pipe. The copper wire shall be terminated such that it is able to be connected to and used for underground locating purposes.

- D. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing or other such damage.
- E. Joints on copper tubing shall be flared and kept to a minimum. Joints on polyethylene tubing shall be compression fitted with Type 304 stainless steel pipe inserts/stiffeners. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until they have been inspected.
- F. The curb stop shall be installed in a manner such that it is accessible from the surface through a curb stop box without digging. The curb stop box shall be installed in a location accessible to the City at all times and in a manner approved by the City. All curb stop boxes shall conform and be maintained to the specifications and standards of the City. All curb stops shall be installed with a stationary operating rod a minimum of 78 inches in length. All valves within curb stop boxes shall be maintained in good working condition at all times. It shall be the responsibility of the applicant, owner, occupant or user to maintain the water service curb stop box for operability and at such height as will ensure that it remains above the finished grade of the land or property. No person shall erect any fence or other structure or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. If the curb stop box needs maintenance or raising or if the area around the curb stop needs clearing for access, the City may cause to have the work done at the expense of the account holder and/or property owner.
- G. Frozen or otherwise damaged service pipes between the corporation stop and the building inclusive of the curb stop box shall be the responsibility of the private property owner. All maintenance, repairs, or other such work to the service pipe shall be done to the specification and standards of the City and require a permit and inspection from the Public Work Director and/or Building Official.
- H. No more than one house or building shall be supplied from one corporation stop.

I. All piping and connections from the corporation cock and/or the curb stop box to the premise supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official and/or the Public Works Director or designee. The water meter installation shall be inspected, tested, and the meter sealed by the Public Works Department.

J. If the property owner requests maintenance services or repairs be performed by the City, or if repairs are necessary to protect public or neighboring properties in an emergency situation, the property owner shall be charged for the costs of the maintenance and/or repairs, including but not limited to any necessary street repairs, concrete, concrete curb and gutter, sidewalk, bituminous trail, turf, etc.

**3-2-5: PRIVATE WATER SUPPLIES.** No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow as stated in Section 3-4-9.

~~**3-2-6: PROHIBITED USES OR RESTRICTED HOURS.** Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.~~

**3-2-6: WATER USE RESTRICTIONS.**

A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days between May 1<sup>st</sup> and continuing until September 30<sup>th</sup> of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.

B. Alternating days means that property with an address ending in an odd number may irrigate only on odd-numbered days of the month and property with an address ending in an even number may irrigate only on even-numbered days of the month.

C. Upon written request and approval by the City Administrator, or his designee, and subject to such terms and conditions imposed by the City Administrator, or

his designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City's municipal water system at times other than as permitted in Section 3-2-16 Subdivision A and B hereof:

1. Employees and agents of the City or School District, in such instances wherein lawn, grass, or turf used for play fields or park areas owned and operated by such entities require more frequent irrigation to prevent unreasonable damage thereto.
2. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of the new sod, seed, or immature turf or grasses for a period of thirty (30) days, when in receipt of a permit for such activity from the Public Works Director.

**3-2-7: WATER EMERGENCIES.**

- A. Whenever in the judgment of the City Administrator, or his designee, the water pressure and/or available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be publically posted, and all orders of the City Administrator, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.
- B. During the existence of a state of water emergency the City Administrator, or his designee, may, by order, impose restrictions on sprinkling, irrigation, or other utilization of water from the City's municipal water system including, but not limited to the total prohibition of water use for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them or the prohibition of such water use on specified days or during certain hours.

~~**3-2-7: PRIVATE FIRE HOSE CONNECTIONS.** Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.~~

**3-2-8: OPENING HYDRANTS.** It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the

same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver ~~to deliver or suffer or offer~~ to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

**3-2-9: UN-METERED SERVICE.** ~~Un-metered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, un-metered service may be provided and the un-metered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of un-metered service. In cases where, in the opinion of the Public Works Director, no reasonable manner for metered service is available, a private system user may be granted un-metered service on a temporary basis. The user shall pay the temporary meter fee and fees for the estimated water use based on the judgment of the Public Works Director.~~

**3-2-10: WATER METERS AND WATER METER HORNS.** All water meters shall be furnished, owned, controlled, and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All meters in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed in a manner acceptable to the City and ~~controlled by the City~~ and the cost of installation shall be the responsibility of the property owner. ~~All water meters shall be owned and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owners. All meters in need of replacement shall be replaced at the cost of the property owner and furnished and maintained by the City. All five-eighths (5/8) and one (1) inch meters shall be installed in a meter horn with remote wire and remote pad. All meters larger than one (1) inch shall meet City requirements including remote wire and remote pad. All meter installations shall be controlled and inspected by the City and the cost of installation shall be the responsibility of property owner.~~

**3-2-11: CODE REQUIREMENT.** All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and other standards and specifications of the City. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. The corresponding fees for such permits, as established by the City's Fee Schedule, shall be paid at the time of permit issuance.

**3-2-12: ADDITIONAL RULES AND REGULATIONS.** The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk/Treasurer, and uniformly enforced.

**3-2-13: WATER CONNECTION CHARGES.** Connection charges are due to the City upon issuance of a building permit or connection permit and prior to a new occupancy. This fee shall be set by ordinance for each equivalent connection unit. An equivalent connection unit (one E.C.) is established in Section 3-3-8 for development within the City. One single family dwelling is one unit. These Standards may be amended as may be necessary by ordinance.

**3-2-14: BACKFLOW PROTECTION.** Approved devices or assemblies for the protection of the potable water supply must be installed at any plumbing fixture or equipment where backflow or back siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

- A. Any device or assembly for the prevention of backflow or back siphonage installed, shall have first been certified by a recognized testing laboratory and have a certification number clearly visible on the device. AWWA, ASSE, and USC are the certified labs recognized by the Administrative Authority. These devices must be readily accessible.
- B. The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified, accredited personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from piping installation has not interfered with the functioning of the assembly.

**3-2-15: ADDITIONAL RULES AND REGULATIONS.** The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

## SECTION 3

### RULES AND REGULATIONS RELATING TO SEWAGE SERVICE

#### SECTION:

- 3-3-1: Definitions
- 3-3-2: Use of Public Sewers Required
- 3-3-3: Constructing Building Sewers and Connections to Public Sewers
- 3-3-4: Repairs to Sewage Service
- 3-3-5: Use of Public Sewers
- 3-3-6: Damage to Public Sewage System
- 3-3-7: Authority and Powers of Inspectors
- 3-3-8: Equivalent Connection Charges
- 3-3-9: User Charges
- 3-3-10: Connection With and Use of City System Without Compliance Prohibited
- 3-3-11: Qualifications of Persons

**3-3-1: DEFINITIONS.** The following terms, as used in this Section, shall have the meanings stated:

- A. "BOD" or "BOD<sub>5</sub>" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.
- B. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning at least one (1) foot outside the building footings.
- C. "Building Sewer Service" means the sewer extension from the building drain to the public sewer main or other place of disposal.
- D. "Collection" means the receiving and conveying of sewage, including any lifting or pumping equipment and/or structures, to the sewage treatment facility.
- E. "Domestic Wastes" includes one or more of the following: human excretions, food and meal preparation, dishwashing, and laundry wastes in less than industrial quantities.
- F. "Equivalent Connection" means a building sewer which produces a flow equivalent to an average single family detached residence contribution calculated at ~~two hundred fifty (250)~~ two hundred seventy-four (274) gallons per day with a BOD loading of 0.60#/day.

- G. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
- H. "Industrial Wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- I. "Industrial User" means any person from whose property industrial waste is discharged into the public sanitary sewer in quantities greater than one thousand (1,000) gallons per day or which produces concentrations of suspended solids or BOD content exceeding the limits herein set for normal sewage.
- J. "Maintenance" means the repairing, replacing, cleaning, repainting or such similar work as is necessary to maintain the sewage system in proper operating condition.
- K. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.
- L. "Normal Sewage" means sewage in volumes of two-hundred seventy-four (274) or less than two hundred seventy-five (275) gallons per day and containing an average concentration of suspended solids below two hundred seventy-five (275) two hundred fifty (250) milligrams per liter and a BOD content of below two hundred seventy-five (275) two hundred fifty (250) milligrams per liter.
- M. "Operation" means the day-to-day managing, controlling, and maintaining of the sewage system.
- N. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- O. "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- P. "Public Sewer" means a sanitary sewer in which all owners of abutting properties have equal usage rights, and is controlled by public authority.
- Q. "Replacement" means the purchase and installation in the sewage system of an item of real or personal property as a substitute for a like item that has been damaged or not functioning properly.

- R. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- S. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
- T. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.
- U. "Sewerage System" means all facilities for collecting, pumping, treating, and disposing of sewage.
- V. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- W. "Storm Drain" or "Storm Sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- X. "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- Y. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.
- Z. ~~Y.~~ "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
- Z. ~~"Zones" or "Zone" means any one or more of the following specified zones:~~
- AA. "Metropolitan Urban Service Area" (MUSA) means the area identified in the Comprehensive Plan as intended for urban services (i.e. sewer and water).
- BB. "Rural Service Area" means the area identified in the Comprehensive Plan as intended for rural services (i.e. septic and well).

**3-3-2: USE OF PUBLIC SEWERS REQUIRED.**

- A. Deposition of Waste. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
- B. Discharge to Natural Outlets. It is unlawful for any person to discharge to any natural outlet or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section.
- C. Construction of Private Waste Disposal System. Except as hereinafter provided, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Where a hardship exists, the Council may allow the continued use of an existing safe on-site sewage disposal system, as a non-conforming use. No expansion or alteration or repair of these systems will be allowed; should they be necessary, the connection to the public system will then be required within ninety (90) days. Parcels within the MUSA greater than twenty (20) acres in size may install and maintain an on-site sewerage disposal system until that time the parcel is further subdivided.
- D. Connection to the Public Sewerage System. Unless excepted above, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other like purposes situated within the MUSA abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet and other wastewater collection facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Section, within ninety (90) days after the date of official notice to do so from the City. Provided, however, that this requirement shall not apply to unheated buildings used exclusively for storage.
- E. Abandonment of Private System. At such time as public sewer becomes available to a property sewered by a private sewage disposal system, as direct connections shall be made to the public sewer in compliance with this Section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed from the site. In cases where the City Engineer finds that removal may cause significant damage in regards to public property, erosion, or mature trees the system may be abandoned, cleaned of sludge, and filled with suitable material, such as clean pit-run gravel or dirt to the satisfaction of the Public Works Director Maintenance Superintendent.
- F. Extension of Sewer. If a person in the MUSA needs or desires to connect to the City Sewerage System, he may petition the Council to extend sewers to serve his

property. The Council shall follow the procedure as specified by statute for the construction of said improvements.

- G. Pretreatment. Sewerage systems users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all Federal categorical pre-treat wastewater to a level acceptable to the Public Works Director Maintenance—Superintendent/City Engineer shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director Maintenance—Superintendent/City Engineer for review, and shall be acceptable to the Public Works Director Maintenance Superintendent/City Engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce and effluent acceptable to the Public Works Director Maintenance—Superintendent/City Engineer under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Public Works Director Maintenance—Superintendent/City Engineer prior to the user's initiation of the charges. All records relating to the compliance with pretreatment standards shall be made available by the Public Works Director Maintenance—Superintendent/City Engineer to officials of the EPA or MPCA upon request.
- H. Confidential Information. Information and data on a user's water consumption and sewage characteristic obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director Maintenance—Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for users related to this Section, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents composition and characteristics will not be recognized as confidential information. Information accepted by the Public Works Director Maintenance—Superintendent as confidential, shall not be transmitted to any governmental agency or to the general public by the Public Works Director Maintenance—Superintendent until and unless a ten (10) day notification is given to the user.

- I. Sludge Generated. Sludge, floats, skimming, etc., generated by an industrial or commercial pretreatment system shall not be placed into the wastewater disposal system. Such sludge shall be contained, transported, and disposed of by haulers in accordance with all Federal, State and local regulations.

**3-3-3: CONSTRUCTING BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS.**

- A. Unauthorized Work on a Public Sewer. It is unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Public Works Director Maintenance Superintendent.
- B. Building Sewer Permits. There shall be three classes of building sewer permits (1) for residential service; (2) service to commercial and industrial firms producing domestic wastes; and, (3) for service to firms producing industrial wastes. The owner or his agent shall make application on a special form furnished by the City which form shall be adopted by the Council and the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director Maintenance Superintendent. A permit and inspection fee set by the Council resolution according to the proposed sewer use and connection shall be paid to the City at the time the application is filed. Said permit fees may be changed by the Council, from time to time, by resolution, and a copy of such resolution shall be kept on file in the office of the City Clerk/Treasurer and available for inspection during regular office hours. Any fee charged by the State of Minnesota or any other entity of the State or Federal government shall also be collected and shall be in addition to the fee herein.
- C. Installation and Connection Costs. All costs and expenses incident to the installation and connection of the building sewer service shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. Separate Sewer Service for Each Building. A separate and independent building sewer shall be provided for every principal building, ~~except where the location of the sewer and the building to be connected reasonably require otherwise, the Council shall determine what is reasonable.~~ Residential, commercial, and industrial developments with several buildings may require sewers and manholes on private property to provide individual building services. Such a system must be approved by the City Engineer.
- E. Reuse of Old Sewer Services. Old building sewer services may be used in connection with new buildings only when they are found, on examination and/or

testing by the owner in a manner acceptable to the Public Works Director Maintenance Superintendent, to meet all requirements of this Section.

- F. Building Sewer Service Code Requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connection to the public sewer, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and of other applicable rules and regulations of the City. Care shall be taken to prevent entry of groundwater or any unauthorized waters into the public sewer during construction. For residential service, no floor drains from accessory building or garages, whether attached or detached, shall be connected to the building sewer or sanitary sewer.
- G. Gravity or Lifted Sewage Flow in Sewer Service. Whenever possible, the building sewer service shall be brought to the building at an elevation below the basement floor, in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer service.
- H. Building Sewer Service Inspection. The applicant for the building sewer service permit shall notify the Public Works Director Maintenance Superintendent when the building sewer service is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director Maintenance Superintendent or his representative.
- I. Public Hazard Protection During Service Installation. All excavations for building sewer service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as required by the Minnesota Department of Transportation rules and regulations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

**3-3-4: REPAIRS TO SEWAGE SERVICE.**

- A. Whenever any building sewer service becomes clogged, obstructed, broken or out of order between the building and the main, the owner shall forthwith make repairs.
- B. If the owner fails to make the necessary repairs required by Section 3-3-4.A of this Code, the City may cause the work to be performed and bill the property owner accordingly.
- C. Whenever any damage condition of a building sewer service shall cause damage to, or the introduction of soil or foreign matter into, the municipal sewerage

system which shall require repairs or cleaning of the system, the property owner shall be responsible for the cost of repairs or cleaning.

- D. Each day, after notice, that a person neglects or fails to repair the building sewer service constitutes a separate violation of the City Code.

### **3-3-5: USE OF PUBLIC SEWERS.**

- A. ~~Illegal Discharge. It is unlawful for any person to discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer without a special permit from the City.~~

#### Prohibited Discharges.

1. Unpolluted Waters. No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharge shall be directed to the storm water collection system, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.
2. Foreign or Hazardous Substances.
  - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
  - b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;
  - c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;
  - d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand,

mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;

- e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

B. ~~Article V of Sewage and Waste Control Rules and Regulations for the Metropolitan Disposal System. The regulations of the Metropolitan Waste Control Commission, (formerly Metropolitan Sewer Board) adopted December 1, 1971, and as the same has been, or may be in the future, amended, are hereby adopted by reference and incorporated herein. A copy of said Rules and Regulations and amendments thereto, shall be kept on file in the office of the City Clerk/Treasurer for reference and open to public inspection during regular office hours.~~

Regulated Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of the sewage plant, the City's NPDES permit, and other pertinent determinations, either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances restricted shall be:

1. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C).
2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.).
3. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension.

4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
7. Any water or wastes having a pH in excess of 9.5.
8. Materials which exert or cause:
  - a. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.
  - d. Unusual volume of flow or concentration of wastes constituting a slug.
  - e. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

~~C. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.~~

C. Response to Improper Discharge. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or

wastes do not meet the standards set out in or promulgated under this Section, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

1. Refuse to accept the discharges.

2. Require control over the quantities and rates of discharge.

3. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

4. Require payment to cover the added cost of handling or treating the wastes.

~~D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.~~

D. Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

~~E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Maintenance Superintendent or his authorized representative.~~

E. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

F. Testing.

1. Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure

together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

2. Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods, location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

G. Industrial Waste. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.

E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Public Works Director Maintenance Superintendent or his authorized representative.

F. Required Daylighting. All sump pumps and garage floor drains shall be daylighted to prove the discharge is not being put into the sanitary sewer system. The discharge pipes from both shall be directed away from houses/principal structures on neighboring properties and wetlands.

**3-3-6: DAMAGE TO THE PUBLIC SEWAGE SYSTEM.**

- A. It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewerage system.
- B. It is unlawful for any person, having charge of any building or other premises which drains into the municipal sewerage system, to permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer.

**3-3-7: AUTHORITY AND POWERS OF INSPECTORS.**

- A. Permission to Enter Onto Private Property for Observation and Testing. The Public Works Director Maintenance Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section. The Public Works Director Maintenance Superintendent shall have no authority to inquire into any proprietary processes in metallurgy, chemical manufacturing, refining, paper making, ceramics, or similar industries beyond the technical information required for the proper receiving, conveying and treatment of the particular waste.
- B. Observation of Safety Rules by City Employees. While performing the necessary work on private properties referred to herein, the Public Works Director Maintenance Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- C. Inspection, Sampling, Measurement and Maintenance on Private Property. The Public Works Director Maintenance Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly

negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

**3-3-8: EQUIVALENT CONNECTION CHARGES.**

- A. Equivalent Connection Charge Definition and Application. A sum of money hereinafter termed "the equivalent connection charge" is to be collected for the purpose of providing funding necessary for the construction of the sewerage system and additions or extensions thereto, and for payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such improvements. This sum of money is hereby charged with respect to every lot, parcel of land, buildings or premises within ~~Zone I and Zone II~~ MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Such charge is made for the privilege of making a connection, direct or indirect, to the City's facilities for the collections and treatment of sewage, industrial waste and water or other liquid discharged from such premises.
- B. Payment of Connection Charges. Connection charges are payable at the time of the building permit issuance. The Building Inspector shall not issue a building permit until such connection charge is paid. For any building permit issued prior to the effective date of this Section, in which the connection has not been made to the Public Sewerage System, connection charges are then payable prior to the time of connection or by such date as stipulated by the Council. For existing buildings connection charges are payable upon application for a connection permit.
- C. Application and Permit for a Connection. No connection from any premises to the disposal system is authorized without there being first obtained for such connection a permit issued by the City. No permit may be obtained from the City, and no representative of the City is authorized to issue a permit for connection unless and until an authorized representative of the City receives an application for such connection, determines and establishes the type of connection to be made and receives the equivalent connection fee as required. The City shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the City and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section.
- D. Increased Connection Charges Based on Measurement. The determination and establishment in the first instance of the equivalent connection charge represented by a connection, especially when made by estimate based upon

representations of the owner or occupant of the premises is at all times subject to further determination and establishment after the connection has been made and determined by an actual measurement and/or analysis by the Public Works Director Maintenance Superintendent of the sewage or waste discharge from such connection entering into the system of the City. The receipt and acceptance by the City of any money paid and received by the City, as previously imposed does not bar the City's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the City's right to recover therefore is not impaired. After a connection has been made and the connection charge established, imposed and paid, no diminution in discharge from the premises shall entitle the owner (or occupant) against the City to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.

- E. Computation of Connection Charges. Connection charges for building within the immediate sewer service area (Zone I) are due to the City upon issuance of a building and/or connection permit. This fee shall be set by Council resolution for each equivalent connection unit. An equivalent connection unit (one E.C.) is established as the anticipated flow from a single family residence as referenced herein. The following list is hereby established as the basis for equivalent connection units for development within the City. These Standards may be amended as may be necessary by Council resolution. The City hereby adopts by reference and incorporates herein Appendix A of the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge Procedure Manual as may be amended in the future. A copy of said document and amendments thereto shall be kept on file in the office of the City Clerk for reference and open to public inspection during regular office hours. In cases where said document references MCES or MCES Staff shall be interpreted to mean City of St. Francis or City of St. Francis Staff respectively.

FACILITY	PARAMETER	SEC
ANIMAL CLINIC (humane societies, animal research, boarding, etc.)		
— Animal Holding Areas:	17 f.u.	4
— Animal Runs:	34 f.u.	
ARCHERY (6 feet/lane)	6 lanes	4
ARENAS (bleachers 18 inches/person)	110 seats	4
AUDITORIUMS (7 sq. ft./person)	110 seats	4
AUTOMOBILE		
— Fast service (less than 4 hours per car):	2 service bays	4
— Major service (more than 4 hours per car):	14 employees	4
BALLROOM (exclude dance floor)		
— Facility without liquor service:	825 sq. ft.	4
— Facility with liquor service:	590 sq. ft.	4
BANK (exclude cash vault)	2,400 sq. ft.	4
BANQUET ROOM (15 sq. ft./person)		
— Food catered	2,060 sq. ft.	4
— Food catered with dishwashing	1,180 sq. ft.	4
— Food catered with liquor	1,028 sq. ft.	4
— Food preparation and dishwashing	825 sq. ft.	4
— Food catered with dishwashing and liquor	750 sq. ft.	4
— Food preparation, dishwashing with liquor	590 sq. ft.	4
BARBER	4 chairs	4
BEAUTY SALON	4 cutting stations	4
BINGO HALL (used only for bingo)	110 seats	4
BOARDING HOUSE (dorm rooms)	5 beds	4
BODY SHOP (major service more than 4 hours per car, no vehicle washing)	14 employees	4
BOWLING ALLEYS (does not include bar or dining area)	3 alleys	4
CAMPS [no. gal X occupant or site)/274]		
— Children's camps (central toilet and bath; overnight, primitive cabins)	274 gallons	4
— (no. occupants X 50 gal/occupant)/274 gal		
— Day camps (no meals)	274 gallons	4
— (# occupants x 50 gal/occupant)/274 gal		
— Labor/Construction camps	274 gallons	4
— (# occupants x 50 gal/occupant)/274 gal		
— Resorts (housekeeping cabins)	274 gallons	4
— (# occupants x 60 gal/occupant)/274 gal		
— Travel Trailer Parks		
— with water & sewer hookup	274 gallons	4
— (# sites x 100 gal/site)/274 gal		

FACILITY	PARAMETER	SEC
CAMPS—Continued		
———Travel Trailer Parks		
———with central toilet and showers	274 gallons	4
———(# sites x 75 gal/site)/274 gal		
———sanitary dump (sites w/o hookup)	274 gallons	4
———(# sites x 10 gal/site)/274 gal		
CAR WASH (Self Service)	1 stall	4
CAR WASH (Service Station—Automatic Rollover Brushes)	1 stall	6
CAR WASH (Requires specification on equipment flow rate and cycle time; tunnel car pulled through)		
CONTACT MWCC FOR DETERMINATION	274 gallons	4
CHURCHES (for sanctuary, nave, chancel)		
(7 sq. ft./person seating area) (remainder use other criteria) (sacristy, ambulatory no charge)	275 seats	4
COCKTAIL LOUNGE (no food service)	23 seats	4
CORRECTION FACILITY (prison)	2.5 inmates	4
DAYCARE (number of children licensed for)	14 children	4
DORM ROOMS—On/Off campus students (charge additional for classrooms)	5 students	4
DRY CLEANERS (retail)	3,000 sq. ft.	4
ELDERLY HOUSING (100% of current SEC rate)		
———(# of one bedroom units x 1.5 people/unit)		
———+ (# of two bedroom units x 2.0 people/unit)		
———(total # of people/3 people)	3 people	4
EXERCISE AREA/GYM (juice bars no charge)		
(sauna, whirlpool included)	700 sq. ft.	4
———No showers	2,060 sq. ft.	4
FIRE STATION (charge for office, meeting room, etc. at established rates)		
———Washing (hose tower, truck)	274 gallons	4
———Full Time (overnight people)	274 gallons	4
———(75 gal/person)/274 gal		
———Volunteer (occasional overnight)	14 people	4
FUNERAL HOME (charge viewing areas only chapel, viewing areas, etc.)		
———Apartment	770 sq. ft.	4
	1 apartment	4
GAME ROOM (billiards, video, pinball games)		
———With bar	590 sq. ft.	4
———Without bar	2,060 sq. ft.	4
GENERAL OFFICE BUILDING		
———(deduct mechanical rooms, elevator shafts, Stairwells, restroom and storage areas)	2,400 sq. ft.	4

FACILITY	PARAMETER	SEC
<b>GOLF COURSE</b> (if showers use locker room criteria)		
— 18 hole (280 golfers/day x 2.5 gal/golfer)/274 gal	274 gallons	4
— Par 3 (168 golfers/day x 2.5 gal/golfer)/274 gal	274 gallons	4
— Country Club (private)		
— Dining room (evenings & weekends)	15 seats	4
— Bar & Grill (separated)		
— Bar	23 seats	4
— Grill	15 seats	4
— Bar & Grill (combined)		
— ([168 or 280] golfers x 9 gal/person)/274 gal	274 gallons	4
<b>GREENHOUSE</b>		
— Area not open to public	15,000 sq. ft.	4
— Area open to public	5,000 sq. ft.	4
— General retail area	3,000 sq. ft.	4
<b>GROUP HOME</b>	5 beds	4
<b>GUEST ROOMS</b> (apartment or condominium) (charge SEC as apartment)		4
— Washer/Dryer	100% of current SAC rate	
— No Washer/Dryer	80% of current SAC rate	
— No Kitchen	50% of current SAC rate	
<b>HANDBALL AND RACQUETBALL COURTS</b>	1 court	2
<b>HOSPITALS</b> (licensed beds or baby cribs) (does not include out-patient clinic)	1 bed	4
— Out-patient clinic (Plumbing Fixture Units)	17 f.u.	4
— Sterilizers (4 hours x gmp x 60 minutes/274 gal)	274 gallons	4
— X ray film processors (continuous operation 9 hrs)		
— (intermittent operation 4 hrs) (operation time		
— (hrs) x gmp x 60 minutes/274 gal)		
<b>LAUNDROMAT</b> (requires water volume for cycle time) 8 cycles per day	274 gallons	4
<b>LIBRARY</b> (subtract out book storage areas, file areas — charge common plumbing fixture units)	17 f.u.	4
— (meeting rooms, board rooms, reception, book — checkout, offices)	2,400 sq. ft.	4
<b>LOADING DOCK</b>	7,000 sq. ft.	4
<b>LOCKER ROOMS</b> (if showers 20 gal/person)	14 lockers	4
<b>MEETING ROOMS</b> (conference rooms)	1,650 sq. ft.	4
<b>MINI STORAGE</b> (storage area no charge)		
— Living Area		4
— Public Restroom (plumbing fixtures)	17 f.u.	4
<b>MOBILE HOME</b>		4

FACILITY	PARAMETER	SEC
MOTELS AND HOTELS (assume 2 persons/room) — (pools, saunas, Jacuzzis, game rooms, exercise Rooms exclusively used by guests — no charge)	2 rooms	4
—— Breakfast only (complimentary)	45 seats	4
—— Cocktail Hours (complimentary)	55 seats	4
—— Kitchenettes —— (# kitchenettes x 10 gal/day)/274 gal	274 gallons	4
MUSEUM	2,400 sq. ft.	4
NURSING HOME	3 beds	4
POLICE STATION (charge as office)		
—— Cells Overnight (jail)	274 gallons	4
—— (# overnight people x 80 gal/person)/274 gal		
—— No overnight people (holding area)	14 people	4
RECORDING/FILMING STUDIOS	7,000 sq. ft.	4
RESTAURANT (drive-in)	9 parking spaces	4
RESTAURANT (fast food) (disposal paper plates, glasses, and silverware)	22 seats	4
RESTAURANT (full service)(washable silverware, glasses and dishes)	8 seats	4
RETAIL STORES (deduct mechanical rooms, elevator shafts, stairwells, restrooms and unfinished storage areas)	3,000 sq. ft.	4
ROLLER RINK (skating area)	825 sq. ft.	4
ROOMING HOUSES (no food service)	7 beds	4
RV DUMPING STATION (not in association with camp grounds)		4
SCHOOLS (Sunday) — (30 sq. ft./student)	55 students	4
SCHOOLS (elementary) — (15 gal/student) (30 sq. ft./student)	18 students	4
SCHOOLS (college, TVI) — (30 sq. ft./student)	18 students	4
—— Lecture Halls (15 sq. ft./student)	18 students	4
—— Labs (50 sq. ft./student)	18 students	4
—— Dorm Rooms (on/off campus students)	5 students	4
SCHOOLS (nursery) (number of children licensed for)	14 students	4
—— Church (nursery during worship service only — —— (30 sq. ft./child) —	55 children	4
—— Nursery (health clubs, bowling alleys, etc.)	2,400 sq. ft.	4
SCHOOLS (secondary) — —— (30 sq. ft./student) — (20 gal/student)	14 students	4
—— Labs (50 sq. ft./student)	14 students	4
SERVICE STATION (gas pumping only)		4
SERVICE STATION (with service center — 2 service bays)		2

FACILITY	PARAMETER	SEC
SERVICE STATION (with service center and car wash)		8
SWIMMING POOLS (public) (pool area) —— (private residential, townhouse, condominiums, —— hotels, motels or apartments – no charge)	900 sq. ft.	4
TANNING ROOMS	3,000 sq. ft.	4
TENNIS COURTS (public, shower facilities available)	1 court	2
THEATER	64 seats	4
THEATER (drive-in) (parking spaces)	55 spaces	4
VEHICLE GARAGE		
—— Employees stationed in garage ——	14 employees	4
—— Vehicle drivers (per day)	28 drivers	4
—— Vehicle washing (# vehicles/day x gpm x —— minutes/vehicle)/274 gal	274 gallons	4
WAREHOUSES (assembly areas)	7,000 sq. ft.	4
—— Office/Warehouse (speculative) —— (must be re- —— reviewed on finishing permits)		
—— Minimum 30% Office	2,400 sq. ft.	4
—— Maximum 70% Warehouse	7,000 sq. ft.	4
WHIRLPOOL (doctors office/clinic, therapy) (# gal/fill x 8 fills/day)/274 gal	274 gallons	4
YARD STORAGE BUILDINGS (no permanent employees) (ex: lumber storage, customer pickup)	15,000 sq. ft.	4

**\*PLUMBING WASTE FIXTURE UNITS**

TYPE OF FIXTURE	FIXTURE UNIT VALUE
Drinking fountain	1
Floor drain 2" waste (only if hose bib included)	2
Floor drain 3" waste (only if hose bib included)	3
Floor drain 4" waste (only if hose bib included)	4
Shower stall, domestic	2
Shower (gang) per head	1
Sinks (lab in exam room, bathroom)	1
—— (kitchen, and others)	2
—— (surgeon)	3
—— (janitor)	4
Urinals (single – wall hung)	3
—— (trough – per 6 foot section)	2
Water closet	6

—\*(If not included in list, use Plumbing Code)

- F. Determination of Equivalent Connection for Unlisted Uses. The connection unit for those building uses not included in Subparagraph E, above, shall be determined by the Council after a report from the City Engineer. All non-residential property uses shall have a minimum of one (1) equivalent connection. The City shall supply appropriate forms to those required to get approval and shall submit the completed form to the City Clerk/Treasurer. No building permit may be issued until the Public Works Director or City Engineer Maintenance Superintendent has designated and transmitted to the City Clerk/Treasurer the connection unit assignment and the fee has been collected. The Public Works Director Maintenance Superintendent shall review actual sewage flow one (1) year after the initial discharge, and the City may impose such additional connection charges in accordance with the provisions of Section 3-3-8.D of this Code.
- G. Application of Funds. The funds received from the collection of connection charges authorized by this Subdivision shall be used to provide funds for the payment of principal and interest on obligations incurred to finance the cost of constructing improvements to the City sanitary sewerage system as prescribed by resolutions or covenants authorizing or securing such obligations; and to provide funds for the reasonable requirements of extending, improving and/or replacing City sanitary sewerage facilities. These funds shall be disbursed by Council resolution.

**3-3-9: USER CHARGES.**

- A. Purpose of User Charges. For the purpose of providing monies necessary to the construction, maintenance and operation of the sewerage system of the City as well as additions thereto, or extensions thereof, including payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such construction, maintenance, and operation, there is hereby charged a "user charge" to be collected by the City with respect to each lot, parcel of land, building or premises, having any connection, direct or indirect, with the disposal system of the City or otherwise discharging sewage industrial waste, water or other waste directly or indirectly into the City disposal system. The "user charge" is to be paid at an interval as determined by the City commencing with connection and continuing (unless for good cause, waived or excused by the Council) for as long as the premises remain connected, whether or not such connection is actively used for discharge of sewage or waste during any particular period of time.
- B. Computation of User Charges. Charges for sewer use shall be paid by the user to the City or its designated agent according to a rate, established by Council resolution. A copy of the rate shall be kept in the office of the City Clerk/Treasurer and open to public inspection during regular office hours.

- C. **User Charge Surcharge.** In the event the Council makes an industrial waste surcharge, such surcharge shall be charged by the City to the designated industrial user causing such discharge. Such surcharge shall be in addition to other charges required herein and shall be based on rate of flow in gallons per day, strength of sewage in BOD, and suspended solids in parts per million. If unusual chemicals or substance are in the industrial waste the charge shall be based on the actual collection and treatment costs. ~~The City in the future may consider United States Environmental Protection Agency funding for expansion of the sewage treatment plant. Federal regulations require the recovery of such funds expended for industrial sewage capacity (Industrial Cost Recovery) and the return of those funds to the Federal government. Industrial users will be charged on the basis of the above sewage characteristics over twenty (20) years to recover each user's share of the expansion cost. The Council shall collect, invest, and transmit to the U.S.E.P.A. such industrial user charges according to Federal regulations.~~
- D. The City or its designated agent shall compute the amount due the City for service charges and render a statement thereof at an interval as determined by the City to the owner of any premises served. All amounts due hereunder shall be payable to the office of the City Clerk/Treasurer, City or its designated agent.
- E. **Permanence of User Charge.** A connection once made shall thereafter be considered in continual use, except and unless the building or facility is completely removed and the building sewer service capped both in a manner approved by the City. The "user charge" imposed shall be collected by the City (with respect to such connection) for each monthly period of time that such connection exists, whether such connection is then being actively used or otherwise. Such "user charge" shall be promptly paid when due by the owner (or occupant) of the premises affected directly to the City for the monthly period of use represented by such payment. The Council may establish a schedule of additional charges for late payment of user charges.
- F. **Application of Funds.** The funds received from the collection of charges authorized by this Subdivision shall be deposited, as collected, in a fund known as the Sewer and Water Operating Fund and shall be disbursed to meet the costs of operating and maintaining the sewage disposal pumping stations and facilities.

**3-3-10: CONNECTION WITH AND USE OF CITY SYSTEM WITHOUT COMPLIANCE PROHIBITED.** No connection to the sewage disposal system shall be made (directly or indirectly) from any premises, and no use of a connection from the premises to the system, shall be continued in use except in strict compliance with the provisions of this Section, whether as to connection or use of the City system or payment of charges imposed and to be collected with respect thereto, subjects an

offender to a disconnection and termination of use, claim for loss or damage sustained by the City, and also all provisos and penalties imposed by law.

**3-3-11: QUALIFICATIONS OF PERSONS.** Any person engaged in the laying of or building public sewers shall be qualified to perform such work and be familiar with all laws and regulations of the State of Minnesota Department of Health, Pollution Control Agency, Plumbing Code, and City Code provisions. The contractor shall also place on file with the City certificated of insurance showing that he is covered, by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of \$100,000.00 per person and \$300,000.00 per incident for injuries, including accidental death of any one person, and property damage insurance in an amount of not less than \$100,000.00 per incident. These coverages are minimum amount and may be adjusted by the City Engineer based on the size and scope of the project.

- A. Performance Bond. Each contractor shall provide the City with one of the following: (1) If master plumber and has State license a copy thereof; (2) Non-Master - \$2,000.00 bond; (3) Excavation - \$2,000.00 bond. The intent for this requirement is to assure that installations shall comply with all applicable laws and that the contractor shall pay for any and all materials and labor for such work.
- B. Connection to Public Sewer of Privately Laid Sewer. A property owner may lay sewer on his property but a licensed sewer and certified pipe layer must make the connection to the City Sewerage System.
- C. Failure of Privately Laid Sewer to Meet Requirements of this Section. If the work is done by a property owner on his own premises and does not meet the requirements of this Section and he cannot perform the work to comply with the requirements as instructed by the Inspector, he shall engage a licensed sewer certified pipe layer to install the connection. Failure to do so will be considered just cause for the City to refuse him a sewer connection.

## SECTION 4

### **RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEMS AND PRIVATE WELL WATER SUPPLIES**

#### SECTION:

- 3-4-1: Purpose
- 3-4-2: Compliance
- 3-4-3: Inspection
- 3-4-4: State Code Setting Individual On-site Sewage Treatment System Standards
- 3-4-5: Administration
- 3-4-6: Systems Failures
- 3-4-7: Inspection/Maintenance
- 3-4-8: Contractor Requirements
- 3-4-9: Private Well Regulations

**3-4-1: PURPOSE.** It is the purpose of this Section to establish standards for the design, location, construction, and operation of private well water supplies and individual on-site sewage treatment systems to protect and promote the health, safety and general welfare of the residents of the City.

**3-4-2: COMPLIANCE.** It is unlawful for any person to install a private well or individual on-site sewage treatment systems without securing the required permits prior to commencing construction, and all work is to be done in complete compliance with the provisions of this Section and all requirements from the State and/or County including as well as the Minnesota Pollution Control Agency Rules Section 7080. Failure to comply with the terms of this Section shall be justification for denying a certificate of occupancy and/or use of the building or facility in addition to other penalties. No additional permits shall be issued to any contractor responsible for outstanding work which does not comply with terms of this Section.

**3-4-3: INSPECTION.** No part of any individual on-site sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected, and approved as herein provided, it shall be uncovered upon the direction of the Building Official. The Building Official shall cause such inspections as are necessary to determine compliance with this Section. It shall be the responsibility of the applicant for the permit to notify the Building Official when the system is ready for inspection. The Building Official may require that all requests for inspections are filed with the City at least one (1) working day prior to the requested inspection.

**3-4-4: STATE CODE SETTING INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEM STANDARDS.** Minnesota Pollution Control Agency Rules 6 MCAR 4.8040, 7080, relating to individual on-site sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein. One copy of said Rules shall be kept on file in the office of the City Clerk/Treasurer and open to public inspection during regular office hours.

**3-4-5: ADMINISTRATION.** The Building Official shall be the person responsible for the enforcement of the provisions of this Section. All permits required under this Section must be issued by the Building Official except when otherwise noted.

**3-4-6: SYSTEMS FAILURES.** When an existing on-site sewage treatment system ceases to function, discharges to the surface, or fails, it shall be the responsibility of the property owner to notify the City as soon as possible. The property owner shall also repair or replace the system as soon as possible. The repair or reconstructions of said system shall comply with all provisions of this Section as well as the Minnesota Pollution Control Agency rules Section 7080.

**3-4-7: INSPECTION/MAINTENANCE.** Property owners with on-site sewage treatment systems, upon written notification from the City are required to perform the maintenance set forth in Minnesota State Rules 7080 and report the findings and subsequent maintenance/pumping to the City on forms to be provided by the City. The above reference reporting and maintenance shall be performed at intervals not to exceed every three (3) years. In maintenance and reporting, the City may cause the required maintenance to be performed at the expense of the property owner and recover fees and all administrative costs via assessments. (Ord 136, SS, 7-20-2009)

**3-4-8: CONTRACTOR REQUIREMENTS.**

- A. Qualifications of Persons. Any person engaged in the business of installing individual on-site sewage treatment systems, within the City shall be to perform such work and be familiar with all pertinent laws and regulations of the State of Minnesota relating to wells and individual on-site sewage treatment systems.
- B. Insurance. The contractor shall place on file with the City Clerk/Treasurer, his/her certificate of insurance showing that he/she is covered by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of \$100,000 per person and \$600,000 per incident for injury, including accidental death of any one person, and property damage insurance in an amount of not less than \$100,000.00 per incident.

**3-4-9: PRIVATE WELL REGULATIONS.**

- A. All wells shall be installed and maintained in compliance with all State and County regulations.
- B. Upon connection to City Water, any existing well on site shall be sealed and properly abandoned unless granted a permit as set forth in this Section.
- C. Permits for irrigation wells for Commercial, Industrial, Institutional, or Multi-Family users in the MUSA may be approved by the Public Works Director in the following instances:
1. The proposed well is consistent with the City's Wellhead Protection Plan.
  2. There shall be no cross connections or possible cross connections with the City Water system.
  3. The well shall be used for exterior landscape irrigation purposes only.
  4. There shall be only one well per irrigation system.
  5. Adequate backflow prevention measures have been taken.
  6. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.
  7. All requirements by the State and/or County are met.
- D. Permits for drive point irrigation wells in the MUSA may be approved by the Public Works Director in the following instances:
1. There shall be no cross connections or possible cross connections with the City Water system.
  2. The well shall be used for exterior landscape irrigation purposes only.
  3. There shall be only one well per parcel.
  4. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.
  5. All requirements by the State and/or County are met.

6. The drive point well shall not impair or endanger the City's Wellhead Management Area.

DRAFT

## SECTION 5

### TRUNK AREA FEES

#### SECTION:

- 3-5-1: Trunk Area
- 3-5-2: Trunk Sanitary Sewer Area Fee
- 3-5-3: Trunk Watermain Area Fee

**3-5-1: TRUNK AREA.** The City hereby establishes a Trunk Area consisting of the following identified parcels:

30-34-24-22-0005; 30-34-24-23-0002; 30-34-24-23-0005; 30-34-24-22-0002; 30-34-24-21-0002; 30-34-24-24-0004; 30-34-24-24-0005; 30-34-24-13-0002; 30-34-24-13-0004; 30-34-24-13-0007; 30-34-24-13-0006; 30-34-24-14-0006; 30-34-24-14-0007; 30-34-24-14-0002; 30-34-24-14-0003; 30-34-24-11-0006; 30-34-24-11-0005; 30-34-24-11-0003; 30-34-24-11-0004; 30-34-24-12-0006; 30-34-24-12-0007; 30-34-24-12-0004; 30-34-24-12-0002; 30-34-24-21-0003; 29-34-24-33-0001; 29-34-24-32-0001; 29-34-24-31-0001; 29-34-24-23-0002; 29-34-24-23-0003; 29-34-24-23-0004; 29-34-24-22-0002; 29-34-24-22-0003; 29-34-24-21-0001; 29-34-24-12-0005; 29-34-24-12-0006; 29-34-24-12-0002; 29-34-24-12-0003; 29-34-24-12-0017; 29-34-24-12-0018; 29-34-24-12-0019; 29-34-24-12-0004; 29-34-24-12-0020; 29-34-24-12-0021; 29-34-24-12-0022; 29-34-24-12-0023; 29-34-24-13-0001; 29-34-24-13-0003; 29-34-24-13-0011; 29-34-24-13-0007; 29-34-24-13-0008; 29-34-24-13-0009; 29-34-24-13-0010; 29-34-24-12-0007; 29-34-24-12-0008; 29-34-24-12-0009; 29-34-24-12-0026; 29-34-24-12-0012; 29-34-24-12-0013; 29-34-24-12-0014; 29-34-24-12-0024; 29-34-24-11-0002; 29-34-24-11-0003; 29-34-24-11-0004; 29-34-24-11-0013; 29-34-24-11-0012; 30-34-24-31-0001; 30-34-24-31-0002; 30-34-24-31-0004; 30-34-24-31-0005; 30-34-24-31-0006; 30-34-24-31-0007; 30-34-24-42-0001; 30-34-24-41-0001; 30-34-24-41-0002; 30-34-24-43-0001; 30-34-24-44-0001

**3-5-2: TRUNK SANITARY SEWER AREA FEE.** The City hereby adopts a Trunk Sanitary Sewer Area Fee in the amount of five thousand seventy five dollars (\$5,075) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.

**3-5-3: TRUNK WATERMAIN AREA FEE.** The City hereby adopts a Trunk Watermain Area Fee in the amount of one thousand three hundred twenty dollars (\$1,320) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.