

RESOLUTION

WHEREAS, R.C.O. § 77A provides for the creation of a Storm Water Utility based on the following findings:

- A. Storm water runoff contributes to non-point source pollution of the City's water resources. The City prepared the Rochester Comprehensive Storm Water Management Plan ("Plan") in 1997, updated it in 1999, and incorporated it by reference into Rochester's Code of Ordinances - Land Development Manual, thereby requiring storm water management and encouraging a regional approach to managing storm water;
- B. There is now a need to supplement the Plan with a Storm Water Pollution Prevention Program ("Program") in response to the National Pollutant Discharge Elimination System (NPDES) small municipal separate storm sewer system (MS4) permit requirements and City growth. The Program hereby incorporates the Plan by reference. The Program goal is to effectively manage storm water so that the chemical, biological, and physical health of the City's water resources are maintained and improved. All real property in the City contributes to the need for storm water management and all its citizens' benefit from the Program;
- C. Heretofore, the Plan has been financed and paid for through Storm Water Management Plan Area Charges ("Charges") or developer-financed Storm Water Management System ("System") construction, in addition to other revenues of the City. It is now necessary and desirable to provide a revised approach to recover some or all of the future costs of implementing the Program. A Storm Water Utility Fee ("Fee") is hereby adopted, as provided in this Chapter. Additionally, Charges will be deemed mandatory and developer-financed System construction will not be allowed as an alternative to Charges, unless otherwise determined by the Director of Public Works to meet sub-watershed specific storm water management needs;
- D. In imposing Fees and Charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the System, past methods of recovering System cost, the City's geophysical setting, permit requirements, and other relevant factors, it is determined that it would be just and equitable to assign the responsibility for some or all of the costs of implementing the Program on the basis of impervious area and Land Use Factors; the two primary predictors of storm water runoff volumes, runoff discharge rates,

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and impacts to our water resources. Additionally, Program implementation costs will be taken into consideration along with indirect and direct benefits resulting from the Program;

- E. It is the City's intent to create a Storm Water Utility ("Utility") based on factors that influence runoff quantity and quality, including land use and the amount of impervious surface on the property. It is in the public's interest to fund the Program with a user Fee that allocates the costs of storm water management to all property owners in the City and that further seeks to base the amount of the Fee on the extent that each parcel of real property contributes to the need for the Program. A Utility offers financial management options that can assist the City in implementing the Program to maintain and improve its water resources; and,

WHEREAS, the Utility provides for the implementation of storm water management activities that are within the City's governmental authority to protect the environment and to promote the public health, safety, convenience and general welfare of its citizens and visitors; and,

WHEREAS, Chapter 77A of the Rochester Code of Ordinances authorizes the City to establish a reasonable and practical methodology for assigning fees to provide revenue to accomplish the storm water management activities; and,

WHEREAS, an equitable fee is related to the size of a parcel of real property and the amount of impervious area on that parcel; and,

WHEREAS, the formula to calculate the fee is (Land Use Factor) x (parcel size, in acres) x (storm water unit rate, in dollars/acre/month); and,

WHEREAS, the storm water unit rate is established by Council resolution.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the City does hereby approve a storm water unit rate of \$12.77/acre/month to be used in calculating Storm Water Utility Fees for 2004.

BE IT FURTHER RESOLVED by the Common Council of the City that the Rochester Public Works Department shall evaluate the Storm Water Utility revenues and expenditures during the year 2004 so as to advise the Council of the need, if any, to revise the storm water unit rate for 2005 to accomplish required and necessary storm water management program activities.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 3RD DAY OF SEPTEMBER, 2003.

John Nunziato
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: *Judy Kay Shaw*
CITY CLERK

APPROVED THIS 4th DAY OF SEPTEMBER, 2003.

Arnell F. Breda
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)