

**ORDINANCE XX.**

**AN ORDINANCE ESTABLISHING A STORM WATER UTILITY  
AND STORM WATER UTILITY DISTRICT**

- 20.01** Storm water drainage utility and storm water utility district established
- 20.02** Definition
- 20.03** Determination of storm water drainage fees
- 20.04** Exemptions
- 20.05** Prohibitions
- 20.06** Fee Payment Schedules
- 20.07** Fee Appeal
- 20.08** Passage and Publication

**20.01 STORM WATER DRAINAGE UTILITY AND STORM WATER UTILITY DISTRICT ESTABLISHED.**

There is hereby established a public utility to be known as the storm water utility for the City of Barrett. The storm water utility shall be operated as a public utility pursuant to M.S. 444.075. This Ordinance shall apply to the entire City of Barrett, which shall be considered the Storm Water Utility District. The district shall include the City of Barrett, as it presently exists and including accessions thereto through annexation. All fees collected for the storm water utility shall be placed in a fund for storm water purposes. Revenues shall be used to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the daily maintenance.

**20.2 DEFINITION.**

Fees shall be based upon units as determined under 20.03.

**20.03 DETERMINATION OF STORM WATER DRAINAGE FEES**

- A.** The storm sewer utility fee for the use of the storm sewer facility shall be determined by resolution of the city council from time to time and shall be just and equitable. The charge for the connection and availability for storm sewer service may be imposed to all premises within the City of Barrett, whether or not actually connected to the storm water system. Charges made for units as determined, shall be by reference to reasonable classification of the type of premises, or by reference to the quantity, pollution quantities and difficulty of disposal of the water or any equitable

basis, including, but not without limitation, any combination of those referred to above.

- B. The city council shall by resolution adopt a list of classifications and an assignment of units.

#### **20.04 EXEMPTIONS**

The following land uses are exempt from storm water utility fees established herein:

- 1) public street right-of-way;
- 2) wetlands and public waters as defined by state law;
- 3) ponds designated and used exclusively for storm water retention or treatment purposes up to the 100-year flood elevation;
- 4) undeveloped parcels with ground cover;
- 5) publicly-owned park lands, nature areas, and recreational fields;
- 6) railroad right-of-way; and
- 7) cemeteries.

#### **20.05 PROHIBITIONS**

Sump Pumps and any other storm water source may not be introduced into the City's waste water system.

#### **20.06 FEE PAYMENT PROCEDURES**

A. All fees shall be charged on a monthly basis and included upon the monthly utility bill sent by the City of Barrett. All bills shall be payable to the City of Barrett no later than the due date stated upon the utility bill.

B. Each monthly billing for storm water utility fees not paid when due shall incur a penalty charge of 10% of the amount past due.

C. Any past due storm water utility fees in excess of 90 days past due on October 1 of any year may be certified to the Grant County Auditor for collection with real estate taxes in the following year, pursuant to M.S. 444.075, Subd. 3. In addition, the city shall also have the right to bring civil action or to take other legal remedies to collect unpaid fees.

D. The storm water utility fee shall be determined by resolution of the City Council, from time to time and shall be just and equitable.

#### **20.07 FEE APPEAL**

If a property owner or person responsible for paying the storm water utility fee believes that a particular assigned fee is incorrect, such person may request, in writing that the fee be recomputed. Such request shall be made within thirty (30) days of the mailing of the billing in question and shall immediately be addressed by the City Council. If the property owner is not in agreement with the City Council's determination of the

fee, he or she may appeal the determination in writing by making a request for a hearing to the Barrett City Council within fourteen (14) days of the City Council's determination.

A hearing before the Barrett City Council shall be scheduled to occur within forty-five (45) days of receiving the property owner's request for a hearing. Notice of the hearing must be served on the property owner at least fourteen (14) days in advance unless a shorter time is accepted by all parties. Service of the Notice shall be by first class mail and will be complete upon mailing. The property owner shall have the burden of proving that the storm water utility fee for his or her property is incorrect. Appeal from the decision of the City Council shall be submitted first to mediation prior to any legal court action.

## **20.08 PASSAGE AND PUBLICATION**

This Ordinance shall take full effect and be in full force from and after its passage and publication according to law.

Adopted this 13 day of June, 2022.



**Michelle Jenson, Mayor**

**ATTEST:**



**Marita Rhude, Clerk/Treasurer**

**RESOLUTION 2022-06-01  
CITY OF BARRETT, MINNESOTA**

**RESOLUTION SETTING STORM WATER DRAINAGE FEES AND  
CLASSIFICATIONS AND ASSIGNMENT OF UNITS IN THE CITY OF  
BARRETT STORM WATER UTILITY DISTRICT**

**WHEREAS**, City of Barrett Ordinance XX sets storm sewer utility fee and a list of classifications and an assignment of units by resolution of the City Council from time to time as needed; and

**NOW THEREFORE BE IT RESOLVED** by the City of Barrett as follows:

Single Family Homes/All livable units = 1 Unit  
Small Surface Business = 2 units  
Medium Surface Business = 4 units  
Large Surface Business = 8 units

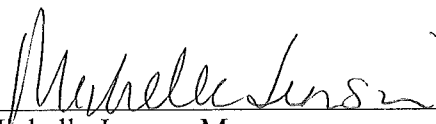
The fee per unit is set at \$1.70.

This resolution is formally adopted by the City of Barrett, this 13<sup>th</sup> day of June 2022.

Motion made by: Councilperson

Second By: Councilperson

Roll Call Vote: Simpson-yes, Ray-yes, Moss-yes, Lasch-yes, Jenson-yes

  
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Michelle Jenson, Mayor

Attested:

  
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Marita Rhude, Clerk/Treasurer