



CITY OF CENTERVILLE COUNCIL
MEETING AGENDA

Wednesday, February 22, 2012

6:30 p.m. or shortly thereafter – *Set Agenda Item*

OPEN FORUM 6:30 p.m.: An opportunity for members of the public to address the City Council on items not on the current agenda. Items requiring Council action may be deferred to staff or Boards and Commissions for research and future Council Agendas if appropriate. You will be limited to two (2) minutes and we ask that you conduct yourself in a professional, courteous manner, and refrain from the use of profanity. Failure to abide by this policy may result in the loss of your privilege to speak. Persons wishing to speak will be required to complete a sign-up sheet and give it to the Mayor or a Staff person by 6:15 p.m.

COUNCIL MEETING

I. CALL TO ORDER

- 1. Roll Call**

II. PUBLIC HEARING(S)

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- 1. February 8, 2012 City Council Meeting Minutes (Pages 1-6)**

V. CONSENT AGENDA

- 1. City of Centerville February 9, 2012 through February 22, 2012 Claims (Check #27053-27073) W/Voided Check #27052 (Pages 7-8) & (Check #27074-27075) (Page 8a)**
- 2. Centennial Lakes Police Department Claims through February 9, 2012 (Check #8818-8803) w/Check #8789 Voided (Page 9)**

VI. AWARDS/PRESENTATIONS/APPEARANCES

VII. OLD BUSINESS

- 1. OnLine Ticket Education System (Update)**

VIII. NEW BUSINESS

- 1. Res. #12-0XX – Resolution Approving OnLine Ticket Education System (Pages 10-13)**
- 2. Request for Letter of Credit Reduction – Mr. Rick Carlson (Hunters Crossing 3rd Addition) (Pages 14-17)**
- 3. Res. #12-0XX – Authorizing the Centennial Fire District Chief to Explore Legislative Changes to Allow for Local Controls of Determination of Provision on Local Ambulance Services (Pages 18-19)**
- 4. Ord. #XX, Second Series – Amending City Code, Chapter 51, Adding Regulations for Illicit Storm Water Discharge & Detection (Pages 20-28)**
****Replace w/Handout – Typographical Modifications Only****

IX. ANNOUNCEMENTS/UPDATES

1. City Administrator Larson

a. Trail Project

b. North Metro Television Annual Report & Franchise Fees ~ \$9,595.46

X. ADJOURNMENT

****REMINDERS****

Planning & Zoning Commission Meeting – March 6, 2012, 5:30 p.m. Council Chambers –
Public Hearing, Chapter 156

Parks & Recreation Committee Meeting – March 7, 2012, 6:30 p.m. Council Chambers

City Council Meeting – March 14, 2012, 6:30 p.m. Council Chambers

Board of Appeal & Equalization – April 11, 2012, 6:30 p.m. Council Chambers

City Council Meeting – March 28, 2012, 6:30 p.m. Council Chambers

***Check Detail Register©**

FEBRUARY 22, 2012 - UPDATE

C #	DATE	VENDER	Check Amt	Invoice	Comment
Paid Chk# 027074	2/22/2012	COMCAST			
E 101-41400-433	Dues and Subscriptions		\$44.91		1880 MAIN ST - HIGH SPEED INTERNET
E 101-43000-433	Dues and Subscriptions		<u>\$76.88</u>		2085 W CEDAR ST - HIGH SPEED INTERNET & CABLE
	Total	COMCAST	\$121.79		
Paid Chk# 027075	2/22/2012	XCEL ENERGY			
E 101-42280-380	Utilities		(\$120.95)		CREDIT - 1880 MAIN ST - CITY HALL & FIRE STAT. - SERV THRU 2-6-12
E 601-49400-380	Utilities		(\$211.28)		CREDIT - 1880 MAIN ST - SERV THRU 2-6-12
E 101-42280-380	Utilities		\$419.13		1880 MAIN ST - CITY HALL & FIRE STAT. - SERV THRU 2-6-12
E 601-49400-380	Utilities		<u>\$869.68</u>		1880 MAIN ST - SERV THRU 2-6-12
	Total	XCEL ENERGY	\$956.58		
		TOTAL CHECKS	\$1,078.37		

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CITY OF CENTERVILLE
ANOKA, MINNESOTA

ORDINANCE # _____
SECOND SERIES

AN ORDINANCE AMENDING CITY CODE ADDING REGULATIONS FOR ILLICIT
STORM WATER DISCHARGE AND DETECTION

THE CITY COUNCIL OF THE CITY OF CENTERVILLE ORDAINS:

Section 1. The City Code Chapter 51 is hereby amended by inserting new sections 51.20 through 51.34 to read as follows:

§ 51.20 FINDINGS AND PURPOSE

The city council hereby finds that nonstormwater discharges to the city's municipal separated storm sewer system are subject to higher levels of pollutants that enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control and other community services.

The purpose of the ordinance is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by nonstormwater discharges by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land.

§ 51.21 - DEFINITIONS.

The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

BEST MANAGEMENT PRACTICE OR BMP. Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

DISCHARGE. Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute public waters.

EROSION. The process by which ground surface is worn away by action of wind, water, ice, or gravity.

GROUNDWATER. Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched

conditions, in near surface unconsolidated sediment or in rock formations deeper underground.

ILLICIT CONNECTION. Either of the following:

- (A) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any nonstormwater discharge) including sewage, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (B) Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE. Any direct or indirect nonstormwater discharge to the storm sewer system, except as exempted herein in section 51.24(B).

MPCA. The Minnesota Pollution Control Agency.

MUNICIPAL SEPARATE STORM SEWER SYSTEM OR MS4. The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

NPDES. The National Pollutant Discharge Elimination System, which is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Section 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Section 1317, 1328, 1342, and 1345 authorizing the discharge of pollutants to water of the United States.

POLLUTANT. Any substance which, when discharged has potential to or does any of the following:

- (1) Interferes with state designated water uses;
- (2) Obstructs or causes damage to public waters;
- (3) Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
- (4) Adds an unnatural surface film on the water;
- (5) Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
- (6) Degrades the quality of ground water; or

(7) Harms human life, aquatic life, or terrestrial plant and wildlife.

POLLUTANT includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, and oxygen-demanding material.

POLLUTE. To discharge pollutants into public waters.

POLLUTION. The direct or indirect distribution of pollutants into public waters.

PUBLIC WATERS. Waters of the state, as defined in Minn. Stat. Sec. 103G.005(15).

STATE DESIGNATED WATER USES. Uses specified in state water quality standards.

STORM SEWER SYSTEM. A conveyance or system of conveyances that is owned and operated by the city or other entity and designed or used for collecting or conveying stormwater.

STORMWATER. Defined under Minnesota Rule 7077.0105, subpart 41(b), and means precipitation runoff, stormwater runoff, snow melt runoff and any other surface runoff and drainage.

SURFACE WATERS. All public waters other than ground waters, which include ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

§ 51.22. ADMINISTRATION.

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The city and its authorized representatives are authorized to administer, implement, and enforce the provisions of this chapter.

§ 51.23. ILLEGAL DISPOSAL AND DUMPING.

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(A) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catchbasin conduit or drainage structure, business, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.

(B) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catchbasin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

51.24. ILLICIT DISCHARGES.

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(A) No person shall cause any illicit discharge to enter the storm sewer system or any surface water.

(B) *Exemptions.* The following discharges are exempt from this section:

- (1) Nonstormwater that is authorized by an NPDES point source permit obtain from the MPCA;
- (2) Fire fighting activities or other activities necessary to protect public health and safety;
- (3) Dye testing for which the city has provided a verbal notification prior to the time of the test;
- (4) Water line flushing or other potable water sources;
- (5) Landscape irrigation or lawn watering;
- (6) Diverted stream flows;
- (7) Rising ground water;
- (8) Ground water infiltration to storm drains;
- (9) Uncontaminated pumped ground water;
- (10) Foundation or footing drains (not including active groundwater dewatering systems);
- (11) Crawl space pumps, or sump pumps conforming with section 150.30;
- (12) Air conditioning condensation;
- (13) Springs;
- (14) Noncommercial washing of vehicles;
- (15) Natural riparian habitat or wetland flows;
- (16) Dechlorinated swimming pools (for pools to be considered "dechlorinated," water must be allowed to sit seven (7) days without the addition of chlorine to allow for chlorine to evaporate before discharging in an area where drainage to streets or storm sewer systems may occur); or
- (17) Any other water source not containing a pollutant.

§ 51.25 ILLICIT CONNECTIONS.

No person shall construct, use, or maintain any illicit connection to intentionally convey nonstormwater to the city's storm sewer system. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

§§ 51.26-51.28 RESERVED

§ 51.29 GENERAL PROVISIONS.

All owners or occupants of property shall comply with the following general requirements:

(A) *Septic systems.* No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.

(1) Individual septic systems must be maintained to prevent failure, which has the potential to pollute surface water.

(2) No part of any individual septic system requiring on-land or in-ground disposal of waste shall be located closer than 150 feet from the ordinary high water level in the case of DNR protected waters, or the wetland boundary in the case of all other water bodies, unless it is proven by the applicant that no effluent will immediately or gradually reach the water bodies because of existing physical characteristics of the site or the system.

(3) Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.

(B) *Water runoff.* Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions of the city code.

(C) *Mobile washing businesses.* Business that use significant amounts of water at various locations in the city, such as, but not limited to mobile vehicle washing and carpet cleaning, shall dispose of wastewater into the sanitary sewer at a location permitted by the city. Wastewater must not be discharged where drainage to streets or storm sewer system may occur.

(D) *Motor vehicle repair and maintenance.* Storage of materials, machinery and equipment for motor vehicle repair and maintenance must comply with the following requirements:

(1) Motor vehicle parts containing grease, oil or other hazardous substances and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff.

(2) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

(E) *Parking lots and private streets.* Debris from parking lots and private streets should be swept at least once a year in the spring to remove debris. Such debris shall be collected and properly disposed.

(F) *Other.* Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through the county collection program or at any other appropriate disposal site and shall not be placed in a trash container.

§ 51.30 INDUSTRIAL ACTIVITY DISCHARGES.

Any person subject to an industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the city prior to the allowing of discharges to the storm sewer system. Any person responsible for a facility that has stormwater discharges associated with industrial activity, who is or may be the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a stormwater pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

§ 51.31 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or public water the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the person shall notify the city no later than the next business day.

§ 51.32 ACCESS.

If the city has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek an administrative search warrant from any court of competent jurisdiction.

§ 51.33 SUSPENSION OF STORM SEWER SYSTEM ACCESS.

(A) *Suspension due to illicit discharges in emergency situation.* The city may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer or public waters. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or public waters, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.* All persons discharging to the

storm sewer system in violation of this chapter may have their storm sewer system access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this section to reinstate storm sewer system access to premises that have been terminated pursuant to this section without the prior approval of the city.

§ 51.34 VIOLATION.

(A) A violation of this chapter is a public nuisance. When the city finds that a person has violated a prohibition or failed to meet a requirement of this section, the person is deemed to have created a public nuisance subject to abatement and assessment, as provided in Chapter 91. In addition to any order issued pursuant to Chapter 91.07 through 91.08, the city may require the following:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The implementation of source control or treatment BMPs;
- (3) Any other requirement deemed necessary.

(B) The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. The City may recover all attorney's fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

Section 2. The City Code Chapter 91.04 is hereby amended to read as follows:

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§ 91.04 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

- (A) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (B) All diseased animals running at large;
- (C) Carcasses of animals not buried or destroyed within 24 hours after death;
- (D) Accumulations of manure, rubbish, refuse or debris;

(E) Privy vaults, garbage (except in authorized containers), garbage cans which are not rodent free and fly-tight or which are so maintained to constitute a health hazard or to emit foul and disagreeable odors;

(F) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, industrial wastes or other substances, or any illicit discharge as set forth in subsection 51.24;

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(G) All noxious weeds as referenced in M.S. §§ 18.75 - 18.88 and promulgated in Minnesota Rules, as may be amended from time to time, located on public or private property. The terms **WEEDS** and **RANK VEGETATION** includes, but is not limited to, the following:

(1) Noxious weeds and rank vegetation shall include but not be limited to: alum (alliums), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;

(3) Bushes of the species of tall, common, or European barberry, further known as *Berberis vulgaris* or its horticultural varieties;

(4) Any weeds or plants, other than trees, bushes, flowers or other ornamental plants, growing to a height exceeding eight inches;

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants; and

(6) The term **WEEDS** does not include shrubs, trees, cultivated plants or crops.

(H) All public exposure of persons having a contagious disease;

(I) The emission of dense smoke, gas and soot, dust or cinders, and other noxious and offensive fumes, in the quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;

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(J) Feces left by any domestic pet on public property or the property of another. The owner or person having the custody or control of the animal shall be responsible for immediately cleaning up any feces of the animal and disposing of the feces in a sanitary manner; and

(K) All other acts, omissions of acts, occupations and uses of property which are deemed by the city to be a menace to the health of the inhabitants of the city or any considerable number thereof.

Penalty, see § 91.99

Section 3. Effective Date. This ordinance shall be effective immediately upon its passage and publication of the summary according to law.

Section 4. Summary for Publication is hereby adopted as follows:

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SUMMARY OF ORDINANCE #XX, SECOND SERIES

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Adopted by the City Council of Centerville, Minnesota, on the ___ day of _____, 2012

CHAPTERS 51 & 91 RE: STORMWATER ILLICIT DISCHARGE AND ILLICIT CONNECTION

TECHNICAL AMENDMENTS:

An ordinance addition sections 51.20 to 51.34 regarding illicit storm water discharge and detection, and revising a related provision contained in Section 91.04.

PURPOSE OF PROPOSED AMENDMENTS:

To enforce prevention measures for reducing wastes entering storm water sewers, thereby reducing contamination entering local bodies of water.

FULL TEXT OF AMENDMENTS AVAILABLE:

The full text of the amendments are available at the Centerville City Hall, 1880 Main St., Centerville, MN 55038. On file with the City Clerk is the original version of the text and the amended version of the text.

Summary published this ___ day of _____, 2012

Teresa Bender, City Clerk

PASSED AND DULY ADOPTED this _____ day of February, 2012 by the City Council of the City of Centerville.

Mayor, Tom Wilharber

Attest:

City Clerk, Teresa Bender