



NORTH BRANCH

—Minnesota—

Kevin Schieber
Mayor

Robert Canada
Councilmember/Acting Mayor

Travis Miles
Councilmember

Kelly Neider
Councilmember

Peter Schaps
Councilmember

**CITY COUNCIL
REGULAR AGENDA
TUESDAY, MARCH 12, 2024 @ 6:00 PM
CITY HALL, 6408 ELM STREET, NORTH
BRANCH, MN 55056**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. WORKSESSION ITEMS
 - a. Discuss Proposal to Reinstate Local Municipal Primary Elections INFO
 - b. Discussion Regarding Proposed Public Works & Water Utility Ordinance Updates INFO
5. ADJOURNMENT

Since we do not have time to discuss every point presented, it may seem that decisions are preconceived. However, background information is provided to the City Council on each Agenda item in advance from Staff and appointed Commissions; and decisions are based on this information and past experiences. In addition some items may also have been discussed preliminarily at Council Work Sessions. If you are aware of information that has not been discussed, please raise your hand to be recognized. Comments that are pertinent are appreciated. Items requiring excessive time may be continued to another meeting.



Prepared By:
Jason Ziemer, Community Development Director
Presenter: Jason Ziemer, Community Development Director
Date: 02/21/2024

Board & Commission: City Council

Subject: Discuss Proposal to Reinstate Local Municipal Primary Elections

Overview / Background

During the February 13, 2024 City Council worksession, Council members discussed the proposal to reinstate local municipal primary elections. The item was tabled and moved to the March 12, 2024 worksession for further discussion as not all members were at the worksession. As directed, City staff prepared a draft ordinance for City Council review. Action on the draft ordinance is slated for the March 26, 2024 City Council meeting, pending a majority consensus of Council members to consider the ordinance for a vote.

The City previously held primary elections for mayor and city council. That ended in 2014 when the North Branch City Council passed an ordinance eliminating municipal primary elections.

Staff Recommendation

City staff seeks City Council direction related to said ordinance.

Recommended City Council Action

Discuss proposal to establish a local municipal primary election.

Voting Requirements:

None

ORDINANCE NO. 369-24

AN ORDINANCE ESTABLISHING A LOCAL MUNICIPAL PRIMARY ELECTION

The North Branch City Council hereby ordains as follows:

Section 1. Establishing a Local Municipal Primary Election

City Code Section §2-105 is hereby amended by adding the following underlined language.

Sec 2-105 Election Dates

(a) *Primary election.* Pursuant to the authority contained in Minnesota Statute § 205.065, whenever there are candidates for election for municipal office in excess of two (2) for the office of mayor or in excess of two (2) for each office of council member, then a municipal primary election shall be held for such office or offices on the same date and the State Primary Election in each even-numbered year as set forth in Minnesota Statutes Chapter 205.

(b) *General election.* The city general municipal election shall be held on the first Tuesday after the first Monday in November in every even-numbered year, pursuant to Minnesota Statutes.

Section 2. Effective

The City Clerk is hereby directed to advise the Secretary of State and County Auditor of the establishment of a local municipal primary as established by this ordinance.

This ordinance shall have full force effect upon its passage and publication.

Passed by the City Council of the City of North Branch, Chisago County, Minnesota, this 12th day of March, 2024.

Kevin Schieber, Mayor

ATTEST

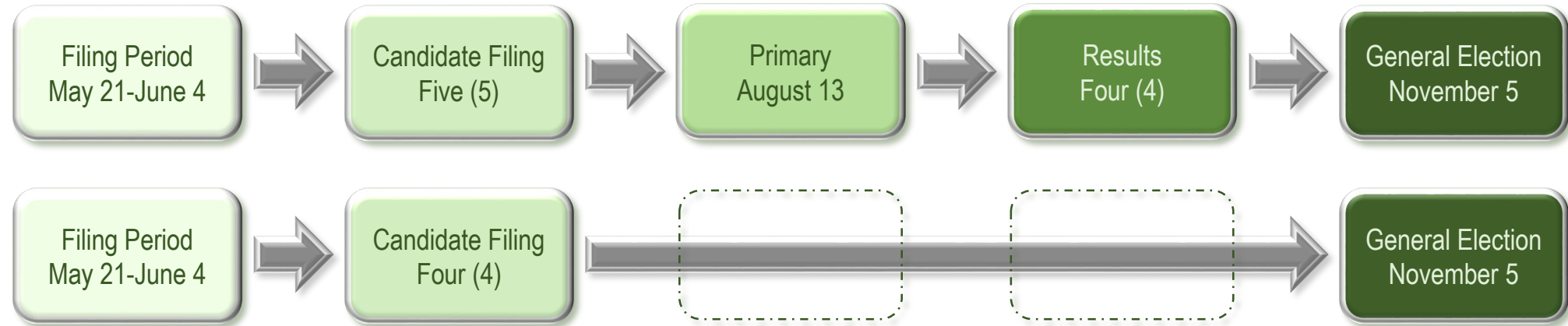
Ragini Varma, City Clerk

North Branch Local Primary

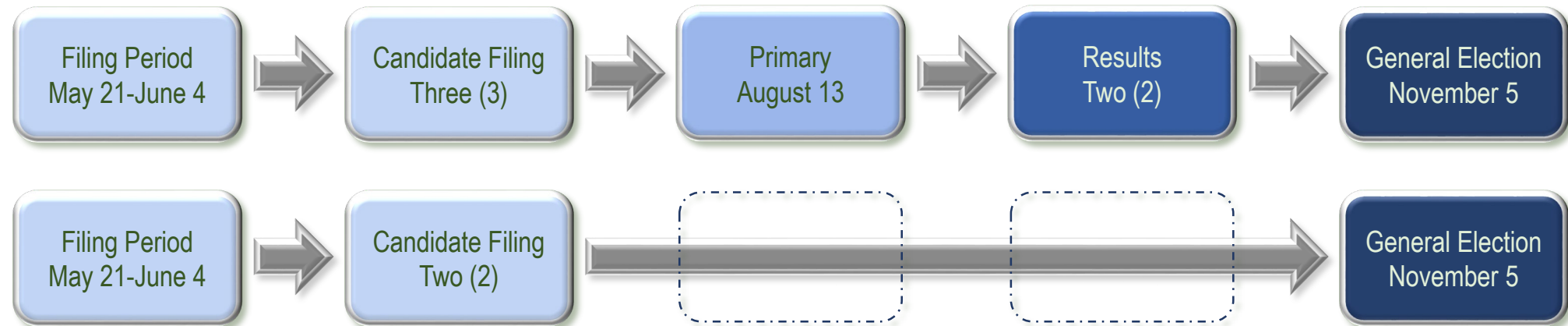
- Minnesota Statute §205.065
 - If proceed...
 - Must adopt ordinance by April 15
 - Notify Secretary of State within 30 days from adoption
 - 2024 Elections
 - Filing period (primary) → May 21, 2024 – June 4, 2024
 - Filing period (no primary) → July 30, 2024 – August 13, 2024
 - Primary voting → August 13, 2024
 - General Election → November 5, 2024
 - Primary
 - Primary election only if more than 2x number of persons file for seats available
 - If total filers more than 2x seats → all candidates compete in Primary
 - If total filers 2x or less than seats → all candidates go straight to General Election

North Branch Local Primary

City Council (2 Seats)



Mayor (1 Seat)



205.065 PRIMARIES.

Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating elective officers may be held in any city on the second Tuesday in August of any year in which a municipal general election is to be held for the purpose of electing officers. The date of a municipal primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Subd. 2. **Resolution or ordinance.** The governing body of a city may, by ordinance or resolution adopted by April 15 in the year when a municipal general election is held, elect to choose nominees for municipal offices by a primary as provided in this section. The resolution or ordinance, when adopted, is effective for all ensuing municipal elections until it is revoked. The municipal clerk shall notify the secretary of state and the county auditor within 30 days after the adoption of the resolution or ordinance.

Subd. 3. [Repealed, 1994 c 646 s 28]

Subd. 4. **Candidates, filing.** The clerk shall place upon the primary ballot without partisan designation the names of individuals whose candidacies have been filed and for whom the proper filing fee has been paid. When not more than twice the number of individuals to be elected to a municipal office file for nomination for the office, their names shall not be placed upon the primary ballot and shall be placed on the municipal general election ballot as the nominees for that office. When more than one council member is to be elected for full terms at the same election, the candidates' names shall be placed under one office on the ballot with the number to be elected to the office specified directly underneath the title and identification of the office.

Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. The canvass may be conducted on either the second or third day after the primary.

The governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Subd. 6. **Recount.** A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of section 204C.36.

Subd. 7. [Repealed, 2011 c 65 s 9]

History: 1983 c 62 s 2; 1987 c 62 s 6,7; 1989 c 209 art 1 s 19; 1994 c 646 s 4,5; 2010 c 184 s 26,27; 2010 c 194 s 21; 2010 c 201 s 57; 2011 c 65 s 5; 2016 c 161 art 1 s 13; 2017 c 92 art 1 s 22



Prepared By:
Shawn Williams, Public Works Director
Presenter: Shawn Williams, Public Works Director
Date: 02/21/2024

Board & Commission: City Council

Subject: Discussion Regarding Proposed Public Works & Water Utility Ordinance Updates

With the merger of the water utilities now under the City, and the dissolution of North Branch Municipal Water and Light, the city's Code, specifically the utility ordinance chapter 58, needs to be updated and amended to reflect this change. The proposed ordinance changes include primarily language changes, removing all references of former Water and Light and replacing it with the City of North Branch or City. The other change I am proposing is to not allow private wells within 400 ft. of the municipal service area where water mains are present. The reason for this change is we are in the business of selling water and have the capacity available to do so. In the past, there have been private wells installed in developments for private irrigation systems as our water rates were high. As you remember, in the fall of 2021 when I assumed management of the utility, we lowered our rates 26%, a \$2.00/1,000 reduction. This now brings us in line with the rates of other cities our size. I have attached the changes for your review and will discuss them with council at the work session.

The second item I would like the council to consider making an ordinance amendment to, is regarding residential rental properties and how they are billed. I would propose requiring that the utility bill be in the property owner's name. There are approximately 270 residential rental properties today. This is an area of the utility where we have lost money and continue to lose money when renters move out. Our current policy requires the service application be in the owner's name or their authorized person. Rental houses are a fluid market, people are always moving in and out. When this happens, new accounts need to be set up with a new application for services ect. Often times, the information on the application is incorrect, such as wrong socials, driver's license numbers and billing addresses. This makes it challenging to collect the unpaid debt. Making this amendment will allow the utility to continue to prosper and help stabilize rates into the future.

Voting Requirements:

None

ORDINANCE NO. 370-24

AN ORDINANCE AMENDING CHAPTER 58, UTILITIES OF THE NORTH BRANCH CITY CODE

The North Branch City Council hereby ordains as follows:

Section 1. Adding and Revising Definitions

City Code Section §58-1 is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language.

~~Best management practices (BMPS) means the most effective and practicable means or erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means to control, prevent and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies.~~

Best management practice means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

~~Construction activity means a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and nonvegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems.~~

Construction activity means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

~~Easement means a grant by a property owner to the use of a strip of land by the public, a corporation, or persons for specific purposes such as the construction of utilities, drainage ways and roadways.~~

Easement means an acquired legal right for the specific use of land owned by others.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious

characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

~~National Pollutant Discharge Elimination System (NPDES) means the program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits under the Clean Water Act (Sections 301, 318, 402 and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342 and 1345.~~

~~User means those places or establishments which are connected to the sewer utility.~~

Wastewater User means any person who discharges or causes or permits the discharge of wastewater into the city's wastewater disposal system.

Section 2. Deleting Duplicate Language

City Code Section §58-73 is hereby repealed in its entirety.

Section 3. Repealing & Replacing Article II of Chapter 58

Article II, Water Service System, of Chapter 58 of the North Branch City Code, specifically Sections §58-19 through §58-24, is hereby repealed in its entirety and replaced with the following underlined language.

CHAPTER 58

ARTICLE -II - WATER SERVICE SYSTEM

<u>Sec 58-19</u>	<u>Operation of Water System</u>
<u>Sec 58-20</u>	<u>Connection Required</u>
<u>Sec 58-21</u>	<u>Notice to Connection; Installation of Connection by City</u>
<u>Sec 58-22</u>	<u>Maintenance Responsibilities of Property Owner</u>
<u>Sec 58-23</u>	<u>Location of and Access to Curb Stops</u>
<u>Sec 58-24</u>	<u>Location and Access to Meters</u>
<u>Sec 58-25</u>	<u>Disconnection from Water System</u>
<u>Sec 58-26</u>	<u>Private Wells for Domestic Use</u>
<u>Sec 58-27</u>	<u>Discontinuation of Service – Notice and Hearing Procedures</u>
<u>Sec 58-28</u>	<u>Shut-Off Procedures</u>
<u>Sec 58-29</u>	<u>Recovery of Costs for Shut-Offs</u>
<u>Sec 58-30</u>	<u>Reconnections</u>
<u>Sec 58-31</u>	<u>Rates and Charges, Generally</u>
<u>Sec 58-32</u>	<u>Applicability of Charges</u>
<u>Sec 58-33</u>	<u>Collection of Fees and Charges</u>
<u>Sec 58-34</u>	<u>Water Use Restrictions</u>
<u>Sec 58-35</u>	<u>Misreading or Tampering with Meters</u>
<u>Sec 58-36</u>	<u>Bypassing Meters or Taking of Water</u>
<u>Sec 58-37</u>	<u>Penalties</u>

Sec 58-38 Enforcement

Sec 58-19 Operation of Water System

The City water system shall be operated and maintained by the City of North Branch, which may enter into such agreements as it deems appropriate with consultants to assist in the operation and maintenance of the water system.

Sec 58-20 Connection Required

The following buildings shall be required to be connected to the City water utility:

- (a) All buildings connected to the water utility on the date of adoption of the ordinance from which this article is derived shall remain connected to the water utility for so long as the building is occupied or used for any purpose.
- (b) All buildings constructed or redeveloped after such date on property to which water utility service is available at the time a certificate of occupancy is issued for the building shall be required to connect to the water utility prior to occupancy.
- (c) All buildings to which water utility service becomes available following legal occupancy of the building shall be required to connect to the water utility, provided that the water utility is within 400 feet of the structure requiring service and the water utility is located in a public right-of-way or easement for utility purposes adjacent to the property, and:
 - 1. either the well or septic system serving the building fails; or
 - 2. prior to sale of the building or the property on which the building sits; or
- (d) At such time as a public water becomes available to a property serviced by a private well, a direct connection shall be made to the public water utility within two years in compliance with this Section, and within 90 days after connection to the public water utility any private wells shall cease operation and shall be disconnected and abandoned according to Minnesota Statutes §1031.301.
- (e) No more than one house or building shall be supplied from one service connection except by special permission of the City. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building or part of building must have a separate stop box and a separate meter.

Sec 58-21 Notice to Connection; Installation of Connection by City

The owner of any building required by Section 58-20 to be connected to the City water utility shall cause the building to be connected to the water utility at the owner's expense. If connections to the water utility are not being made pursuant to this section, the City shall serve written notice on the affected property owner stating that if connection is not made within 90 days after the date of the notice, the connection will be made by the City at the expense of the owner and that, if unpaid, the charge for such work will be made a special assessment against the property concerned. Such assessment, including interest at the legal rate for local improvements, shall be certified to the Chisago County auditor and collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this section shall be in addition to other remedial or enforcement rights provided by this Code or other applicable law.

Sec 58-22 Maintenance Responsibilities of Property Owner

- (a) The service pipe from the building to the curb stop and the connections to the curb stop shall be the responsibility of the property owner.
- (b) All service pipes and connections to water mains must be protected and maintained by the user. If such user shall fail to make any necessary repairs to such service connections or pipe within 24 hours after being notified to do so by the Public Works Director, the Public Works Director shall disconnect water from the premises.

Sec 58-23 Location of and Access to Curb Stops

All water service lines connecting a building to the facilities of the water utility shall have a curb stop installed. The curb stop shall meet specifications established by the City Department of Public Works and as depicted in the North Branch Engineering Design Standards manual. The curb stop shall be located in the public right-of-way immediately adjacent to or in the curb, unless another location is approved in writing by the Public Works Director. The property owner shall not remove, obstruct or cover the curb stop in any way, including by covering it with soil, landscaping, concrete or asphalt.

Sec 58-24 Location of and Access to Meters

Water meters shall be installed and located as required by applicable building codes. Property owners shall provide the City with access to water meters for the purposes of reading, checking, repairing or replacing meters. The City shall give written notice to property owner when it needs to access a meter. If no response to the notice is received within 15 days, the City shall give a second notice advising that water service will be shut off if there is no response within 5 days. If there is no response, the City shall inspect the property to see if it is vacant and shall post a notice on the property that water service will be shut off in 15 days unless access is provided to the meter within that time period. If no response is received, the City may shut off water service to the property no earlier than 5 days from the date of the posted notice, pursuant to the shutoff procedures set forth in Section 58-25, and may recover its costs as provided in Section 58-285. Denial of access by a property owner for the installation, inspection, or repair of any City metering equipment may result in a monthly surcharge, identified in the City of North Branch Fee Schedule, to be imposed and added to the water service bill for the property.

Sec 58-25 Disconnection from Water System

- (a) Except in emergency situations or as provided in Section 58-28(b), no building shall be disconnected from the water system without the prior written approval of the City, and no approval shall be granted to disconnect any building which is occupied or used for any purpose. Requests to disconnect from the water system shall be accompanied by a certification from the owner of the property that the building is vacant and unused for any purpose.
- (b) If the City grants approval for a property to be disconnected from the water service, it shall be the property owner's responsibility to have the water service shut off at the corporation stop on the water main, the work is to be completed by a licensed plumber or excavation contractor. The City will assist in locating the curb stop if requested.

- (c) Temporary, emergency disconnections are allowed, provided that the City is advised as soon as is practical of the emergency and the schedule for reconnecting the building to the water system.
- (d) The City may establish fees to review and approve requests to disconnect from the water service and shall be entitled to recover all of its costs to assist in disconnections, including emergency disconnections, as provided in Section 58-29.

Sec 58-26 Private Wells for Domestic Use

- (a) The installation of new private wells for domestic use on any property to which City water utility service is available is prohibited, subject to the exceptions set forth in Section 58-20.
- (b) Private wells for domestic use in existence on April 1, 2024, and private wells for domestic use installed subsequent to April 1, 2024, on properties to which City water utility service is not available at the time of installation, may remain in use provided they comply with all applicable regulations, including but not limited to Minnesota Statutes §144.381-§144.387.
- (c) "Private wells for domestic use" shall mean any well not owned by the City water utility which is drilled or installed for potable water or irrigation purposes. "Private wells for domestic use" shall not include wells drilled for such purposes as dewatering, groundwater monitoring, heating or cooling, elevator borings or environmental bore holes.

Sec 58-27 Discontinuation of Service – Notice and Hearing Procedures

- (a) *Delinquent accounts.* The City shall mail written notice to all accounts 30 days delinquent stating that water service will be shut off unless the account is brought current or a hearing is requested within 10 days. If the account is not brought current and no hearing is requested, the City shall inspect the property to determine if it is vacant and shall post notice on the property that water service will be shut off in 15 days unless the account is brought current or a hearing is requested within 10 days. The City shall shut off water service to the address no earlier than 15 days from the date of the posted notice (unless an emergency shut off is warranted). If a hearing is requested, it shall be held pursuant to Section 58-25(b).
- (b) *Hearing procedure.* If a hearing is requested, the City shall hold a hearing before the City Council. Written notice of the hearing date shall be given to the account holder at least 10 days before the hearing date. The City Council shall make findings of facts regarding whether the account is delinquent or if shut off is warranted for other reasons. If a finding is made that shut off is warranted, the City Council shall set a date for water shut off, and the City shall shut the water off no earlier than that date.

Sec 58-28 Shut-Off Procedures

- (a) *Non-Emergency shut offs.* Water shut offs shall be done by the City or by contractors engaged by the City. Water will always be shut off at the street unless the curb stop cannot be located. The City shall have the right to take reasonable measures, including the excavation and removal of existing landscaping, driveways, sidewalks and other improvements as necessary, to locate the curb stop. If the curb stop cannot be located, a written notice of the date that the City needs access to the property to shut off water will

be posted on the property and mailed to the account holder and any lender(s) that can be identified. On the date that water is to be shut off, the North Branch Police Department shall accompany City personnel to the property. If the property is not vacant, the police will advise the occupant to allow City personnel to enter the property to shut off water. If the property is vacant, a locksmith will be brought along to gain entry to the property and North Branch Police Department will accompany the City into the property to shut off the water.

- (b) *Emergency shut offs.* The City shall have the right to make an emergency shut off if there is visible or other evidence that water is running and the property is either vacant or there is no response from the occupant; if the City receives notice that electric or gas has been shut off to a property between October 15 and April 15 and the property is either vacant or there is no response from the occupant; or if the City determines, upon inspection, that a property is vacant and that there is a danger of the water service freezing. City personnel shall attempt to give notice to the owner or occupant prior to an emergency shut off. Water will be shut off immediately from the stop-valve in the street if the stop-valve can be located, If the stop-off valve cannot be located and the property needs to be entered to shut off the water, City personnel will contact the North Branch Police Department for assistance in entering the property and the City will attempt to get a locksmith to enter the property. If it is necessary to force entry, City personnel will do so only with the North Branch Police Department's assistance. The City, nor any employee or contractor employed by the City, shall be liable to the property owner or other person or entity for any damage to the property as a result of the need to force entry into the property. A notice will be mailed and posted on any property where water has been shut off without prior written notice advising that the owner or occupant may request a post shut off hearing to contest the shut off. The post shut off hearing will follow the procedures set forth in Section 58-27.

Sec 58-29 Recovery of Costs for Shut-Offs

The City shall recover its costs for water shut offs. If water is shut off from the curb stop in the right of way, there shall be a shut off fee in the amount established by duly adopted ordinance of the City Council which must be paid before service will be restored. There will be no additional fee to restore water service if service can be restored from the curb stop. If it is necessary to excavate to search for the curb stop, an amount equal to the City's total costs to locate and excavate the curb stop, including appropriate charges for the use of the City equipment and personnel and/or all costs for third party contractors, If it is necessary to enter a property to shut off the water, an amount shall be added equal to the City's total costs to shut off the water, including appropriate charges for the use of the City equipment and personnel and/or all costs for third party contractors. In situations where a break in a water service line between the curb stop and the water meter serving a property has resulted in significant loss of water, the City may charge the property for the estimated amount of water lost. All shut off fees and related costs charged to a property which remain unpaid for 30 days may be certified by the City Clerk to Chisago County for collection with real estate taxes.

Sec 58-30 Reconnections

No property which has been disconnected from the water service shall be reconnected unless and until the City has inspected the property to ensure that the water lines are in working order and

all fees and costs charged to the property under this article have been paid in full.

Sec 58-31 Rates and Charges, Generally

There are established in the City water availability charges, water connection charges and water utility user charges and rates. Water availability charges are due and payable at the time property served by the water utility is final platted into buildable lots. Water connection charges are due and payable at the time of connection of a building to the water utility, or at the time connection is required to be made to the water utility pursuant to Section 58-165 User charges and rates are due and payable in such amounts and at such times as required by the City Council. Each charge and/or rate shall be in the amount established by duly adopted ordinance of the City Council.

Sec 58-32 Applicability of Charges

All properties connected to the City water utility shall abide by the rules and regulations of the City Code and shall pay all applicable water availability charges, water connection charges, user charges and rates established by the City Council. Properties which are required to connect to the water utility pursuant to Section 58-20, but have not connected within two (2) years of availability of water service as required by Section 58-20, shall be charged the applicable water availability charge and water connection charge and a monthly user charge in an amount established by the City Council.

Sec 58-33 Collection of Fees and Charges

All water service fees, and all charges and costs charged to a property pursuant to this article, which remain unpaid 30 days after the due date, may be certified by the City Clerk to Chisago County for collection with real estate taxes. In addition, no property which has been disconnected from the water service will be reconnected unless and until all unpaid fees, charges and costs have been paid in full.

Sec 58-34 Water Use Restrictions

To protect the health and safety of the consumers and the general welfare and needs of the City, the City hereby adopts the following watering restrictions for all residents, commercial and industry that use municipal water when a watering ban is needed to preserve pumping capacity or set forth by MN DNR under drought conditions:

(a) *Annual Water Use Restrictions.*

1. An odd/even sprinkling restriction based on street addresses is in effect from May 1 through September 30 each year. Residents with odd-numbered property addresses may water on odd-numbered calendar days; residents with even-numbered property addresses may water on even-numbered calendar days.

(b) Homeowners' associations and apartment complexes that provide a common irrigation system may water only every other day.

(c) Municipal water cannot be used for the purposes of irrigation or watering lawns, sod, or seeded areas between the hours of ten o'clock (10:00) a.m. and six o'clock (6:00) p.m.

(d) *Exceptions.* Exceptions to the annual water use restrictions shall be granted to:

1. Property owners using a private well or a stormwater holding pond abutting their property line for sprinkling or irrigation; and
 2. Property owners who obtain a watering permit from the City within 30 days of planting new sod or seed. Over-seeding an established lawn is not considered new seed. The property owner must, upon request, provide evidence of the date the new sod or seed was planted. No watering permits will be issued upon declaration of a water emergency under Section 58-34.
 3. *Violations.* Any person who violates this section shall be subject to a surcharge for water service. The City Clerk or designee is authorized to enforce this section, including issuing of violation notices and imposing surcharges. Surcharges shall be imposed and collected along with the charges for water service. The imposition of a surcharge under this section shall not be limited to the right of the City to pursue other legal remedies to correct a violation or to recover applicable charges and surcharges.
 - a. *First violation.* Upon the first violation of this section, the City shall issue a written warning that identifies the violation and the penalties that could result if the violation continues.
 - b. *Subsequent violations.* Each subsequent violation of this section shall result in the imposition of a surcharge, identified in the City Fee Schedule, on the water service bill for the property.
 4. *Notices.* The City shall mail written warnings and violation notices issued under this section to the person identified in the City's system to receive the water service bill for the property.
 5. *Equipment failure.* The City Clerk may grant an administrative waiver of a violation if the person receiving the violation presents, within 10 days from the date of the violation notice, written documentation from a qualified vendor or an equipment replacement receipt, showing, to the reasonable satisfaction of the Public Works Director, the violation resulted from equipment failure.
- (e) *Water Emergency.*
1. *Declaration of critical water deficiency.* Upon the declaration by the Governor of a critical water deficiency under Minnesota Statute §1030.291, the City shall immediately post notice of the emergency declaration at the usual meeting place of the City Council and the official City bulletin board. The City shall provide notification to the public as quickly as possible or through established water supply plans emergency response plans or procedures.
 2. *Mandatory water conservation measures.* Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:
 - a. Outdoor irrigation of yards, gardens, golf courses, parklands, and other non-agricultural land, except for those areas irrigated with reclaimed water, is prohibited;
 - b. Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited;
 - c. The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited;

- d. Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer;
 - e. Operation of outdoor misting systems used to cool public areas is prohibited;
 - f. The filling of swimming pools, fountains, spas, or other exterior water features is prohibited;
 - g. The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.
- 3. No watering permits will be issued upon declaration of a water emergency under this section.
- 4. *Variances.* The City Clerk or designee is authorized to grant variances to this section where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within 5 days of the decision by submitting a written appeal to the City Clerk. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.
- 5. *Violations.* Any person who violates this section shall be subject to a surcharge for water service. The City Clerk or designee is authorized to enforce this section, including issuing violation notices and imposing surcharges. Surcharges shall be imposed and collected along with the charges for water service. The imposition of a surcharge under this section shall not be limited to the right of the City to pursue other legal remedies to correct a violation or to recover applicable charges and surcharges.
 - a. *First violation.* Upon the first violation of this section, the City shall issue a written warning that identifies the violation and the penalties that could result if the violation continues.
 - b. *Subsequent violations.* Each subsequent violation of this section shall result in the imposition of a surcharge, identified in the City Fee Schedule, on the water service bill for the property.
- 6. *Notices.* The City shall mail written warnings and violation notices issued under this section to the person identified in the City's system to receive the water service bill for the property.
- 7. *Equipment failure.* The City Clerk may grant an administrative waiver of a violation if the person receiving the violation presents, within 10 days from the date of the violation notice, written documentation from a qualified vendor or an equipment replacement receipt, showing, to the reasonable satisfaction of the Public Works Director, the violation resulted from equipment failure.

Sec 58-35 Misreading or Tampering with Meters

It shall be unlawful for any person to misread or to tamper with any meter so as to avoid just charges for water.

Sec 58-36 Bypassing Meters or Taking of Water

It shall be unlawful for any person to bypass a meter or otherwise use the water of the City without making just compensation therefore.

Sec 58-37 Penalties

Anyone who violates any provision of this chapter for which no specific penalty is provided shall be punished as set forth in Minnesota Statute §325E.026.

Sec 58-38 Enforcement

This article shall be enforced by appropriate City personnel in accordance with City Ordinances.

Section 4. Removing References to North Branch Water and Light Commission

The following City Code Sections are hereby amended to delete the following ~~striketrough~~ language and add the following underlined language.

Sec 58-165 Established

Trunk water and sewer charges are established and outlined in the city's comprehensive sanitary sewer plan and the comprehensive water system plan. ~~North Branch Water and Light Commission Comprehensive Water System Plan~~. Trunk water and sewer fees have been established and will be changed from time to time by city council ordinance. The residential unit shall be based on the procedure outlined in article III, division 3, except that:

1. Apartment complexes are charged on a commercial/industrial per acre basis, and
2. Rental townhomes in a successful tax credit project are charged on a commercial/industrial per acre basis.

Sec 66-8 Definitions

Municipal Utilities means individually and collectively the water and wastewater services as provided by ~~North Branch Water and Light and the wastewater/sewer service~~ provided by the City of North Branch.

Section 5. Revising Language Regarding Payment of Utility Charges

Article VI, Security Payment of City Utility Charges, of Chapter 58, Sections 58-281 through 58-285, is hereby amended by adding the following underlined language and deleting the following ~~striketrough~~ language.

Sec 58-281 Definitions

For the purpose of this article, the following capitalized terms listed in alphabetical order shall have the following meanings:

Account. A record of utility services provided by the city utility services and used by each property and the periodic costs for those utility services.

City. The City of North Branch, County of Chisago, State of Minnesota.

City utility system. Facilities used for providing public utility service owned or operated by city or agency thereof, including electric, sanitary sewer, storm sewer and water service.

~~*Commission.* The water and light commission of the city.~~

~~*Electric system.* Electric generation facilities, above and below ground transmission lines, fixtures, meters and all equipment and appurtenances owned or operated by the city and/or commission for the purpose of providing electric services for public or private use.~~

Owner. The fee title owner of a property which is provided services by the city utility system.

Utility rate schedule. A schedule of all utility rates and charges set from time to time by ordinance of the city, or as authorized, by the commission.

Waterworks system. Water and sewer transmission pipes, lines, fixtures, meters and all necessary equipment and appurtenances owned or operated by the city and/or commission for the purpose of providing water and sewer services for public or private use.

Sec 58-282 Accounts

All residential accounts shall be carried in the name of the property owner. The owner shall be liable for water, sewer, and storm sewer supplied to the property, and any unpaid charges shall be a lien upon the property in accordance with Section 58-285. It becomes the responsibility of the property owner to forward any bill to the tenants as the charges remain with the property.

~~All accounts shall be carried in the name of the owner who personally, or by his, her or its authorized agent, applied for such service. The owner shall be liable for water, sewer, storm sewer and electric services supplied to the property as part of the city utility system, whether he, she or it is occupying the property or not, and any unpaid charges shall be a lien upon the property in accordance with this article VI.~~

Sec 58-283 Billing

Water, sewer, and storm sewer and electric charges shall be billed ~~on one bill as applicable to~~ each account. All bills shall contain the title, address and telephone number of the office in charge of billing. Bills shall be mailed to the customers on or before the last day of each month and specify the water, and sewer and electric utility services consumed and storm sewer charges in accordance with the current fee schedule set by ordinance of the city, as may be amended from time to time, or adopted by the commission. All charges for water, sewer and storm sewer and electric utility services shall be due upon receipt and considered delinquent after the 22nd day of the month following billing (a "delinquent account").

Sec 58-284 Utility Rate Schedule

1. The utility rate schedule shall be adopted not less frequently than annually by ordinance of the city, ~~as may be amended from time to time, or by resolution of the commission.~~
2. The city ordinance setting out the utility rate schedule may also establish the number of certification cycles per year at which time delinquent accounts may be certified to the tax records for the property to which city utility system services are provided. At least one certification cycle will be timed each year to coincide with Chisago County's requirements for certification to the following year's taxes. Additional certification cycles may be set in the annual rate schedule ordinance however, this shall not limit the city from certifying delinquent accounts at other times in its discretion. Each year, the city council shall establish one or more certification cut-off dates. All city utility accounts, unless exempt for other legal reason, which have been billed and remain unpaid as of the certification cut-off date in accordance with this article shall have the balance on the account included in a preliminary certification list.

Sec 58-285 Delinquent Accounts

Delinquent accounts shall, in the discretion of the city or the commission be subject to any or all of the following:

- (a) *Penalties.* ~~The City Commission may impose a late payment penalty of ten percent to each delinquent account. The City may impose a late payment penalty as per Fee Schedule, as may be amended from time to time by ordinance.~~
- (b) *Shut-off for nonpayment.* ~~Water and electric service may be disconnected for non-payment following notice as provided in Section 9.0 of the North Branch Water and Light Administrative Policy No. 100.0, as amended from time to time. Provided further, during the "cold weather months" as per MN Statute 216B.096, the Minnesota Cold Weather Rule will apply. Reinstatement of water service shall be done in accordance with Section 9.0. If the charges for wastewater services are not paid within 30 days after the rendition of the bill for such services, such services may be discontinued without further notice and shall not be reinstated until all claims are settled.~~
- (c) *Certification for collection with taxes.* Unpaid charges on utility accounts shall not be certified to the Chisago County Auditor until notice (the "certification notice") and an opportunity for the initial hearing before the City Council ~~general manager of the commission~~ with regard to unpaid utility accounts ~~water fees and charges or before the City Council with regard to unpaid sewer and stormwater charges~~ has been provided to the owner of the property involved in the manner provided herein. The certification notice may be combined with the shut off notice referenced in (b) above and will be mailed, not less than 10 days prior to the hearing date, ~~except that with regard to electrical service, the mailed notice will be given not less than 20 days if the hearing date falls within the "cold weather months" indicated above,~~ by first class mail to the owner's address provided when establishing the account and shall state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the Chisago County Auditor for collection as other taxes are collected. The certification notice shall also state that the owner may, before such certification date, request an appeal hearing on the matter to object to certification of unpaid utility charges as provided below.

1. The owner of the property shall have the option of paying the balance due on the account without penalty until the date the certification notice is mailed. After the date the certification notice is mailed, payments will still be accepted but any penalties will be added to the amount due on the account.
 2. If the owner of the property requests an appeal hearing by written notice received by the ~~City commission~~ within 10 ~~ten~~ days of the date of the certification notice, an appeal hearing shall be held on the matter by the ~~City Council~~~~commission~~. The ~~commission~~ City Council may schedule one or more dates and times for appeal hearings by property owners who have appealed the certification notice in a timely manner. At such appeal hearing, property owners who have appealed the certification notice as and when provided herein, shall be afforded the opportunity to object to the certification of unpaid charges to be collected as taxes are collected.
 3. If a property owner fails to properly appeal a certification notice or if, after the appeal hearing (subject to subsection (4) below), the ~~commission~~ City Council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection as other taxes are collected, the list of delinquent utilities shall be forwarded to the city council. The city council, by resolution, at the first regularly scheduled meeting after receipt of such list, shall consider the certification of such delinquent utilities to be certified to the Chisago County Auditor.
 4. For each certification sustained at an appeal hearing, the property owner shall have the following options:
 - a. Within 10 ~~ten~~ days of the appeal hearing date, to pay the delinquent amount listed on the preliminary roll including interest and late charges, but without additional interest after the appeal hearing date;
 - b. After such 10~~ten~~-day period, but before the certification of such amounts by the city council, to pay the delinquent amount plus late charges and interest at the rate set in the adopted rate schedule through the date of payment; or
 - c. After certification by the city council, to pay the certified amount as billed to them by Chisago County on their property tax statement with a collection term of one year.
 5. Fifteen (15) days after adoption thereof by the city council, the certified roll of delinquent accounts, minus any payments received with respect to any such account, shall be delivered to Chisago County by the city clerk. Such delinquent accounts will be certified as real estate taxes and not as assessments.
- (d) Lien; Notice of Delinquency; foreclosure. Without limiting the foregoing, whenever a bill for sewer and water service remains unpaid for 90 days after it has been rendered, the city shall file with the county recorder a statement of the lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the city has notice of this, notice shall be mailed to the owner of the premises if his address be known to the city, whenever such bill remains unpaid for the period of

90 days after it has been rendered. The failure of the city to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section. Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosures shall be by bill-in-equity in the name of the city. The city's attorney is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 180 days after it has been rendered.

Section 6. Effective

This ordinance shall have full force effect upon its passage and publication.

Passed by the City Council of the City of North Branch, Chisago County, Minnesota, this 26th day of March, 2024.

Kevin Schieber, Mayor

ATTEST

Ragini Varma, City Clerk

ARTICLE II WATER SERVICE SYSTEM

[Sec 58-19 Application And Fees For Water Connections](#)

[Sec 58-20 Rules For Water Connections](#)

[Sec 58-21 Tapping Approval](#)

[Sec 58-22 Use Of License Name Prohibited](#)

[Sec 58-23 Water Main Inspector Designated](#)

[Sec 58-24 North Branch Water And Light Policies](#)

[Sec 58-25 Through 58-49 Reserved](#)

Sec 58-19 Application And Fees For Water Connections

Prior to the connection with the municipal water system, the owner of any premises shall pay a connection charge as per the North Branch Water and Light Administrative Policy, as amended from time to time.

(Code 1996, § 13.04.020)

HISTORY

Amended by Ord. [256-17](#) on 6/27/2017

Sec 58-20 Rules For Water Connections

(a) The following rules must be observed and carried out in all work relating to water main connections or laying, relaying or repairing water pipes:

1. In making any connections with water mains, the tap must be made at an angle of at least 45 degrees with the vertical, and the service pipes must reach a depth of at least 7½ feet (or as approved by the director of the public utility or his authorized representative) below the grade of the street at a point within two feet of the main and continued that depth to the line of the street and alley;
2. All connections with the street mains shall be laid by screwing the corporation cock directly into the main;
3. All service line piping shall be as approved in the state plumbing code (MHD 123), materials, except that all service lines from the main to the curb stop shall conform to copper tubing type K ANSII 23.1 or AWWA 7S-CR with latest amendments thereto;
4. Excavation for service pipe may be done either by open ditch or by pits and boring between same. All refilling shall be done by tamping after pipe shall have been properly laid, inspected and approved;
5. All deficiency of earth or fill shall be supplied by the person doing the work, and all excess and rubbish shall be removed from the streets, avenues, alley or public grounds;
6. All service pipe shall be provided with a brass curb stop (Mueller Number 15154 Mark II Oriseal or approved equal, Mpls thread and pattern with inlet and outlet each one inch diameter). The curb stop shall be located as directed by the North Branch Water & Light General Manager and shall be connected with a curb box (Mueller Number H10300 with Mpls, top or approved equal seven feet to eight feet adjustable) having a two inch wrought iron stand pipe;
7. All services shall be provided with a corporation stop (Mueller Number H-15000 or approved equal for one inch diameter tubing) immediately within the basement or cellar of the building supplied.
8. An existing service may only be utilized for a new connection if it can be demonstrated that the existing service meets current city standards and is demonstrated to be in serviceable condition and will meet the water service requirements of the new structure. This determination shall be made by the North Branch Water & Light General Manager.
9. A water line tracer wire will be ten-gauge solid insulated copper wire, the insulated color is to be blue. The wire is to be attached and wrapped around the water service line from the water service collection point or from the main to the structure where applicable. The wire will then be attached to the structure directly above the water service line at the top course of the concrete block by means of a stainless steel eyelet attached to the structure. Grease caps are to be installed at each end of the wire to prevent corrosion, a minimum of eight inches of wire must be tied to the anchor at the structure. For water service line replacement the tracer wire shall be installed from the water main back to the structure in the same fashion.
10. Any intrusions, cuts or other damage to any public improvements, including, but not limited to asphalt, gravel or concrete, sidewalks, trails or roads, must be restored at the property owner's cost unless otherwise provided in the North Branch Water and Light Administrative Policy. The property owner's failure to make repairs following ten (10) days written notice will result in the utility or city undertaking the repairs and assessing the costs to the owner as provided in Sections 58-283 to 58-285.

11. New water lines or replacement of existing water lines shall not be located within five (5) feet of any areas utilized as sidewalks or driveways and any areas designated for future sidewalks or driveways. Any exception to the foregoing requirements of placement of the water line and/or associated curb box shall only be allowed by special review and approval of the North Branch Water & Light General Manager.

- (b) 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 or portion thereof, provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.
- (c) Notwithstanding provisions relating to ownership of municipal utilities' facilities, the property owners served thereby are responsible for installation, repair and maintenance of all lateral water service facilities from the curb stop to the receiving structure regardless of whether they may be on public or private property. The owner's failure to make repairs or undertake maintenance following ten (10) days written notice will result in the city undertaking the repairs and assessing the costs to the owner as provided in Sections 58-238 to 58-285.
- (d) All service installations connected to the water system that have been abandoned or, for any reason, have become useless for future service, as determined by the North Branch Water & Light General Manager, shall be disconnected at the main. The owner of the premise, which was served by this service, shall pay the cost of the excavation and site restoration. The North Branch Water & Light General Manager shall inspect and approve the actual disconnection before such excavation shall be backfilled. It shall be unacceptable for any person to cause or allow any service pipe to be hammered or squeezed together in order to stop the flow of water and not properly remove such pipe from the main. Any improper disposition or abandonment of service line shall be corrected by North Branch Water & Light, and the cost incurred shall be billed to the owner of the property causing or allowing such work to be performed.

(Code 1996, § 13.04.030; Ord. No. 148-10, § 1, 2-22-2010; Ord. No. 152-10, § 1, 7-12-2010)

HISTORY

Amended by Ord. [256-17](#) on 6/27/2017

Sec 58-21 Tapping Approval

No person, except as otherwise provided for in this article, shall tap or make any perforation or opening of any kind in any sewer or water main or any public or private service pipe within the boundaries of any street, avenue, alley or public ground without having obtained a permit from the city with regard to sewer service and from North Branch Water & Light, with regard to water for each and every tap or perforation so sought to be made.

(Code 1996, § 13.04.040)

HISTORY

Amended by Ord. [256-17](#) on 6/27/2017

Sec 58-22 Use Of License Name Prohibited

No person licensed to make connections with any sewer or water main shall allow his name to be used by any other person, either for the purpose of obtaining permits, or doing any work under the license; and every person licensed shall have recorded in the city administrator's office his place of business, the name under which the business is transacted and such other information as may be required.

(Code 1996, § 13.04.050)

Sec 58-23 Water Main Inspector Designated

The Branch Water & Light General Manager shall be the inspector for all water mains and service connections to the water main.

(Code 1996, § 13.04.060)

HISTORY

Amended by Ord. [256-17](#) on 6/27/2017

Sec 58-24 North Branch Water And Light Policies

The North Branch Water and Light Utility Administrative Policy No. 100.0, Policy 200.0, and 300.00, as amended from time to time is hereby incorporated by reference.

HISTORY

Adopted by Ord. [256-17](#) on 6/27/2017

[Sec 58-25 Through 58-49 Reserved](#)