

**CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 610 OF THE CITY CODE
REGULATING SEWER RATES AND CHARGES**

WHEREAS, the City of Foley (the “City”) operates the City’s municipal sewage system, as allowed under Minn. Stat. § 412.321; and

WHEREAS, the City Council can fix rates and establish reasonable rules and regulations for the sale of municipal utility products to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment, the maintenance, operation and use of the facilities, and for obtaining and complying with permits required by law, under Minn. Stat. § 444.075; and

WHEREAS, the City has adopted sewer rates under City Code Chapter VI, Section 610 to ensure adequate funds are available to pay for the use of its sewer facilities; and

WHEREAS, Section 610 subjects an owner of any premises to sewer rates based on water usage for a particular month; and

WHEREAS, as part of Section 610, the City adopted a “winter rate sewer charge” that would use the prior January usage to determine the rates for June, July, and August, as opposed to the traditionally monthly usage; and

WHEREAS, the City has been analyzing the appropriateness of its current sewer rates, especially the winter rate sewer charge, to ensure that the rates are as appropriate and proportionate to the cost of furnishing the services; and

WHEREAS, the City has determined it would be appropriate to consider the actual water usage for June, July, and August when determining rates; and

WHEREAS, the City determined it is in best interest of the City to amend Section 610 in allow for the consideration of the water usage for June, July, and August.

NOW, THEREFORE, the Foley City Council hereby ordains:

Chapter VI, Section 610 of the City Code is amended as follows (deleted language shown in ~~striketrough~~ and new language shown in underline):

SECTION 1:

That Section 610 is hereby amended to read:

Subd. 1. The owner of any premises connected with the municipal sewage systems shall pay as basic rental charges for the use of said sewage system the amounts as set forth in the subdivisions which follow.

Subd. 2. Rates, Fees and Charges.

(a) Sewer Rate Schedule. All water usage is subject to sewer rate charges based on the actual water usage for each calendar month. The City Council shall adopt by resolution schedules of sewer rates, fees and charges which schedules shall be known as the sewer rate schedule. No sewer rate schedule charge will be lower than the established minimum monthly charge.

(b) Winter Sewer Charge. All water usage is subject to sewer rate charges except for the months of May, June, July, and August of a calendar year, where the residential sewer rate charge will be based on the prior January sewer charge known as the winter sewer charge. However, if the actual usage for the months of May, June, July, or August is lower than the prior January usage, the owner of the premises will be charged the sewer rate schedule in lieu of the winter sewer charge. However, under no circumstances will any sewer charge be lower than the established minimum monthly charge.

Subd. 3. The following monthly sewage service charges and rates shall be and the same hereby are continued as heretofore adopted, for usage of the municipal sewage service:

- (a) Minimum for up to 2,000 gallons -----\$48.80 per month
- (b) Excess over 2,000 gallons ----- \$2.44 per 100 gallons
or portion thereof

Subd. 4. Procedure. The procedure for collection, payment, due date, overdue billings and other administrative matters shall be the same as may be established from time to time for the usage of the municipal water service or according to Section 609, of the Code of Ordinances.

Subd. 5. Effective Date of Sewer Rate schedules. The sewer rates described above shall take effect on July 1, 2024~~January 1, 2023~~. The City Council will adopt resolution to update the water rate schedule as necessary.

SECTION 2:

This ordinance becomes effective from and after its passage and publication.

SECTION 3:

Upon approval by at least 4/5th of all of the members of the City Council, the Council determines that the following summary clearly informs the public of the intent and effect of this ordinance and authorizes the publication of the summary in place of the entire text thereof:

AN ORDINANCE AMENDING SEWER RATES AND CHARGES.

The Sewer Rates and Charges were amended to allow for the consideration of actual usage for the months of May, June, July, and August when calculating the sewer rate schedule. A copy of the ordinance is available at City and the Foley Library during regular business hours.

Passed and adopted by the Foley City Council on _____, 2024.

ATTEST:

Jack Brosh
Mayor

Sarah Brunn
City Administrator