

RESOLUTION NO. 16PUC-003

RESOLUTION SEEKING TO PROVIDE A SUSTAINABLE ALTERNATIVE TO STORMWATER MANAGEMENT AND THEREBY REDUCE IMPERVIOUS SURFACE DEVELOPMENT IN SENSITIVE AREAS ALONG DULUTH'S TROUT STREAMS SO AS TO IMPROVE WATER QUALITY AND REDUCE NEGATIVE IMPACTS OF FLOODING.

RESOLVED, that the Duluth Public Utilities Commission (the "Commission") hereby makes the following Findings of Fact:

- 1.) In 1998, pursuant to Article XI of Chapter 43 of the Duluth City Code, 1959, as amended (the "Code"), the City of Duluth established the City's "Stormwater Utility" to operate, maintain and improve the City's "Stormwater Drainage System" as said terms are defined in Section 43-65 of the Code with the stated purpose of providing a fair and organized method of maintaining a stormwater drainage system that will meet the future needs of the citizens of Duluth through the establishment of a reasonable and practical methodology for making stormwater utility charges;
- 2.) The Stormwater system includes constructed and natural stormwater drainage to creek channels of the City and is operated by the Stormwater Utility to, among other things, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use and reuse water to prevent or reduce flooding, over-drainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from the City;
- 3.) Pursuant to Section 50-18.1 E. 1.(a)(i) of the Code, the City is required to include in its Municipal Separate Storm Sewer System ("MS4") Permit a goal of non-degradation of receiving water body water quality;
- 4.) Pursuant to the City's MS4 SWPPP Application for Reauthorization effective August 1, 2013, the City acknowledged having established a partnership with the Regional Stormwater Protection Team ("RSPT") whose mission is stormwater pollution prevention and whose stated purpose is to reduce stormwater peak flows and pollutant loads within the Western Lake Superior Watershed;
- 5.) St. Louis County, in its Comprehensive Water Management Plan 2010-2020, has identified Priority Concern #1 which includes recognition of shoreland vegetation as a buffer to help prevent erosion and clean water through natural processes and: Priority Concern #3 Ground and Surface Waters, which recognizes that minimizing impervious area along Shoreline Areas allows for natural absorption and slows the direct flow to the water body; the St. Louis County Board has jurisdiction over the disposition of tax-forfeit land parcels;
- 6.) Pursuant to said Plan, St. Louis County has established a goal of supporting and assisting local governments with stormwater management;
- 7.) Pursuant to Statute, the St. Louis County Board has the authority to recommend to the State Commissioner of Revenue the conveyance of property forfeited to the State for non-payment of real estate tax to local jurisdictions for public

- purposes;
- 8.) That Duluth's unique geographic location and topography includes 42 streams that bisect the City, including 16 DNR-designated trout streams that should provide habitat for aquatic biota including brown and brook trout;
 - 9.) That the Commission is charged with providing long-term guidance to Stormwater Utility operations and, in doing so, must recognize the likelihood of increased frequency of severe precipitation events (like the flood of 2012) to negatively affect water quality and overwhelm the conveyance system; and

RESOLVED FURTHER, that based on and because of the facts found above, the Commission does hereby recommend that the City of Duluth pursue acquisition of undeveloped greenspace bordering its 16 trout streams which is currently forfeited to the state of Minnesota for non-payment of real estate taxes for the public benefit of improving water quality and flood control under DNR management.

FURTHER RESOLVED, that the City request the assistance and cooperation of the St. Louis County Board in acquiring such property in furtherance of their established goal of supporting and assisting local governments with stormwater management.

Approved by the DPUC: Feb. 16, 2016
(date)

Submitted to City Council: Feb. 17, 2016
(where appropriate) (date)

ATTEST:



Director
Public Works and Utilities
City of Duluth

STATEMENT OF PURPOSE

This resolution seeks to provide direction and to increase options within municipal stormwater management to include sustainable practices that meet stated goals and regulations and to affirm current trends toward recognizing natural vegetation buffers as conducive to improving water quality. Providing natural expandable area for stream channel size constitutes a form of flood control.