



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, ICMA-CM, Administrator, Clerk/Treasurer

Date: October 10, 2025

Subject: Construction Site Runoff Control Ordinance

The proposed amendments to Chapter 12.44 of the City Code are recommended in response to findings from the City's recent Municipal Separate Storm Sewer System (MS4) audit conducted by the Minnesota Pollution Control Agency (MPCA). The audit identified areas where the City's Construction Site Runoff Control ordinance needed to be brought into alignment with the current MPCA Construction Stormwater General Permit (MNR100001) and associated MS4 permit requirements.

The City's existing ordinance (Chapter 12.44) was adopted prior to recent updates to MPCA stormwater regulations. As a result, several provisions—particularly those relating to definitions, construction site best management practices (BMPs), permit applicability, inspection, and enforcement—required revision to maintain compliance with State and Federal stormwater standards.

The proposed ordinance comprehensively updates Chapter 12.44 to:

- Incorporate updated terminology and definitions consistent with MPCA and NPDES standards (e.g., "Construction Activity," "Best Management Practices," "Initiated Immediately," "Impaired Waters," "Permanent Cover").
- Clarify permit requirements, including mandatory proof of MPCA Construction Stormwater Permit coverage prior to issuance of City permits.
- Expand site plan review standards to include detailed BMP requirements, phasing, stabilization timelines, and inspection documentation.
- Add detailed post-construction stormwater management provisions, ensuring long-term water quality treatment and maintenance consistent with current MS4 standards.
- Strengthen enforcement procedures to allow the City to issue stop-work orders, assess corrective costs, and act against financial securities when necessary.
- Reorganize the chapter to improve clarity, consistency, and alignment with the MPCA Construction Stormwater Permit structure.

Staff recommends that the City Council adopt Ordinance No. 505 amending Chapter 12.44, Construction Site Runoff Control, as presented. The updated ordinance will ensure full compliance with current MPCA stormwater requirements and strengthen the City's overall environmental protection framework.

If you have any questions, please do not hesitate to contact me at 763-784-6491.