



# **City of Grand Island**

**Tuesday, September 13, 2005**

**Council Session**

## **Item I2**

**#2005-266 - Consideration of Resolution Supporting Enabling  
Legislation for the Creation of a Storm Water Funding Mechanism**

**Staff Contact: Steve Riehle, City Engineer/Public Works Director**

# **Council Agenda Memo**

**From:** Steven P. Riehle, Public Works Director

**Meeting:** September 13, 2005

**Subject:** Consideration of Resolution Supporting Enabling Legislation to Provide a Funding Mechanism for a Storm Water Management Program

**Item #'s:** I-2

**Presenter(s):** Steven P. Riehle, Public Works Director

## **Background**

The City of Grand Island has been designated as a National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water community. An application for a storm water permit was submitted to the Nebraska Department of Environmental Quality (NDEQ) on August 10, 2005. The NDEQ plans to public notice the permit application in October 2005 and issue the City of Grand Island a storm water permit in December 2005. The permit would be effective as of January 1, 2006.

The permit requires the city to develop a Storm Water Management Program (SWMP) containing the following activities:

1. Public Education and Outreach
2. Public Participation and involvement
3. Illicit Detection and Elimination
4. Construction Site Runoff Control
5. Post Construction Runoff Control
6. Pollution Prevention / Good Housekeeping Measures for Municipal Operations
7. Storm Water Monitoring and Testing

## **Discussion**

The financial impact for Grand Island of this un-funded federal mandate is estimated at over \$300,000.00. The proposed legislation is “enabling” legislation that allows a municipality to decide at the local level how to fund the SWMP. The current law only allows Nebraska communities to fund the activities that will be

required under the SWMP with assessment districts or property taxes. The proposed legislation would add the ability for a municipality to fund the SWMP with charges based on storm water use or contribution. This would be similar to how utilities such as water, electric, and sanitary sewer charge their customers. LB 102 was introduced in 2005 but failed to make it out of the Natural Resources Committee. A copy is attached. We anticipate legislation being introduced for the 2006 session.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Make a motion to approve a Resolution supporting enabling legislation.
2. Refer the issue to a committee.
3. Postpone the issue to a future date.
4. Take no action on the issue.

### **Recommendation**

City Administration recommends that the Council pass a Resolution in support of enabling legislation for the creation of a storm water utility.

### **Sample Motion**

Move to approve the resolution.

RESOLUTION 2005-266

WHEREAS, the City of Grand Island has been designated as a Phase II Storm Water Community for its Municipal Separate Storm Sewer System (MS-4) under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act (CWA) of 1977 as administered by the United States Environmental Protection Agency (EPA) and the Nebraska Department of Environmental Quality; and

WHEREAS, on January 4, 2006, the 99th Legislature of the State of Nebraska Second Session, will convene; and

WHEREAS, legislation may be proposed that amends the existing statutes pertaining to storm water drainage; to authorize storm water management programs; and to change provisions relating to charges and fees for the construction and operation of storm water systems; and

WHEREAS, the City of Grand Island desires to express this support for such legislation, if introduced; and

WHEREAS, it is the purpose of this resolution to approve support for legislation, if introduced, which amends existing statutes pertaining to storm water drainage, to authorize storm water management programs, and to change provisions relating to charges and fees for the construction and operation of storm water systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island supports legislation to: (1) amend existing statutes pertaining to storm water drainage, (2) authorize storm water management programs, and (3) to change provisions relating to charges and fees for the construction and operation of storm water systems.

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Adopted by the City Council of the City of Grand Island, Nebraska, September 13, 2005.

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RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 7, 2005	☐ City Attorney