



City of Blaine Anoka County, Minnesota

Blaine City Hall
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Legislation Text

File #: WS 21-40, Version: 1

Workshop Item - *Rebecca Haug, Water Resources Manager*

Stormwater Pond Encroachment and Violations - Outreach and Enforcement Process

Code Issues Involved

The stormwater program was developed to reduce the pollution and damage caused by runoff from construction sites, industrial facilities and urbanized areas Municipal Separate Storm Sewer Systems (MS4s). In Minnesota, where water contributes to a high quality of life, extra attention has been directed toward cleaner water. The city of Blaine has had a permitted program to address polluted stormwater runoff since March 10, 2003. The program is intended to reduce pollution from entering the storm sewer system and degrading water quality in Blaine and the cities and waters downstream.

One of the requirements of the permit is for the city to inspect and maintain its storm sewer system. The city has a complex stormwater treatment system in which runoff is collected and discharged into one of the more than 700 man-made ponds throughout the city. These man-made ponds mimic natural systems but are designed to collect, store and treat stormwater by slowing the volume of flow, preventing flooding and allowing any suspended material and pollutants to drop out and settle to the bottom of the pond.

During inspections and communications from residents about the city's stormwater ponds, there has been an increase in the number of buffers removed and the installation of docks and recreational uses around the city's stormwater ponds. Stormwater ponds can pose safety hazards including strong currents during storm events, steep side slopes and drop-offs, unsafe winter ice and contaminated water and sediment. Blaine City Code Article XI. - Stormwater Management, Division 3, Section 34-521 - Alterations to and use of public and private stormwater ponds, prohibits both of these activities:

- No alterations to shorelines or vegetation around stormwater ponds shall be allowed unless authorized by the city.
- Structures will not be allowed within the stormwater pond or protective buffer zone. These will include but not be limited to retaining walls, docks, piers, diving platforms, bridges, etc.

(Full text included as an attachment.)

The ponds along with the buffers, slow and reduce surface water runoff from adjacent land use and are effective at filtering pollutants such as fertilizers, pesticides, oils, pet waste, grass clippings and leaves. The installation of structures such as docks is a safety hazard because ponds are designed to fluctuate during rain events and docks can become unanchored and plug outlets of ponds increasing the chance of properties flooding.

Past actions and Outreach Progress

Staff presented to the City Council on August 12, 2019 about the issues with docks and buffer removals on stormwater ponds. Council felt strongly about a program of education prior to any

enforcement action. Council also supported initiating enforcement action in 2021 to have the buffers restored and docks removed if the issues were not resolved by the residents in a timely manner. (See attached minutes.)

Since that time, staff has worked with the city's communication and GIS team to provide communication materials to the public. The materials have included articles in the city newsletters, a Stormwater Story map on the city's website, an updated stormwater webpage and letters to various neighborhoods.

Staff has also been reaching out to Homeowner Associations (HOA) where multiple violations are occurring and trying to get their support. Club West HOA has been receptive to working with the city and have sent out communications to their homeowners through newsletters and formal letters to the violators. Cascades West HOA in the Lakes of Radisson recently restored their buffers along their stormwater ponds.

Most recently, the city and Coon Creek Watershed District (CCWD) have started a communication and outreach program with the Lakes Development. The city is scheduled to do stormwater pond maintenance in the Lakes Development this year and there are many violations on the stormwater ponds. By working with the CCWD and the Master Association, staff is anticipating better cooperation from the homeowners.

Letters and/or door hangers will also be sent to the property owners adjacent to the city's stormwater ponds that are scheduled for maintenance allowing a certain amount of time for the encroachments to be removed prior to the maintenance activities. Using social media platforms such as Nextdoor will also be used to inform residents of the proposed work.

The strategy that is being proposed is as follows:

Month	Responsible Party	Topic
April	City & CCWD	1. Adopt-a-Drain Challenge
May	CCWD	1. The Lakes story & management needs 2. Pet Waste Station Pilot Project 3. Google Poll about what the residents know about the lake health
June	City CCWD & City	1. Stormwater Pond care and maintenance 1. Adopt a Drain Success Story highlighting a family in the Lakes development
July	City CCWD	1. Property values/lake health/sand blankets 2. Lawn care
Aug.	City CCWD & City	1. Algae bloom prevention in stormwater ponds/lake 2. Buffers highlighting the Cascades West HOA in the Lakes and their buffer restoration project 3. Google Poll about what the residents know about the lake health
Sept.	CCWD	1. Street Sweeping and best practices for leaves 2. Adopt a Drain challenge update
Oct.	City	1. Street Sweeping and leaves

- Nov. CCWD
1. Salt pollution prevention
 2. Discussion of Lake Management Plan

The key strategy behind working with the Homeowner Associations is to have the support and understanding of why the rules are in place. The goal is to have them help inform their residents on a more regular basis and be part of the solution to protect our water resources. If the model for the Lakes of Radisson is effective, staff will continue reaching out to other Homeowner Associations and provide similar information. Gaining the support will hopefully decrease the number of encroachments and violations.

Residents who do not live in a Homeowner Association will receive information through the city's website and social media platforms as well as letters from the city.

Future Enforcement Actions

Compliance is proving to be a challenging task with the number of encroachments and buffers identified. The past two summers, the stormwater intern has been identifying properties where violations exist and working on sending out letters to violators to educate and remove encroachments.

Staff will focus on education and voluntary compliance in all situations. If it becomes necessary, staff will follow the City Council direction to begin enforcement actions. The process provides several steps along the way to allow the adjacent property owners to communicate with the city and create an acceptable action plan. That process generally follows the following timeline:

1. Encroachment or violation is documented through the regular inspection process.
2. Letter is sent to adjacent property explaining the issue and requesting compliance with a follow up inspection scheduled for 30 days later.
3. Re-inspection at approximately the 30 day timeframe.
 - If corrected, the issue is closed
 - If issue remains, a second communication is sent requesting compliance.
4. Third inspection at approximately 45-60 day timeframe.
 - If corrected, the issue is closed
 - If issue remains, begin formal enforcement process.
5. Formal enforcement process begins with Issuance of Citation or City corrective action if the issue is on city managed property.

Many of the stormwater ponds are within City easements or lots dedicated to the City. For issues on these, the City may remove the docks or may fence off the buffer area to allow for re-establishment of the vegetation.

Violations on properties where the homeowner's lot extends into the stormwater pond would follow a court process for correction.

These final stages are considered a 'last resort' and something we hope to avoid in all situations.

Staff is recommending a continued effort to work with direct communication and Homeowner Associations on outreach and communication to decrease the number of encroachments and violations around stormwater ponds. Enforcement will only be used after extensive communication throughout the spring and early summer. No notices of violations will be issued before July of this year.

Blaine City Code Article XI
Council Minutes 08-12-2019