

**CITY OF ANOKA ELECTRIC FRANCHISE FEE**

**ORDINANCE NO. 13-21  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

**AN ORDINANCE IMPLEMENTING AN ELECTRIC ENERGY FRANCHISE FEE ON THE CITY OF ANOKA, A MUNICIPAL CORPORATION, FOR PROVIDING ELECTRIC ENERGY SERVICE WITHIN THE CITY OF RAMSEY, MINNESOTA**

THE CITY OF RAMSEY DOES ORDAIN:

**Section 1. Electric Franchise Fee**

(a) *Definitions.* For the purposes of this Ordinance, the following terms shall have the following meanings:

- (1) City. The City of Ramsey, County of Anoka, State of Minnesota.
- (2) Company. City of Anoka Municipal Utility, a municipal corporation, its successors and assigns.
- (3) Franchise Agreement. The franchise agreement between the City and Company pursuant to City Ordinance 13-19.
- (4) Notice. “Notice” means a writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to City Manager, City of Anoka, 2015 First Ave., Anoka, Minnesota 55303. Notice to City shall be mailed to the City Clerk at 7550 Sunwood Dr. NW, Ramsey, MN 55303.

(b) *Purpose.* The Ramsey City Council has determined that it is in the best interest of the City to impose a franchise fee on those public utility companies that provide natural gas and electric services within the City. Pursuant to the Franchise Agreement the City has the right to impose a franchise fee on Company. All franchise fee revenues generated through this ordinance shall be collected in lieu of special assessments for street maintenance projects, and shall be dedicated only to long-term street maintenance program projects including pavement preservation and street reconstruction projects.

(c) *Franchise Fee Statement and Schedule.* A franchise fee is hereby imposed on Company commencing March 1, 2014 and in accordance with the following fee schedule:

The charge shall be applied monthly and shall be billed per account.

| <u>Customer Classification</u> | <u>Amount per Month</u> |
|--------------------------------|-------------------------|
| Residential                    | \$8.00                  |
| Small C&I Non-Demand           | \$8.00                  |
| Small C&I Demand               | \$8.00                  |
| Large C&I                      | \$8.00                  |
| Public Street Lighting         | \$8.00                  |
| Municipal Pumping Non-Demand   | \$8.00                  |
| Municipal Pumping Demand       | \$8.00                  |

(d) *Account Fee.* This fee is an account based fee and not a meter-based fee. In the event that an entity covered by this ordinance has more than one meter, but only one account, only one fee shall be assessed to that account. In the event any entities covered by this ordinance have more than one account, each account shall be subject to the appropriate fee. In the event a question arises as to the proper fee amount for any account, the highest possible fee amount shall apply.

(e) *Payment.* Franchise fees are to be collected by the Company and submitted to the City as follows:

January – March collections due by April 30.  
April – June collections due by July 31.  
July – September collections due by October 31.  
October – December collections due by January 31.

(f) *Record Support for Payment.* The Company shall make each payment when due and, if requested by the City, shall provide a statement summarizing how the franchise fee payment was determined, including information showing any adjustments to the total made to account for any non-collectible accounts, refunds or error corrections. The Company shall permit the City, and its representatives, access to the Company's records for the purpose of verifying such statements.

(g) *Payment Adjustments.* Payment to the City will be adjusted where the Company is unable to collect the franchise fee. This includes non-collectible accounts.

(h) *Dispute Resolution.* If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this ordinance or for such other relief permitted by law.

(i) *Effective Date of Franchise Fee.* The effective date of this Ordinance shall be February 1, 2014. Collection of the fee shall commence March 1, 2014.

(j) *Relation to Franchise Agreement.* This ordinance is enacted in compliance with the Franchise Agreement and shall be interpreted as such.

(k) *Periodic Review.* The City Council may review this ordinance from time to time to determine whether the fees set hereby should be amended.

(l) *Permit Fees.* The Company will administer the collection and payment of franchise fees to the City. Said fees are not in lieu of permit fees, or other fees that may be imposed on the Company in relation to its operations as a public utility in the City.

(m) *Rebate Program.* The City will rebate the lesser annual amount paid for franchise fees versus special assessments over the remaining term of the special assessments, regardless if the assessment was pre-paid or is currently being paid through property taxes. Rebates will be in the form of a credit to the fourth quarter municipal utility bill of qualifying property addresses. This rebate program applies strictly to qualifying property addresses during the effective term of their current assessment or this ordinance, whichever expires first.

**Section 2. Effective Date.** This ordinance takes effect as provided by the City Charter. This ordinance shall terminate 5 years from the date passed and adopted by the City. If the termination date falls within the middle of a 3 month collection period, the ordinance shall terminate at the end of the collection period.

**PASSED AND ADOPTED** by the Ramsey City Council this 12<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

|                    |                                      |
|--------------------|--------------------------------------|
| Introduction date: | October 8, 2013                      |
| Continuation date: | October 22, 2013                     |
| Posting dates:     | October 22, 2013 – November 12, 2013 |
| Adoption date:     | November 12, 2013                    |
| Publication date:  | November 15, 2013                    |
| Effective date:    | February 28, 2014                    |

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