

From: [James Monge](#)
To: "cityclerk@stacymn.org"; [Michelle Hayes](#)
Subject: Certification Dates
Date: Friday, September 24, 2021 12:26:18 PM
Attachments: [image001.png](#)

Sharon and Michelle,

Under City Code § 53.12, storm water drainage fees in excess of 90 days past due on October 1 of any year may be certified to County Auditor for collection with real estate. This section has no requirement that fees be certified on any specific date after October 1.

Under City Code § 93.09, the City Clerk must list total unpaid special charges on or before September 1 of each year and the Council may spread the charges against the property benefitted as a special assessment for certification to the County Auditor for collection with property taxes. This section has no specific date after September 1 that the charges must be certified to the County Auditor.

Under City Code § 50.05, unpaid utility bills must be certified for collection with taxes on or before October 25 of each year. The City's utility shut-off policy notice period was changed because the state changed the cold weather rule so that the cold weather period begins on October 1. Notice must be given 30 days prior to shut-off. So the City's utility shut-off policy requires notice of shut-off to be sent by September 1. There is nothing in City Code § 50.05 that is inconsistent with the shut-off policy. The only date in City Code § 50.05 is the date for certifying unpaid charges for collection with taxes, October 25.

Minn. Stat. § 429.101 (certification of special charges – City Code § 93.09) and Minn. Stat. § 444.075 (water; storm and sanitary sewer system charges – City Code §§ 50.05, 53.13) do not have any timing requirements. The charges could be certified for collection with taxes at any time. So, the City could change the certification dates so all are consistent. Or, under the existing City Code provisions all of the charges could be certified to the County Auditor sometime after October 1 in any year and before November 1, which I understand to be the last date the County will accept unpaid charges for certification with taxes.

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