

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA
APRIL 1, 2013
ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)
4115 Ambassador Blvd. NW
6:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
 - a. City Council Minutes – March 18, 2013
 - b. Receive and File the URRWMO Minutes of March 5, 2013 and Unapproved Minutes of March 19, 2013
 - c. Accept the Resignation of Part Time Liquor Store Clerk Brian Ruud
 - d. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
7. Ordinances & Resolution
 - a. Ordinance 182, Second Series: Amending Section 8-2-2 and adding Section 8-2-6 of the St. Francis City Code Regarding Nuisance & Abatement (First Reading)
 - b. Ordinance 183, Second Series: Adding Sections 8-2-7 and 7-2-9 of the St. Francis City Code Regarding Noise Violations (Second Reading)
 - c. Resolution 2013-08: Authorizing Summary Publication of Ordinance 183, Second Series
 - d. Resolution 2013-09: Supporting Legislation Authorizing the Establishment of Municipal Street Improvement Districts
8. Reports of Consultants & Staff Members
 - a. Engineer:
 - b. Attorney:
 - c. Staff:
 - Fire Dept.:
 - Public Works:
 - Liquor Store:
 - Police:
 - City Administrator Report: Wastewater Treatment Discussion
9. Reports from Council Members
10. Report from Mayor:
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

- Apr 6: SF Area Chamber of Commerce Business & Community Expo @ SFHS 9-2 pm
Apr 6: St. Francis Lioness Fashion and Style Show @ St. Francis Am Legion Noon Lunch and 12:30 Style show
Apr 15: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Apr 17: Planning Commission Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA
APRIL 1, 2013
ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)
4115 Ambassador Blvd. NW
6:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
 - a. City Council Minutes – March 18, 2013
 - b. Receive and File the URRWMO Minutes of March 5, 2013 and Unapproved Minutes of March 19, 2013
 - c. Accept the Resignation of Part Time Liquor Store Clerk Brian Ruud
 - d. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
7. Ordinances & Resolution
 - a. Ordinance 182, Second Series: Amending Section 8-2-2 and adding Section 8-2-6 of the St. Francis City Code Regarding Nuisance & Abatement (First Reading)
 - b. Ordinance 183, Second Series: Adding Sections 8-2-7 and 7-2-9 of the St. Francis City Code Regarding Noise Violations (Second Reading)
 - c. Resolution 2013-08: Authorizing Summary Publication of Ordinance 183, Second Series
 - d. Resolution 2013-09: Supporting Legislation Authorizing the Establishment of Municipal Street Improvement Districts
8. Reports of Consultants & Staff Members
 - a. Engineer:
 - b. Attorney:
 - c. Staff:
 - Fire Dept.:
 - Public Works:
 - Liquor Store:
 - Police:
 - City Administrator Report: Wastewater Treatment Discussion
9. Reports from Council Members
10. Report from Mayor:
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

- Apr 6: SF Area Chamber of Commerce Business & Community Expo @ SFHS 9-2 pm
Apr 6: St. Francis Lioness Fashion and Style Show @ St. Francis Am Legion Noon Lunch and 12:30 Style show
Apr 15: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Apr 17: Planning Commission Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA
APRIL 1, 2013
ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)
4115 Ambassador Blvd. NW
6:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
 - a. City Council Minutes – March 18, 2013
 - b. Receive and File the URRWMO Minutes of March 5, 2013 and Unapproved Minutes of March 19, 2013
 - c. Accept the Resignation of Part Time Liquor Store Clerk Brian Ruud
 - d. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
7. Ordinances & Resolution
 - a. Ordinance 182, Second Series: Amending Section 8-2-2 and adding Section 8-2-6 of the St. Francis City Code Regarding Nuisance & Abatement (First Reading)
 - b. Ordinance 183, Second Series: Adding Sections 8-2-7 and 7-2-9 of the St. Francis City Code Regarding Noise Violations (Second Reading)
 - c. Resolution 2013-08: Authorizing Summary Publication of Ordinance 183, Second Series
 - d. Resolution 2013-09: Supporting Legislation Authorizing the Establishment of Municipal Street Improvement Districts
8. Reports of Consultants & Staff Members
 - a. Engineer:
 - b. Attorney:
 - c. Staff:
 - Fire Dept.:
 - Public Works:
 - Liquor Store:
 - Police:
 - City Administrator Report: Wastewater Treatment Discussion
9. Reports from Council Members
10. Report from Mayor:
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

- Apr 6: SF Area Chamber of Commerce Business & Community Expo @ SFHS 9-2 pm
Apr 6: St. Francis Lioness Fashion and Style Show @ St. Francis Am Legion Noon Lunch and 12:30 Style show
Apr 15: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Apr 17: Planning Commission Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm

TO: Mayor & City Council
FROM: Matthew L. Hylan, City Administrator 
RE: Agenda Memorandum – April 1, 2013 Meeting

Agenda Items:

4. Consent Agenda:

6. Petitions, Requests, Applications:

7. Ordinances & Resolutions:

- a. Ordinance 182, Second Series (First Reading): Attached is Ordinance 182, Second Series amending the Nuisance and Abatement Ordinance. Mayor Tveit requested this ordinance be reconsidered. The Planning Commission has recommended this from their February meeting. A memorandum from City Planner Nate Sparks is also attached for review. A motion would be in order to approve the first reading of this Ordinance. A roll call vote is required.
- b. Ordinance 183, Second Series (Second Reading): Attached is Ordinance 183, Second Series amending the Noise Ordinance. The Planning Commission has recommended this from their February meeting. A memorandum from City Planner Nate Sparks is also attached for review. A motion would be in order to approve the second reading of this Ordinance. A roll call vote is required.
- c. Resolution 2013-08: Attached is Resolution 2013-08 which authorizes summary publication of Ordinance 183, Second Series. A motion would be in order to approve Resolution 2013-08.
- d. Resolution 2013-09: Attached is Resolution 2013-09 which supports legislation authorizing the establishment of municipal street improvement districts. St. Francis experienced decades of significant growth and within the next 10 years, those streets will be coming “due” for major work/reconstruction. A motion would be in order to approve Resolution 2013-09.

8. Reports:

- a. **Engineer:**
- b. **Attorney:**
- c. **Staff:**

Building Official:

Fire:

Public Works:

Liquor Store:

Police:

City Administrator: *Wastewater Treatment Discussion:* Over the past few years, staff and Council have discussed future wastewater treatment plans. The City has several goods signs for new development, both commercial and residential. If the City receives these projects, we must move wastewater treatment discussions to the forefront. We are currently waiting for the MN Pollution Control Agency to finish on some permit work for our plant. When we have the results, we will share them at an upcoming meeting.

11. Old Business:

12. New Business:

CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY

CITY COUNCIL MINUTES

March 18, 2013

1. **Call to Order:** The regular City Council Meeting was called to order by Mayor Pro Tem Chris McClish at 6:00 pm.

2. **Roll Call:** Present were Mayor Pro Tem Chris McClish, Council members Mike Haggard, Amy Lazere, Tim Brown. Mayor Jerry Tveit excused. Also present were City Engineer Jared Voge (Bolton & Menk, Inc.), City Attorney Scott Lepak (Barna, Guzy & Steffen), City Planner Nate Sparks (Northwest Associated Consultants), Police Chief Jeff Harapat, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, City Administrator Matt Hysten and City Clerk Barb Held.

3. **Adopt Agenda:** MOTION BY LAZERE SECOND BROWN TO ADOPT THE MARCH 18, 2013 CITY COUNCIL AGENDA. Motion carried 4-0.

4. **Consent Agenda:** Hysten asked to have item e. removed from the consent agenda. MOTION BY BROWN SECOND LAZERE TO APPROVE THE MARCH 18, 2013, CITY COUNCIL CONSENT AGENDA AS A-D & F AS FOLLOWS:

- a. Approve the City Council Minutes of March 4, 2013.
 - b. Approve the St. Francis Lions One Day Gambling Permit (Bingo) for March 22, 2013 at St. Francis Am. Legion.
 - c. Approve the Public Dance License for Patriot Lanes Bar & Grill for April 6, 2013 Benefit for Art Sakaye.
 - d. Approve the 5k Walkathon Application for Trinity Lutheran Church and School Fundraiser on May 4, 2013.
 - e. ~~Hire Sandra Anderson as the Police Records Clerk starting at Grade 5 Step 2~~
 - f. Approve the Payment of Claims for \$507,945.27 (Check #'s 65303- 65377 \$304,572.67 and ACH 50E-55E \$203,372.60)
- Motion carried 5-0.

e. **Hire Sandra Anderson as the Police Records Clerk starting at Grade 5 Step 2:** Hysten reported Ms. Anderson has over eleven years of experience in police records and asked the City Council to start her with a 24 hour bank of vacation time but she will still start at the lower accrual rate. MOTION BROWN SECOND LAZERE TO HIRE SANDRA ANDERSON AS THE POLICE RECORDS CLERK STARTING AT GRADE 5 STEP 2 AND 24 HOURS OF VACATION. Motion carried 4-0.

5. **Meeting Open to the Public:** None.

6. **Petitions, Requests, Applications:**

a. **Mayor's Presentation to the St. Francis Ambassador Program:** Mayor Pro Tem McClish presented to the St. Francis Ambassadors a check in the amount of \$416.00 that was raised during the Mayors Trail Ride put on by the Anoka Area Chamber of Commerce.

b. **Tobacco License Application: Restyle Consignments 23168 St. Francis Blvd:** MOTION BY BROWN SECOND LAZERE TO APPROVE THE TOBACCO LICENSE FOR RESTYLE CONSIGNMENTS AT 23168 ST. FRANCIS BLVD. NW. Lazere asked what type of cigarettes would be sold. Held reported they will be selling E-Cigarettes. The MN Department of Revenue requires they obtain a City tobacco license. The business owner stated she would not be selling regular cigarettes, just e-cigarettes. Motion carried 4-0.

7. **Ordinances & Resolution:**

a. **Ordinance 181, Second Series: Amending the Zoning Ordinance Regarding Residential Accessory Buildings and Building Height (Second Reading):** MOTION BY LAZERE SECOND BROWN TO APPROVE THE SECOND READING OF ORDINANCE 181, SECOND SERIES AMENDING THE ZONING ORDINANCE REGARDING RESIDENTIAL ACCESSORY BUILDINGS AND BUILDING HEIGHT. City Planner Nate Sparks provided a memorandum explaining the reasoning for the ten-foot setback that was concern at the last meeting. He also was present to answer any questions. Roll Call: Ayes: Brown, Lazere, Haggard and McClish, and Tveit. Nays: None. Motion carried 4-0.

b. **Ordinance 182, Second Series: Amending Section 8-2-2 and adding Section 8-2-6 of the St. Francis City Code Regarding Nuisance & Abatement (First Reading):** Sparks gave a general overview why this ordinance was amended listing a more detailed list of nuisances. The League of MN Cities is recommending the detailed list. MOTION BY LAZERE SECOND BROWN TO APPROVE THE FIRST READING OF ORDINANCE 182, SECOND SERIES AMENDING SECTION 8-2-2 AND ADDING SECTION 8-2-6 OF THE ST. FRANCIS CITY CODE REGARDING NUISANCE 7 ABATEMENT. Roll Call: Ayes: Lazere, Brown, McClish. Nays: Haggard. Motion fails for the lack of a 4/5 vote.

c. **Ordinance 183, Second Series: Adding Sections 8-2-7 and 7-2-9 of the St. Francis City Code Regarding Noise Violations (First Reading):** MOTION BY BROWN SECOND LAZERE TO APPROVE THE FIRST READING OF ORDINANCE 183, SECOND SERIES ADDING SECTIONS 8-2-7 AND 7-2-9 OF THE CITYCODE REGARDING NOISE VIOLATIONS. Roll Call; Ayes: Lazere, Brown, Haggard and McClish. Nays: None. Motion carried 4-0.

d. **Resolution 2013-05: Approving Park and Trail Plan Amendments:** MOTION BY BROWN SECOND HAGGARD TO ADOPT RESOLUTION 2013-05 A RESOLUTION APPROVING PARK AND TRAIL PLAN AMENDMENTS. Motion carried 4-0.

e. **Resolution 2013-06: End of Year 2012 Transfers:** MOTION BY LAZERE SECOND HAGGARD TO ADOPT RESOLUTION 2013-06 A RESOLUTION APPROVING THE END OF YEAR 2013 TRANSFERS. This was a budgeted transfer ear marked for future fire trucks and equipment. Motion carried 4-0.

8. **Reports of Consultants & Staff Members:**

a. **Engineer: Woodhaven Metering Manhole Replacement:** City Engineer Jared Voge presented Pay Estimate No. 1 and Change Order No. 1 for the Woodhaven Metering Man hole Replacement. The Change Order reflects the costs associated with repairing a water main

break in the existing water system adjacent to the project area. The reason for the water main break was due to inefficiency when it was installed. We want to let you also know there are other parts of town that does have this same type installation/material of water mains. The engineer recommends approval of Pay Estimate of \$155,304.43 and Change Order for \$57,218.18 to Magney Construction, Inc. of Chanhassen, MN. MOTION BY BROWN SECOND HAGGARD TO PAY ESTIMATE No. 1 to MAGNEY CONSTRUCTION OF CHANHASSEN, MN for \$155,405.43 AND CHANGE ORDER No. 1 FOR \$57,218.18. Motion carried 4-0.

b. **Attorney: Sonstebly Condemnation-Resolution 2013-07:** The City Attorney's office has been working with Richard Sonstebly and Ronnie Lynn McNeil formally known as Susan Lynn Sonstebly in regards to right-of-way acquisition. The City desires to acquire a perpetual easement and a temporary easement over and across the property at 4140 St. Francis Blvd. NW for \$7774.00. MOTION BY BROWN SECOND McCLISH TO ADOPT RESOLUTION 2013-07 A RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT WITH THE CITY AND RICHARD SONSTEBLY, RONNIE LYNN McNEIL, ET.AL. Motion carried 4-0.

c. **Staff:**

Building Official: Private Septic Systems-Assessment Fees: The question was raised recently regarding our private septic systems assessment fees, commonly referred to as a pumping permit. This is also an assessment or evaluation of the private septic system. This does not necessarily mean the tanks need to be pumped. There are a number of items to look for during an inspection. This is a requirement from MPCA that they be tracked and recorded. The \$20.00 fee is a fee for service. The maintainers are the ones that pay the \$20 fee. Haggard said I think we are over stepping our bounds. Schreder said the three-year inspection is still required to be completed whether it is pumped or not. Brown said so if I am hearing you right it is a State mandate and not city that the septic systems be inspected. Yes, Schreder replied, we are trying to educate the homeowners to be aware of this program.

Fire Dept.:

Public Works:

Liquor Store:

Police Dept.: Department Report: Chief Harapat also wants to touch on what Hylen reported; the police department is also working with the school's bus garage for vehicle repair. It is working very well. Mandated training is something that is crippling in our budget. The true dilemma we are facing is ammunition and the lack of the availability of it for training.

City Administrator: Rental/Vacant Housing Ordinance Discussion: Just a follow up from last meeting this item was on the agenda. I was absent but I just wanted direction on how to proceed. Brown, McClish and Lazere would like to see this brought back to the planning commission for review. Haggard said he is still opposed to it.

League of MN Cities have annual awards and we would like to pursue applying into at least one of them. We realized we have a number of joint services with the school district and other surrounding communities.

Vacant Lot behind Post Office: This item was also brought up at the last city council meeting. It is believed we used CDBG monies to purchase that lot and tear down the structure that was there. I am in contact with Anoka County to see if there is an option to get out of the CDBG requirements. There is also a small one-acre lot directly north of current salvage yard and south

of the townhomes along Hwy 47. I will keep in contact with Anoka County to see if we could remove the CDBG status of that property.

9. **Reports from Council Members:** Lazere will be absent April 15 and June 16 from the City Council meeting.

I did receive a call from Joe Haag today about the April 19 Foundation 15 event. Monies raised during this event goes to St. Francis High School scholarships.

10. **Report from Mayor:** Nothing.

11. **Old Business:** In regards to the Pedestrian Crossing on Hwy 47, McClish asked staff have you heard any feedback of how it is working. Staff said it must be working we have not heard any problems. McClish asked about motion sensors and if that a possibility. Voge said there are a variety of options we can investigate being it is wireless. Lazere stated maybe we need to educate at the school level. Chief Harapat said we have had the schools make announcements regarding the crosswalk and having to push the button. Hysten said we have been working with the superintendent on the possibility of making a video for the kids to watch.

12. **New Business:** None.

13. **Adjournment:** The Regular City Council meeting adjourned at 6:54 pm.

Barbara I. Held, City Clerk

Upper Rum River Watershed Management Organization
Meeting Minutes for March 5, 2013

Chair Miller called the meeting to order at 7:03 pm.

Present: Todd Miller, Chair
Lan Tornes, Vice Chair
Richard Walstrom, Secretary
John Wangenstein
Kevin Armstrong
Scott Heaton (arrived 7:10 pm)
Ron Koller
Calvin Bahr
Dan Denno

Absent: Mike Haggard

Also present: Jamie Schurbon, Anoka Conservation District (ACD)

APPROVAL OF AGENDA

Two items were added under Other A) MN Rules 8410 Revisions and MN Statutes 6.756 – Audit requirements, and B) Message from Ed Faherty. **Richard Walstrom moved and Ron Koller seconded to approve the agenda as amended. All in favor, motion carried.**

APPROVAL OF MINUTES

One change under New Business item B. 2014 budget “...making the total DRAFT budget \$28,694.” **Lan Tornes moved and Calvin Bahr seconded to approve the January 9, 2013 meeting minutes as amended. All in favor, motion carried.**

TREASURER'S REPORT

Balance of 2/28/13 was \$11,858.51.

UNFINISHED BUSINESS

A. Insurance Coverage – Gail Gessner reported that she has prepared an application for MN Counties Intergovernmental Trust (MCIT) insurance, but in order to submit it is waiting for a statement from Gallagher Insurance stating no insurance claims were made by the URRWMO within the last five years and the board’s approval to submit. Gessner pointed out that the current insurance provider, LMCIT, has informed that if the URRWMO chooses another insurer and then wants to come back to LMCIT that they will not accept allow re-enrollment for a period of three years. Discussion ensued about the need for insurance. Schurbon described that although the WMO may not have employees or property, liability insurance is still important. Liability can arise either from actions taken, or failure to take action. The board favored obtaining a quote for insurance from MCIT. Upon receipt of the statement from Gallagher Insurance, Gessner was directed to submit the MCIT application,

along with the required attachments.

Schurbon stated that there are liability limits under law for special purpose units of government, and the URRWMO would not want to over-insure. Gessner will ask MCIT about this during the application process.

B. Bethel City report – Todd Miller reported that the updates are completed and that the ordinances are in compliance. He provided an annual report to the WMO from the City of Bethel.

C. Website update – Jamie Schurbon gave a quick review of why there is a need to change the website. Proposed State Rules will require the WMO have its own website for posting information. Further discussion was tabled to Item E.

D. Soliciting Bids – An RFP for 2013 work was emailed to board members to submit to their cities' engineering firm; the deadline for bid submission was extended to 3/11/2013. This RFP was not yet submitted to the engineering firms for Oak Grove and East Bethel; that will be done by those city representatives. No responses were received.

E. 2013 work contract with ACD – Jamie Schurbon reviewed the Plan of Work for the benefit of the new members. After the January meeting two issues were left outstanding: 1) Solicit bids from other service providers. This was being handled by board members and expected to be finalized before the March meeting. 2) Website migration.

Schurbon presented reasons for the URRWMO to approve a work contact before the next regular meeting in May. Several of the work tasks must begin in early spring, including some in March. It was noted that this contract could be approved with leaving the website item out. Board members would like to give all member city engineering firms the chance to bid a work contract before approving the ACD contract. **Dan Denno moved and Lan Tornes seconded to table this item to a special meeting on March 19, 2013 at 7pm at the Sandhill Center for the Arts, at which time all bids will be reviewed and if no other bids are received, to approved the 2013 work contract with Anoka Conservation District. All in favor, motion carried.** Schurbon was directed to include the special meeting on the URRWMO website, and Gessner was asked to email notice of it to all member communities for inclusion on their public announcement boards.

Website migration/update and annual website maintenance are items in the 2013 work RFP. After the last meeting other bids were to be sought for this service. Aside from ACD's proposal, no bids have been received for the new website. Dan Babineau was going to submit a proposal, however, one was never received. ACD would like to shut down its old website, which includes the URRWMO website, by late spring. It was previously discussed having the URRWMO and SRWMO either share the same website, or use the same template. Based on that discussion, this Board decided to table website to the May meeting, at which time the SRWMO may have a decision on the direction it will take.

F. 2014 preliminary budget – Reviewed a 2014 preliminary budget, the same as presented at the February meeting with a total of \$28,694. Dan Denno said he would like to keep the budget increase to a 10% maximum. Jamie Schurbon identified which budget items are

required by State Statutes, those that are in the 3rd Generation Plan, and others. Following discussion, it was the consensus of the Board to:

- 1) Decrease the Rum River Lessard-Sams OHC Project from \$10,000 to \$0; the Matching Funds for Future Grants and Water Quality Cost Share Grant Fund monies could be applied to this project.
- 2) Decrease stream water quality monitoring – basic suite from \$5,063 to \$4,050 by requiring only data collection and no reporting or trend analysis in 2013 (plan to do those bi-annually)
- 3) Decrease Stream Water Quality Monitoring - chlorides, sulfates, and hardness from \$1,500 to \$0.
- 4) Decrease insurance from \$2,500 to \$2,200.
- 5) Reduce on-call administrative assistance from \$876 to \$0.

The revised preliminary budget total \$15,005.00. Jamie Schurbon was directed to send out this revised preliminary budget to all member cities for comments. Further budget revision is expected at the May meeting.

Calvin Bahr pointed out that because of the planned monitoring schedule, the URRWMO should expect monitoring expenses to be higher in 2015 than 2014. This is because only stream water quality monitoring is occurring in 2014, but both stream and lake water quality monitoring are planned for 2015.

A. Recording secretary fee increase proposal – **Lan Tornes moved and Ron Koller seconded to accept the recording secretary fee increase proposal as presented. Motion carried with Denno and Bahr abstaining.**

MAIL

Peoples Bank statement

OTHER

A. MN Rules 8410 Revision and MN Statutes 6.756 Audit Requirements – FYI. There are two sets of rules for WMO's that have been changed or are being changed.

1. Minnesota Rules 8410 – Metropolitan Area Local Management is being revised. These are the rules that govern WMO plans, city local water plans, joint powers agreements, and related. A draft revision is done. Comments are being accepted through April 22. The information is at the Board of Water and Soil Resources (BWSR) website (look on right side of page), including a summary of the draft changes.

2. Minnesota Statutes 6.756 - Audit requirements. These rules were changed last year by the legislature. Special purpose districts like WMO's will no longer need to do an annual financial audit if their annual expenditure is less than \$150,000. Instead, you can do a financial statement (as I've done for the URRWMO and SRWMO). BUT, you must still do an audit once every five years, with the auditor selecting which year will be audited. So, budget for it once every five years. It's typically several thousand dollars. And of course, it is always important to keep organized and transparent financial records.

B. Ed Faherty message – Ed has enjoyed being a part of the URRWMO for 10+ years. He believes in the purpose of the URRWMO and its continuance, and wishes all the best to its members.

C. Richard Walstrom reported that due to health problems, Orval Leistico can no longer continue to be a board member from Nowthen.

INVOICE APPROVAL

Scott Heaton moved and Kevin Armstrong seconded to approve the recording secretary invoice for \$475.00 (\$125 for this meeting, \$200 for template and preparation of 2012 Financial Report, and \$150 for work on MCIT application). All in favor, motion carried.

ADJOURN

Scott Heaton moved and Calvin Bahr seconded to adjourn. All in favor, meeting adjourned at 942 pm.

Gail E. Gessner, Recording Secretary
Submitted via email on 3/7/13

Upper Rum River Watershed Management Organization
Special Meeting Minutes for March 19, 2013

Chair Miller called the meeting to order at 7:00 pm.

Present: Todd Miller, Chair
Richard Walstrom, Secretary
John Wangenstein
Kevin Armstrong
Scott Heaton
Ron Koller
Dan Denno
Mike Haggard

Absent: Lan Tornes, Vice Chair
Calvin Bahr

Also present: Jamie Schurbon, Anoka Conservation District (ACD)

APPROVAL OF AGENDA

Ron Koller moved and John Wangenstein seconded to approve the agenda as presented. All in favor, motion carried.

APPROVAL OF MINUTES

Dan Denno moved and Ron Koller seconded to approve the March 5, 2013 meeting minutes as presented. All in favor, motion carried.

UNFINISHED BUSINESS

A. Bid Solicitation update – In addition to the Anoka Conservation District (ACD) bid of \$9,360, one other bid was received from Hakanson Anderson for \$12,280, for the 2013 Work Contract.

B. 2013 work contract with ACD - After comparing both bids, Richard Walstrom suggested going with ACD's bid, based on the lower total amount. Discussed dividing the work contract tasks between the two companies. **Scott Heaton moved and Dan Denno seconded to award Anoka Conservation District the Monitoring tasks for \$5,805.** Discussed adding Reporting tasks to ACD's awarded bid. **Scott Heaton and Dan Denno withdrew their motion and second. Scott Heaton moved and Dan Denno seconded to award Anoka Conservation District the Monitoring and Reporting sections of the 2013 work contract for \$6,805. All in favor, motion carried.** Discussed other options for the annual newsletter and who/how it would be handled. Kevin Armstrong stated he would like the annual newsletter included in the award to ACD. **Ron Koller moved and Mike Haggard seconded**

to award the annual newsletter task to Anoka Conservation District for a total work contract amount of \$7,155. All in favor, motion carried. ACD will provide an amended 2013 Work Contract for the May meeting. Awarding of the website tasks and Water Quality Improvement Projects, i.e. Water Quality Cost Share Grant Fund, will be determined at or after the May 7, 2013 meeting.

INVOICE APPROVAL

A. Recording Secretary - **Richard Walstrom moved and Kevin Armstrong seconded to approve the recording secretary invoice for \$100.00. All in favor, motion carried.**

ADJOURN

Scott Heaton moved and Dan Denno seconded to adjourn. All in favor, meeting adjourned at 7:35 pm.

Gail E. Gessner, Recording Secretary
Submitted via email on 3/27/13



PAYMENT BATCH AP 04-01-13

ALEX AIR APPARATUS INC.

03/21/2013	23458	E 101-42210-217	Other Operating Supplies	ORING LUBE	31.66
					\$31.66

AMERIPRIDE LINEN & APPAREL SER

03/13/2013	1002406690	E 609-49750-219	Rug Maintenance	Rugs-Liquor Store	54.57
03/20/2013	1002413142	E 101-41940-219	Rug Maintenance	Rugs-City Hall	58.34
					\$112.91

ASSURANT EMPLOYEE BENEFITS

03/21/2013	5447229.0313	E 101-41400-130	Employer Paid Insurance	4/1/13 - 4/30/13	73.36
03/21/2013	5447229.0313	E 101-41500-130	Employer Paid Insurance	4/1/13 - 4/30/13	52.88
03/21/2013	5447229.0313	E 101-42110-130	Employer Paid Insurance	4/1/13 - 4/30/13	455.61
03/21/2013	5447229.0313	E 101-42400-130	Employer Paid Insurance	4/1/13 - 4/30/13	47.50
03/21/2013	5447229.0313	E 101-43100-130	Employer Paid Insurance	4/1/13 - 4/30/13	60.57
03/21/2013	5447229.0313	E 101-43210-130	Employer Paid Insurance	4/1/13 - 4/30/13	13.45
03/21/2013	5447229.0313	E 101-45200-130	Employer Paid Insurance	4/1/13 - 4/30/13	60.57
03/21/2013	5447229.0313	E 601-49440-130	Employer Paid Insurance	4/1/13 - 4/30/13	64.92
03/21/2013	5447229.0313	E 602-49490-130	Employer Paid Insurance	4/1/13 - 4/30/13	64.91
03/21/2013	5447229.0313	E 609-49750-130	Employer Paid Insurance	4/1/13 - 4/30/13	92.75
					\$986.52

BELLBOY CORPORATION

03/20/2013	77421700	E 609-49751-251	Liquor For Resale	LIQUOR	540.00
					\$540.00

BOLTON & MENK, INC.

02/18/2013	0154517	G 602-16500	Construction in Progress	AMBASSADOR TRUNK	710.00
02/19/2013	0154518	G 601-16500	Construction in Progress	WOODHAVEN METER	585.00
02/20/2013	0154573	E 226-45100-303	Engineering Fees	HWY 47 CROSSING	4,405.00
02/20/2013	0154575	E 101-43100-303	Engineering Fees	2013 STATE AID	1,425.00
					\$7,125.00

CDW GOVERNMENT, INC.

03/13/2013	Z908966	E 101-42110-237	Small Equipment	SCANNER	892.42
					\$892.42

CENTERPOINT ENERGY

03/15/2013	5944643-5.0313	E 609-49750-383	Gas Utilities	LIQUOR	224.26
03/15/2013	5945449-6.0313	E 101-42210-383	Gas Utilities	FIRE	1,076.08
03/15/2013	5963820-5.0313	E 101-45200-383	Gas Utilities	WARMING HOUSE	189.15
03/15/2013	6002544-2.0313	E 601-49440-383	Gas Utilities	PUBLIC WORKS	40.53
03/15/2013	6002544-2.0313	E 602-49490-383	Gas Utilities	PUBLIC WORKS	40.54
03/15/2013	6002548-3.0313	E 602-49490-383	Gas Utilities	WWTP	309.99
03/15/2013	6886465-1.0313	E 101-41940-383	Gas Utilities	CITY HALL	41.24

03/15/2013	6886468-5.0313	E 101-41940-383	Gas Utilities	CITY HALL	32.45
03/15/2013	6886472-7.0313	E 101-41940-383	Gas Utilities	CITY HALL	35.83
03/15/2013	6886475-0.0313	E 101-41940-383	Gas Utilities	CITY HALL	32.45
03/15/2013	7900331-5.0313	E 601-49440-383	Gas Utilities	WATER	802.67
03/15/2013	8964221-9.0313	E 602-49490-383	Gas Utilities	LIFT STATION	12.85
03/15/2013	9680285-5.0313	E 101-42110-383	Gas Utilities	POLICE/PW	1,135.16
03/15/2013	9680285-5.0313	E 101-43100-383	Gas Utilities	POLICE/PW	283.79
03/15/2013	9680285-5.0313	E 101-45200-383	Gas Utilities	POLICE/PW	283.79
03/15/2013	9680285-5.0313	E 601-49440-383	Gas Utilities	POLICE/PW	283.79
03/15/2013	9680285-5.0313	E 602-49490-383	Gas Utilities	POLICE/PW	283.78
					\$5,108.35

COCA COLA REFRESHMENTS

03/12/2013	118095436	E 609-49751-254	Miscellaneous Merchandise	MISC	341.54
					\$341.54

CONSTRUCTION & GENERAL

03/19/2013	031913	G 101-21707	Union Dues	MAINT UNION DUES APRIL 2013	156.00
					\$156.00

CRAWFORD EQUIPMENT

03/14/2013	31163	E 101-43100-218	Equipment Repair & Maintenance	FILTERS	86.39
03/14/2013	31163	E 101-45200-218	Equipment Repair & Maintenance	FILTERS	86.39
					\$172.78

CRYSTAL SPRINGS ICE

03/12/2013	28669	E 609-49751-254	Miscellaneous Merchandise	MISC	84.20
					\$84.20

DAHLHEIMER DIST. CO. INC.

03/13/2013	1058085	E 609-49751-252	Beer For Resale	BEER	8,107.30
03/13/2013	1058085	E 609-49751-254	Miscellaneous Merchandise	MISC	220.00
03/20/2013	1058127	E 609-49751-252	Beer For Resale	BEER	11,558.35
03/20/2013	1058127	E 609-49751-255	N/A Products	N/A	15.50
					\$19,901.15

DAY DISTRIBUTING CO.

03/15/2013	692787	E 609-49751-252	Beer For Resale	BEER	1,138.30
					\$1,138.30

DELTA DENTAL

03/15/2013	5089742	G 101-21711	Dental Insurance	04/01/13 TP 04/30/13	601.20
					\$601.20

EAGLE GARAGE DOOR CO.

03/22/2013	3453	E 101-42210-401	Repairs/Maint Buildings	GARAGE DOOR FIX	95.00
					\$95.00

ECM PUBLISHERS, INC.

03/22/2013	IQ01812223	E 101-41910-351	Legal Notices Publishing	LEGAL ORDINANCE	158.88
					\$158.88

ELITE SANITATION

03/15/2013	21069	E 101-45200-402	Janitorial Service	PORTABLE TOILET	296.89
					\$296.89

FERGUSON WATERWORKS

03/11/2013	13179	E 601-49440-259	Water Meters	WALL UNIT	68.73
03/21/2013	0013850	E 601-49440-259	Water Meters	METERS	2,015.76
					<hr/>
					\$2,084.49

G&K SERVICES, INC

03/08/2013	1043388147	E 601-49440-402	Janitorial Service	MATS	24.62
					<hr/>
					\$24.62

GERDIN AUTO SERVICE, INC.

03/18/2013	66187	E 208-42110-436	Towing Charges	POLICE TOW	133.91
					<hr/>
					\$133.91

GRANITE CITY JOBBING CO.

03/12/2013	755135	E 609-49750-210	Operating Supplies	OPERATING	105.21
03/12/2013	755135	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
03/12/2013	755135	E 609-49751-254	Miscellaneous Merchandise	MISC	15.60
03/12/2013	755135	E 609-49751-256	Tobacco Products For Resale	TOBACCO	574.76
03/19/2013	755998	E 609-49750-210	Operating Supplies	OPERATING	41.85
03/19/2013	755998	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
03/19/2013	755998	E 609-49751-256	Tobacco Products For Resale	TOBACCO	560.20
03/19/2013	755998	G 101-20810	Sales Tax Payable	TAX	(0.88)
					<hr/>
					\$1,305.24

HELD, BARB

		E 101-41400-331	Travel Expenses	MILEAGE TO ST. CLOUD	55.37
					<hr/>
					\$55.37

HEWLETT-PACKARD COMPANY

03/15/2013	52550088	E 101-42110-550	C-O-L Motor Vehicles	ADAPTER	94.36
03/17/2013	52552974	E 101-42110-550	C-O-L Motor Vehicles	COMPUTER FOR SQUAD	1,212.34
					<hr/>
					\$1,306.70

HILLYARD

03/20/2013	600621280	E 402-43000-441	Miscellaneous	FLOOR SCRUBER	8,210.14
					<hr/>
					\$8,210.14

HYLEN, MATT

		E 101-41400-331	Travel Expenses	MILEAGE	139.31
					<hr/>
					\$139.31

ISD #15

03/19/2013	976	E 101-43100-218	Equipment Repair & Maintenance	2012 BOBCAT	55.21
03/19/2013	976	E 101-45200-218	Equipment Repair & Maintenance	2012 BOBCAT	55.21
03/26/2013	998	E 101-43100-217	Other Operating Supplies	FUEL TREATMENT	147.95
03/26/2013	998	E 101-45200-217	Other Operating Supplies	FUEL TREATMENT	147.95
03/26/2013	998	E 601-49440-217	Other Operating Supplies	FUEL TREATMENT	147.94
03/26/2013	998	E 602-49490-217	Other Operating Supplies	FUEL TREATMENT	147.94
					<hr/>
					\$702.20

JJ TAYLOR DISTRIBUTING

03/13/2013	2021791	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
03/13/2013	2021791	E 609-49751-252	Beer For Resale	BEER	399.15
					<hr/>
					\$402.15

JOHNSON BROS WHLSE LIQUOR

03/13/2013	1522771	E 609-49751-206	Freight and Fuel Charges	FREIGHT	8.82
03/13/2013	1522771	E 609-49751-251	Liquor For Resale	LIQUOR	455.65
03/13/2013	1522772	E 609-49751-206	Freight and Fuel Charges	FREIGHT	24.99
03/13/2013	1522772	E 609-49751-253	Wine For Resale	WINE	806.45
03/20/2013	1527871	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.29
03/20/2013	1527871	E 609-49751-251	Liquor For Resale	LIQUOR	728.00
03/20/2013	1527872	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.29
03/20/2013	1527872	E 609-49751-253	Wine For Resale	WINE	340.20
					\$2,384.69

LAW ENFORCEMENT LABOR SVCS.

03/19/2013	031913	G 101-21707	Union Dues	POLICE UNION DUES APRIL 201	360.00
					\$360.00

LITTLE FALLS MACHINE INC.

03/18/2013	50751	E 101-43100-408	Ice& Snow Removal	PARTS	440.23
					\$440.23

MCDONALD DIST CO.

03/14/2013	324832	E 609-49751-252	Beer For Resale	BEER	5,015.85
03/14/2013	324832	E 609-49751-255	N/A Products	N/A	32.70
03/15/2013	325036	E 609-49751-252	Beer For Resale	BEER	2,600.00
03/21/2013	325331	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
03/21/2013	325331	E 609-49751-252	Beer For Resale	BEER	8,209.30
03/21/2013	325331	E 609-49751-255	N/A Products	N/A	99.75
					\$15,960.60

MIDWEST FENCE & MFG CO

03/21/2013	147250	E 101-42110-401	Repairs/Maint Buildings	FIX GATE-INSURANCE	8,785.00
					\$8,785.00

MY ALARM CENTER

04/01/2013	RINV01966652	E 609-49750-445	Security	LIQUOR ALARM	28.87
					\$28.87

PACE ANALYTICAL SERVICES

03/15/2013	131227788	E 601-49440-313	Sample Testing	SAMPLE ANALYSIS	120.00
					\$120.00

PHILLIPS WINE & SPIRITS CO.

03/13/2013	2391566	E 609-49751-206	Freight and Fuel Charges	FREIGHT	11.76
03/13/2013	2391566	E 609-49751-251	Liquor For Resale	LIQUOR	1,177.11
03/13/2013	2391567	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.88
03/13/2013	2391567	E 609-49751-253	Wine For Resale	WINE	215.00
03/13/2013	2391568	E 609-49751-206	Freight and Fuel Charges	FREIGHT	1.47
03/13/2013	2391568	E 609-49751-254	Miscellaneous Merchandise	MISC	41.95
03/20/2013	2394829	E 609-49751-206	Freight and Fuel Charges	FREIGHT	49.98
03/20/2013	2394829	E 609-49751-251	Liquor For Resale	LIQUOR	3,096.40
03/20/2013	2394830	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.41
03/20/2013	2394830	E 609-49751-253	Wine For Resale	WINE	200.00
					\$4,803.96

POST BOARD

03/20/2013	19443.0313	E 101-42110-433	Dues and Subscriptions	PEACE OFFICE LICENSE	180.00
------------	------------	-----------------	------------------------	----------------------	--------

						\$180.00
PRINTING UNLIMITED						
03/19/2013	6630	E 101-42400-200	Office Supplies	INSPECTION NOTICE		57.71
						\$57.71
RAMSEY, CITY OF						
03/19/2013	031913	E 101-42210-311	Contract	CHIEF'S KAPLER'S SERVICES M		666.00
						\$666.00
SCHMIDT, JOHN						
03/22/2013	032213	E 609-49750-331	Travel Expenses	MILEAGE		154.81
						\$154.81
SCHREDER, ANDY						
03/22/2013	032213	E 101-42400-331	Travel Expenses	MILEAGE		29.38
						\$29.38
SHI INTERNATIONAL CORP						
03/12/2013	982648	E 101-42110-217	Other Operating Supplies	BELKIN		17.38
						\$17.38
SKINNER, MARLINE						
	032613	E 101-42700-311	Contract	MARCH		500.00
						\$500.00
SOUTHERN WINE & SPIRITS OF MN						
03/14/2013	1012263	E 609-49751-206	Freight and Fuel Charges	FREIGHT		12.81
03/14/2013	1012263	E 609-49751-251	Liquor For Resale	LIQUOR		1,647.96
03/21/2013	1014500	E 609-49751-206	Freight and Fuel Charges	FREIGHT		8.96
03/21/2013	1014500	E 609-49751-251	Liquor For Resale	LIQUOR		842.46
03/21/2013	1014501	E 609-49751-206	Freight and Fuel Charges	FREIGHT		6.25
03/21/2013	1014501	E 609-49751-253	Wine For Resale	WINE		250.00
						\$2,768.44
ST. FRANCIS FIRE RELIEF ASSN.						
03/14/2013	1104382	E 101-42210-124	Fire Pension Contributions	STATE MONEY		2,000.00
						\$2,000.00
THORPE DISTRIBUTING COMPANY						
03/22/2013	743209	E 609-49751-252	Beer For Resale	BEER		230.50
						\$230.50
TWIN CITIES FLAG SOURCE, INC						
03/19/2013	25112	E 101-45200-217	Other Operating Supplies	FLAGS		156.04
						\$156.04
VINO COPIA, INC.						
03/22/2013	74234	E 609-49751-206	Freight and Fuel Charges	FREIGHT		14.00
03/22/2013	74234	E 609-49751-251	Liquor For Resale	LIQUOR		715.00
03/22/2013	74234	E 609-49751-253	Wine For Resale	WINE		80.00
						\$809.00
WIRTZ BEVERAGE MN						
03/14/2013	1080014714	E 609-49751-206	Freight and Fuel Charges	FREIGHT		14.86
03/14/2013	1080014714	E 609-49751-251	Liquor For Resale	LIQUOR		1,178.18
03/14/2013	1080014714	E 609-49751-254	Miscellaneous Merchandise	MISC		65.54

03/14/2013	1080014714	E 609-49751-255	N/A Products	N/A	40.00
03/21/2013	1080017465	E 609-49751-206	Freight and Fuel Charges	FREIGHT	19.09
03/21/2013	1080017465	E 609-49751-251	Liquor For Resale	LIQUOR	1,031.48
03/21/2013	1080017465	E 609-49751-253	Wine For Resale	WINE	330.00
					<u>\$2,679.15</u>

ZIEGLER INC.

03/21/2013	200029951	E 101-43100-218	Equipment Repair & Maintenance	CATERPILLAR	273.17
					<u>\$273.17</u>

\$95,511.86

FUND SUMMARY

101 GENERAL FUND	\$23,133.78
208 POLICE FORFEITURE	\$133.91
226 PEDERSON PATH FUND	\$4,405.00
402 CAPITAL EQUIPMENT	\$8,210.14
601 WATER FUND	\$4,153.96
602 SEWER FUND	\$1,570.01
609 MUNICIPAL LIQUOR FUND	\$53,905.06
Total	<u>95,511.86</u>



MEMORANDUM

TO: St. Francis City Council
Matt Hylen, City Administrator

FROM: Nate Sparks, Consulting Planner

DATE: March 13, 2013

MEETING DATE: March 18, 2013 & April 1, 2013

RE: Nuisance & Abatement Ordinance

BACKGROUND

As defined by State Statute, nuisances are general activities or conditions that potentially annoy, endanger, or harm the general public. The City needs a prohibition of nuisances to do code enforcement. For this purpose, it is common for Cities to have a list of specific nuisances in their code, as well as a general definition of a nuisance. The St. Francis City Code currently just has the general definition. This ordinance amendment is intended to add the specific nuisances into the code. For this purpose, City Staff acquired a model nuisance code recommended by the League of Minnesota Cities and modified it for the City of St. Francis.

CURRENT NUISANCE ORDINANCE

Currently, Section 8-2-1-B-3 of the City Code defines a nuisance as:

“Nuisance means and includes (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; (2) interfering with obstructing or rendering dangerous for passage, any street, public right-of-way or waters used by the public; or (3) any other act or omission declared by law to be a public nuisance.”

Then in Section 8-2-1-F the code states:

“Nuisance. It is unlawful for any person to permit or maintain a nuisance upon any premises.”

PROPOSED AMENDMENT - NUISANCES

As stated above, the current City Code defines nuisance in general terms and then declares nuisances unlawful. In doing code enforcement, it is generally helpful to have specific statements of violation that are clear and concise for both the City in conducting enforcement and directing the violator on steps to take to alleviate the situation.

Attached for your review is a general nuisance ordinance that is recommended by the League of Minnesota Cities. Nuisance ordinances generally have three sections:

- Nuisances affecting public health
- Nuisances affecting morals and decency
- Nuisances affecting peace and safety

Many of the specific nuisances listed are listed to assist in code enforcement citation purposes. Others are listed to allow the City to pursue civil action in situations where criminal proceedings may be difficult. All specific nuisances in the list were either recommended by the League of Minnesota or used by neighboring cities (Oak Grove and Ramsey) to expand on the list.

PROPOSED AMENDMENT – ABATEMENT

Also included in the ordinance are some minor adjustments to the City’s existing abatement ordinance. Previously, the abatement ordinance only referenced situations where the City could abate exterior nuisance violations. However, there are other areas of code that are established requiring the abatement procedure. By expanding the list in Section 8-2-2-B these other situations have a more defined process which will give a clear avenue for violators to pursue appeals. The amendments in this Section also combine the office of Hearing Officer and Hearing Examiner to be the same, so the City may use the Official from the Administrative Penalty hearings. The amendments to Section 8-2-2 are minor in nature.

RECOMMENDED ACTION

The Planning Commission reviewed the Nuisance Code at their February meeting and provided comments that were incorporated into the draft ordinance. Staff recommends approval of the Ordinance.



RISK MANAGEMENT INFORMATION
**COMBATING PUBLIC NUISANCES IN THE COMMUNITY
HEY – PICK THAT UP!**

Dilapidated buildings, inoperable vehicles, trash-infested yards, barking dogs, “problem” properties and other similar conditions are not only health and safety hazards, but can have a detrimental impact on community growth and overall stability. An unfortunate consequence when individuals live or work in close proximity is that the use, misuse, or neglect of property by one person can significantly harm neighboring properties, even the community at-large. This memo is intended to provide a broad overview of some of the more common nuisance conditions, the available remedies (as well as limits on city authority), possible alternative methods of enforcement, nuisance-related expenses, and available means to recover city costs.

Nuisances have always been a concern for local officials, but current conditions clearly have sharpened their impact. The continued migration away from rural Minnesota is a challenge for our cities. Some – particularly metro-area suburbs and regional hubs – have been pressed to meet the demands brought by rapid population growth and development. For others, it’s the struggle to cope with an aging population and a shrinking industrial and commercial base. In addition, the current housing and financial crisis has resulted in record home foreclosures and a glut of vacant buildings that have impacted rental properties and contributed to the breadth and depth of public nuisances. Cities do have a number of options to address these concerns.

WHAT IS A NUISANCE?

As defined by statute, a nuisance is anything harmful to health, indecent or offensive to the senses, or obstructs the free and comfortable use of life or property. Our nuisance laws attempt to balance competing interests and uses of property. Simply put, a person does not have the right to create or maintain conditions that end up harming others.

In attempting to mitigate these types of injuries, nuisance regulations commonly address neighborhood and land-use issues, such as zoning, building or fire codes, as well as more general, quality of life concerns.

With nuisances, whether or not a person intended to cause harm is often immaterial. Consequence, rather than intent or care, is the primary concern. A nuisance can occur when someone fails to do something that is required, such as a cut one’s long grass or weeds. But they also occur when someone does something they shouldn’t, such as

Definition

A **nuisance** is defined in statute as anything harmful to health, indecent or offensive to the senses or obstructs the free and comfortable use of life or property.

This material is provided as general information and is not a substitute for legal advice.
Consult your attorney for advice concerning specific situations.

allowing garbage or other junk to accumulate on the property.

Most nuisances can be classified into two general classes:

- **Nuisance per se:** A “nuisance per se” is an act, occupation, or structure that is considered a nuisance at all times and in all circumstances, regardless of the actual location or surrounding properties. Conduct specifically prohibited by state statute or local ordinances are generally considered nuisances per se. Sometimes these are described as a “nuisance at-law.”
- **Nuisance in fact:** A “nuisance in fact” is an act, occupation or structure considered a nuisance based upon its relationship to its surroundings, its location, or the manner in which it is performed or operated. An activity considered a nuisance in a higher density, residential area may be totally appropriate in the city’s industrial zone – or perhaps in another city altogether.

Public vs. private nuisances

The law distinguishes between public and private nuisances. Public nuisances affect a considerable number of people and produce common or general injuries. Because these conditions harm the general public, they can be properly addressed through city action.

A private nuisance, on the other hand, harms only one person or a few persons. As such, the prevention or abatement of a private nuisance is generally the responsibility of the individual injured, not the city. In contrast to public nuisances, which are remedied through state prosecutions or abatement actions, private nuisances are typically remedied by private civil actions.

Definition

A **public nuisance** affects the general public and can be addressed through city action.

A **private nuisance** harms only one person, or a few, and abatement usually dealt with through civil actions.

When determining how to respond to nuisances, city officials must first decide whether something is a public or a private nuisance.

Common nuisances

As nuisances are generally location-specific, it is often inappropriate to simply label a condition a nuisance without investigating the actual impact upon the community. However, there are broad categories of conduct that often constitute nuisances, including:

- Noise violations (barking dogs, lawn equipment, construction, parties, and social events).
- Vegetation (weeds, long grass, or overhanging trees).
- Motor vehicles (abandoned, junked or unauthorized vehicles).
- Street and sidewalk conditions.
- Fires (smoke, cinders from chimneys, smokestacks, or campfires).
- Animals (running at-large, farm animals, odors, waste).
- Water.
- Offensive odors.
- Property maintenance.
- Hazardous Buildings.
- Graffiti.

NUISANCE CONDITIONS – STATUTORY AUTHORITIES

Cities have the opportunity to utilize a combination of methods and authorities to address public nuisance conditions. State law provides criminal consequences for public nuisances as well as a means to cleanup those conditions when necessary. While certain laws apply to public nuisance conditions generally, others are more subject-specific.

Criminal prosecutions

Anyone who does any of the following may be found guilty of maintaining a public nuisance, a misdemeanor offense:

- Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose (rest or relaxation) of any considerable number of members of the public;
- Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

Both the individual in control of the public nuisance condition, as well as a property owner who rents property with knowledge of nuisance conditions may be guilty of a misdemeanor.

Abatements and injunctions

In addition to possible criminal prosecutions, state law also provides a mechanism for obtaining injunctions and orders of abatement. An injunction is an order that requires a person to stop doing something harmful (i.e. refraining from producing loud noises, odors, etc.). An abatement order requires the harmful condition be removed from the property (i.e. cutting weeds or long grass, draining stagnant water, etc.).

For purposes of statutory injunction or abatement proceedings, a public nuisance exists upon proof of one or more separate incidents committed within the previous 12 months either within a building or upon the land surrounding the structure of:

- Prostitution or prostitution-related activity;
- The unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances; or
- The unlawful use or possession of a dangerous weapon.

In addition, for purposes of injunction or abatement, a public nuisance also exists upon proof of two or more separate behavioral incidents committed within the previous 12 months within a building (or the land surrounding the structure) of:

- Gambling or gambling-related activities;
- Maintaining a public nuisance as defined by Minn. Stat. § 609.74, clause (1) or (3);
- Permitting a nuisance to occur in violation of Minn. Stat. § 609.745;
- The unlicensed sales of alcoholic beverages without commercial license;
- The unlawful sale or gifts of alcoholic beverages to someone under 21 years of age; or
- The violation by a commercial enterprise of state or local licensing regulations, state statute or local ordinance prohibiting the maintenance of a public nuisance.

Each element must be established by clear and convincing evidence.

Hazardous buildings, excavations, and vacant buildings

The Hazardous and Substandard Buildings Act provides a process to remedy hazardous buildings or excavations and secure vacant buildings.

Hazardous buildings

A hazardous building or hazardous property is defined as any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety and health.

Cities typically first notify the owner of record to request the voluntarily repair or removal of the hazardous condition or structure. If the owner is unwilling to repair, or if repair or removal is impractical, a city may, using the statutory procedures:

- Upon the consent in writing of all owners of record, tenants and all lien holders of record, the city itself may remove or raze any hazardous building or remove or correct any hazardous condition, assessing the costs incurred against the property.
- Acquire the hazardous building(s) or property through the exercise of the city's eminent domain authority.
- Order the owner to correct or remove the condition or raze the building and charge the costs against the real property.

Hazardous excavations

Cities may order an individual to remedy any hazardous excavations on their property. A hazardous excavation is either:

- An excavation dug for building purposes that has been left open for more than six months; or
- Any excavation or building not filled to grade or otherwise protected after a building is destroyed, demolished, or removed.

If the owner does not comply with the order to remedy within 15 days of service, the city may have the excavation filled to grade or otherwise protected and may recover costs through a special assessment.

Vacant buildings

Vacant properties can also be a detriment to a community's health, safety and general welfare. Unoccupied, unsecured properties can quickly become the breeding ground for rodents, the accumulation of trash, and the target of criminal activities. Cities can order vacant or unoccupied structures to be secured against trespass and provide for the emergency securing of buildings when health and safety concerns require. City costs may also be assessed against the real estate.

Noxious weeds

The Minnesota Noxious Weed Law requires a person owning land, occupying land, or responsible for the maintenance of public land to control or eradicate all noxious weeds on the land at a time and in a manner ordered by the county agricultural inspector or city weed inspector (who happens to be the city mayor). A “noxious weed” is defined as an annual, biennial, or perennial plant that the commissioner of agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property. Local weed inspectors may, after providing individual notice and the opportunity to self-remedy, remove noxious weeds themselves and with the costs collected with property taxes. A violation of the Noxious Weed Law is a misdemeanor offense.

Motor vehicles

Certain motor vehicles are considered health and safety hazards. Since they can be attractive to children and harbor rodents or other pests, cities may take into their custody any abandoned, junk, or unauthorized motor vehicles, including:

- **Abandoned Vehicle:** A motor vehicle that has been left illegally on public or private property and lacks vital components or is in an inoperable condition with no real potential for further use, unless it is being kept in an enclosed garage or storage building.
- **Junk Vehicle:** A motor vehicle that is three years or older, extensively damaged (i.e., broken or missing wheels, motor, drive train, or transmission), apparently inoperable, lacks a valid, current registration plate, and it’s fair market value approximately equal only to the vehicle’s scrap metal worth.
- **Unauthorized Vehicle:** A motor vehicle that does not fall within the definitions of abandoned or junk vehicles, but may be impounded when left unattended on public or private property for a specific period of time.

A city must provide notice to the registered vehicle owner and any lien holders within five days of impounding a vehicle. The notice must provide the:

- Date and place of the taking,
- Vehicle’s year, make, model, and serial number,
- Location the vehicle is being held,
- Right to reclaim the vehicle, and
- Consequences for failing to reclaim the vehicle or its contents.

The owner (or lien holder) may reclaim the vehicle upon payment of all towing and storage charges.

An abandoned or junk vehicle may be sold 15 days after notice is provided to the owner. Unauthorized vehicles are eligible for sale 45 days after notice is provided to the owner. The city may reimburse itself for towing, storage, and administrative costs from the proceeds of the sale. Any remaining proceeds are held for the owner for 90 days, and then deposited into the city’s treasury if unclaimed.

Anyone who abandons a motor vehicle on public or private property without consent of the property owner is guilty of a misdemeanor.

Garbage houses

Under the Local Public Health Act, a city or county board of health may take actions to remove and abate public health nuisances. To enforce public health laws, ordinances or rules, a member or agent of a board of health may enter a building, conveyance, or place where contagion, infection, filth, or other source or cause of preventable disease exists or is reasonably suspected. If a threat to public health is found on any property, the board of health must order the property owner to remove or abate that threat. Cleanup costs may be assessed against the property.

As few cities operate their own boards of health, cooperation with county officials is typically required.

State building code

The Minnesota State Building Code was established to provide minimum standards for building construction and remodeling to protect health and safety while containing construction costs. Proponents of the building code contend it helps a community reduce or eliminate blight and substandard structures. The state building code is standard for all construction within the state, it may not be enforceable outside the 7-county metropolitan area unless adopted by city ordinance.

MUNICIPAL REGULATIONS

In addition to the criminal penalties and abatement measures provided in state statutes, cities can adopt local measures to exercise authority related to general nuisance issues. In statutory cities, the city council has specific authority to define nuisances and provide for prevention or abatement. Most home rule charter cities have similar authority through a specific charter provision or general grant of authority to provide for the community's health safety and welfare (and absent any specific charter provision, charter cities may exercise the powers of a statutory city). There is often significant overlap between statutory authorities and those created by city ordinance.

Nuisance ordinances

Though not required, a city may best be able to control public nuisances through the adoption of a nuisance ordinance (or collection of city ordinances) that defines and classifies nuisances, provides for their abatement, and establishes penalties for noncompliance. Because city ordinances have the force and effect of law, their form, content and the procedure used for adoption are all important.

Ordinance language is critical to effective city efforts. Not properly defining terms, or using terms too vague or broad to be enforceable, is a common problem. Conversely, an ordinance may be drafted so specifically that it does not cover all intended violations. City ordinances often mirror the provisions provided in state law, but also include specific acts or omissions to provide local officials direction in enforcing nuisance violations and compliance methods. Ordinances may only regulate public nuisances, however, and may not declare something a public nuisance that would otherwise be considered a private nuisance, relatively harmless, or simply not a nuisance at all.

Criminal penalties

Most nuisance ordinances include language providing that prohibited conditions will constitute a misdemeanor offense. A misdemeanor is a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000 (or both) may be imposed. While criminal prosecutions require a higher burden of proof (beyond a reasonable doubt), a possible criminal conviction can provide incentive for the individual to bring their property into compliance.

Orders of abatement

Many cities attempt to avoid the judicial process by including within their local ordinances the authority to abate nuisance conditions themselves. Mindful of property rights and the need to provide adequate due process, a city ordinance may provide for:

- Property inspections (which may require obtaining the necessary warrants) and documentation of any nuisance condition or activity.
- Written notice of the finding of a violation of city ordinance provided to owners or operators.
- An opportunity to contest the nuisance finding with the city council or selected neutral.
- Written notice of the date when the violation of city ordinance must be remedied. A possible second written notice when the condition has not been corrected. Notice of the court date if the city seeks a court order declaring the nuisance condition.
- City clean-up of the nuisance condition.
- When personal property is removed in the clean-up process, an inventory of all property collected, notice of where the property can be reclaimed, as well as the date upon which it must be reclaimed, or will be disposed of (sold or destroyed) by the city. Depending upon the property involved, there may be specific statutory procedures to follow.
- An inventory of all costs involved (i.e., clean-up and storage).
- A claim sent to the property owner for the total costs of abatement, as well as how costs will be collected, including possible certification and collection with property taxes.

Administrative enforcement

As an alternative to seeking remedy with our state courts, many cities have adopted an administrative enforcement process for dealing with nuisance conditions. An administrative process is a quasi, non-judicial alternative remedy where individuals are afforded the opportunity to present their side before an administrative hearing officer, the city council, or other appointed panel. When violations are found, penalties are imposed without filing an action in district court.

Advantages to establishing an administrative process is that it is:

- Less formal,
- Less costly, and
- Potentially less intimidating than the court system.

The accused is given the opportunity to come into compliance, with collected monies retained by the city. Because both the state auditor and attorney general have questioned city authority to establish local processes, cities contemplating such an ordinance must work closely with their city attorney.

Licenses and permits

Cities also address nuisance conditions through common regulatory means, such as city licenses, permits and other forms of required registration. The use of licenses or permits offer cities an effective means to monitor compliance. The conditions included within the application process help ensure an applicant can comply with ordinance requirements before the license or permit is issued. If it is found at a later time that the license or permit holder is not acting in compliance, the

city can suspend, revoke or deny renewal – even close a business unless or until it is brought back into compliance.

Licensing practices can provide broad benefits to local communities by addressing direct and secondary impacts of particular activities. With licenses and similar means, cities often regulate:

- The consumption or sale of alcohol.
- The conduct of adult businesses.
- Lawful gambling.
- Open burning or outdoor stoves.
- The operations of peddlers, solicitors and transient merchants.
- The use of city streets and sidewalks.
- Animals.
- Vacant and rental properties.

An additional benefit with licensing or permitting systems is the collection of a fee. A proper license fee can include the law enforcement or city staff costs required to properly enforce the license conditions and prevent the negative consequences that may occur.

Land use regulations

Zoning ordinances and other land use regulations can significantly mitigate those detrimental consequences when people live and work in close proximity to one another. These regulations determine what may be permitted, conditionally permitted, or prohibited within any district or zone within your city. Setbacks, height restrictions, and density requirements mandate reasonable distances between homes or other buildings or the number of structures allowed per lot or area. A truth in housing (or point of sale) inspection requires that harmful situations are to be remedied prior to the sale of property and specifically informing buyer and seller of any such conditions. Development agreements and bonds even provide a means for cities to finance the completion of roads or other improvements when a developer fails to deliver.

A land use tool known as a conditional use permit (CUP) is a good illustration of how these types of regulations should also be considered public nuisance regulations. Conditional uses seek to strike a middle ground between the unchecked approval of a particular use and complete prohibition. If certain conditions are followed to minimize problematic or nuisance features, the use will be allowed. If the conditions are not followed, the permit may be revoked.

Consumption of police services

Some cities have adopted ordinances declaring the excessive use of police services to be a public nuisance. Under these regulations, the costs of those excessive, unnecessary police services are pushed back onto those individuals whose nuisance activities resulted in repeat police responses (and costs) to one location. Cities adopting such measures must be careful not to impede an individual's right to seek police or other emergency assistance when needed.

MEANS OF ENFORCEMENT

There is no one blueprint for effective nuisance enforcement. Each city responds to nuisance activities in their own manner, based upon their city finances and staffing needs, as well as the community's interests or concerns. Whatever approach is ultimately used should be formally adopted as a city policy. It should be specific enough to defend against claims of unequal treatment, yet provide enough flexibility to address the various circumstances that may arise.

Enforcement officers

A city will need to decide who is responsible for enforcing its nuisance regulations. As ordinance violations are misdemeanor offenses, city law enforcement will certainly play a large role.

However, when regulating nuisances, cities also rely on:

- City administration
- Civilian code enforcement officers
- Hearing officers
- Building inspectors
- Animal control officials
- Street and sanitation departments
- State officials (MPCA, Building Codes & Standards, DNR)
- Private contractors

It is important to consider these human resources when drafting your ordinances or policies. A city should not adopt ordinances or policies it will not have the ability to enforce.

Complaint-based enforcement

Many cities enforce their ordinances only when they receive complaints from residents. A complaint-driven city policy may provide:

- Logging all complaints* received, with date received and location.
- Processing complaints to the appropriate city official or department.
- Inspecting alleged violations.
- When nuisance conditions are located, providing notice to the property owner or offender.
- Administrative, civil, or criminal actions to obtain compliance.
- Follow-up letters to complainants, indicating abatement efforts, impending prosecution or confirmation that no violation was found.

A complaint-driven approach to public nuisances can be less taxing on city resources, but can allow nuisances to exist for longer periods of time, creating more complex situations and costly remedies. Delayed enforcement can also cause a negative impact in the community, lowering property taxes, and impacting community vitality.

*It is important to remember that the identity of individuals who register complaints with the city concerning violations of state law or local ordinances concerning the use of real property are classified as confidential under the Minnesota Government Data Practices Act.

Inspection-based enforcement

If a city wants to take a more proactive approach and minimize the impact of nuisances, it can establish an active investigation program to seek out potential violations and require compliance with city regulations. Inspection programs are common practices and most likely are currently being used in the city for: city street and sidewalk conditions; water and sewer systems; liquor and other licensed commercial establishments; and rental housing. When conducting nuisance-related inspections, city staff:

- Collect and record all relevant facts and data, including the name of the alleged violator, location and nature of the violation, photographing conditions and recording observations on those conditions;
- Analyze all the information to determine if a nuisance condition exists;
- Document conclusions and recommend a course of action; and
- Provide owner or offender notice of condition and expected course of correction and/or consequences for noncompliance.

City budgets and resources often determine how proactive a city may be in investigating nuisance conditions in addition to responding to complaints as they may arise. Active inspection programs should also operate in accordance with adopted policies that prioritize inspections based on those community needs and city resources.

Training

Cities should consider training its employees involved in nuisance enforcement. This type of training may include:

- Assistance in how ordinances are interpreted;
- Proper inspection methods and private property rights;
- Administrative search warrants;
- Appropriate citizen interactions; and
- Any other relevant information.

When changes are made to city ordinances or enforcement policies, city officials should always be advised and instructed on how those changes impact present practices.

Documentation

City officials will need to document and maintain records of their nuisance abatement activities. Staff notes, photographs, video recordings and copies of notices will all help the city prove that a nuisance condition existed. Adequate records will assist city staff in refreshing their recollections when testifying – perhaps more important in larger cities with many nuisance conditions occurring at any one time. It is also important to consider what equipment would be helpful (such as a digital camera) for documenting your enforcement activities.

PRIVATE PROPERTY RIGHTS

Nuisance enforcement measures often lead city inspectors to nuisance conditions on private property, whether it is residential, industrial, commercial, or otherwise. Entry onto private property for licensing, nuisance, or hazardous building purposes is subject to the same requirements as any other government intrusion onto private property. The Fourth and Fourteenth Amendments to the U.S. Constitution prohibit unreasonable searches and seizures. Individuals have a reasonable

expectation of privacy on their property. Care must be taken to ensure the city does not violate the property owner's right to be free from unreasonable searches. To enter private property, government officials normally must either have the owner's permission or have first obtained a search warrant.

Plain view

When a city official is able to observe a violation from a public street, sidewalk, or neighboring property (provided that neighboring property owner granted permission to be there), a person can be charged with an ordinance violation. The observation must provide the official all the information necessary to determine the nuisance condition exists. Common examples of nuisances that can exist and be classified as such from a plain view can include diseased trees, noxious weeds, long grass, the accumulation of junk, and noise.

The U.S. Supreme Court has held that when a criminal act or violation is within plain view, there is no violation of the Fourth Amendment and seizure may be permissible without first obtaining a warrant. However, if the nuisance condition is not serious enough to warrant immediate abatement, officials should provide notice to the offender of the condition and an opportunity for self-remedy.

Consent

Consent searches are important tools for local officials as an individual's consent will legitimize investigations that would otherwise be invalid under Fourth Amendment provisions. Consent may be given by the owner or tenant of the property, or by an individual in control of the premises. Consent must be given voluntarily. Courts have upheld consent searches when individuals provide a "welcoming action" such as waving instead of providing a verbal response. An individual does not have to be told they have a right to refuse entry, but an inspector cannot insist entering or other acts of coercion if entry is denied. When possible, obtain a written consent prior to entering private property.

Administrative search warrants

If the city does not have consent from the property owner, it must obtain an administrative search warrant before entering private property. The warrant process protects an individual's privacy against arbitrary invasions by the government. Steps taken to preserve privacy are relevant when considering entry issues. Evidence collected in violation of the Fourth Amendment may be excluded, making it difficult to obtain a conviction or other desired result. Violations of constitutional rights could subject the city to penalties as well.

To obtain an administrative search warrant, the city must show probable cause why its request to enter private property is justified. The application for a warrant must describe the city's inspection program and establish how the particular inspection requested falls within the scope of the ordinance.

City officials should assume an administrative warrant will be required to enter the premises for purposes of inspection or investigation unless:

- An emergency exists – as an imminent threat to the public's safety, health or general welfare;
- An appropriate person has granted consent to enter;

- The place to be inspected is heavily regulated, such a liquor stores, firearms dealers, junkyards, etc.; or
- Inspection is required as part of city licensing.

DUE PROCESS

Non-emergencies

In non-emergency situations, a property owner must be provided notice of alleged ordinance violations and the opportunity to remedy the condition before the city can exercise police powers and abate the nuisance condition itself. This notice should provide:

- The nature of the violation and the city ordinance in violation.
- The necessary remedy for the condition.
- The date by which the correction must made or the city will abate the condition itself.
- The right to request a hearing and the date by which the request must be made.
- A description of the penalties if the condition is not corrected.
- Notice that costs incurred may be assessed against the property.

This reflects the procedural requirements for abatements as provided in state statutes.

The city should provide a reasonable period of time for the individual to correct the nuisance condition. For example, the state statutory option provides 30 days before an abatement action is filed. Reasonable time is subjective, depending upon the type and severity of the violation. Too much time may frustrate efforts to prosecute conditions of noncompliance. For example, if the condition really was a detriment to the general public's health, safety and welfare why was it allowed to remain for such a long time?

When the identity of the person maintaining a nuisance condition is known, notice should be provided by personal service or service by mail (posting notice on the property may also be sufficient). If the person is unknown, publication can be sufficient, but the city's diligence in determining identity or residency may come into question.

Emergencies - summary abatement

While cities typically must provide notice and a chance to respond to nuisance conditions, there are limited circumstances that may justify dispensing with standard procedures. There are situations so dangerous that require immediate repair or elimination, such as:

- Open wells.
- Abandoned machinery and appliances (i.e. "locking" refrigerators).
- Downed power lines.
- Fallen trees.
- Obstructed streets and sidewalks.
- Raw sewage.

The power to summarily abate nuisances is limited, based upon actual necessity as defined and provided by ordinance. When summary action is necessary, city officials need to document the circumstances, prepare reports, and take photographs to support and defend its actions if necessary.

SPECIAL ASSESSMENTS

Special assessments are a charge imposed on properties for a particular improvement that benefits the owners of those selected properties. The authority to use special assessments originates in the Minnesota Constitution. Cities and other governmental entities have the authority to levy and collect assessments for local improvements that benefit properties. Generally, cities use assessments to finance a variety of public improvements, but may also use them to collect unpaid service charges. Statutory or charter procedures and notice requirements must be followed.

Cities may, through city ordinance, require that property owners perform certain property-related services. If the city performs the services, it may assess the property benefited or all or any part of the cost of:

- Snow, ice, or rubbish removal from sidewalks;
- Weed elimination from streets or private property;
- Removal or elimination of public health or safety hazards from private property;
- Installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- Trimming and care of trees and removal of unsound trees from any street;
- Treatment and removal of insect infested or diseased trees on private property
- Repair of sidewalks and alleys;
- Inspections relating to municipal housing maintenance code violations; or
- Delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

Special assessments levied to recover these costs may be payable in a single installment or by up to ten equal annual payments. The city must pass an ordinance to make this authority effective. The special assessment statute can also apply to home rule charter cities in absence of a specific charter or ordinance provision governing assessment procedures within that jurisdiction.

A city may also recover costs incurred remedying hazardous buildings, excavations or securing vacant buildings through separate assessment processes.

CONCLUSION

Cities have broad authority to define, penalize and abate public nuisance activities and conditions, but this authority is not limitless. Cities do not have the power to intervene over private nuisances, nor should they declare conditions to be nuisances that in fact are not. Be proactive in your approach to nuisance conditions in your community. Review your city ordinances and procedures to continue to meet your community's needs and concerns. Local authority must not be used arbitrarily, but city officials must be prepared to enforce whatever provisions are adopted. Be prepared to support your regulations with adequate staffing and financial resources. Work with all relevant individuals for whatever support they may be able to provide.

More Information

For more information, please visit the Resource Library of the LMC web site at www.lmc.org to download:

Public Nuisances

**CITY OF ST FRANCIS
ST. FRANCIS MN
ANOKA COUNTY**

ORDINANCE 182, SECOND SERIES

**AN ORDINANCE AMENDING SECTION 8-2-2 AND ADDING SECTION 8-2-6 OF THE ST.
FRANCIS CITY CODE REGARDING NUISANCES & ABATEMENT**

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 8-2-2 of the City Code shall hereby amended to read as follows:

8-2-2: ABATEMENT OF EXTERIOR PUBLIC NUISANCES & OTHER VIOLATIONS.

- A. Purpose. The Council of the City of St. Francis has determined that the health, safety, general welfare, good order and convenience of the public are threatened by certain exterior public nuisances and other such violations on property within the City limits. It is declared to be the intention of the Council to abate such nuisance, and this Section is enacted for that purpose.
- B. Application. This Section shall apply to the abatement of the refuse, junk, nuisances, and other violations maintained exterior to the principal structure as identified in:
1. Refuse as identified in Section 8-2-1-B-1.
 2. Junk as defined in Section 8-2-1-B-2.
 3. Outside storage of materials and all other materials deemed to create a general public nuisance as described in Section 8-2-1-B-3.
 4. Public nuisances enumerated in Section 8-2-6.
 5. Zoning issues to be remedied by Section 10-3-9-C-3.
- C. Hearing Officer. The position of Hearing Officer is hereby created. The City may contract with third parties for the furnishing of all services and set the rate of compensation therefore. The Hearing Officer shall be an individual trained in law; however, it shall not be required that the Hearing Officer be currently licensed to practice law in the State of Minnesota. The Hearing Officer shall have the following duties:
1. Set dates and hear all contested cases following appeals of order of the City or other duly authorized agents.
 2. Take testimony from all interested parties.
 3. Make complete record of all proceedings including findings of fact and conclusions of law.
 4. Affirm, repeal or modify the order of the City or other duly authorized agents.
- D. Inspection, Investigation and Right of Entry. The City or duly authorized agents shall cause to be inspected all public and private properties within the City which might contain an exterior public nuisance as defined in City Code as often as practicable to determine whether any such conditions

exist. The City or duly authorized agents shall also investigate all reports of exterior public nuisances located within the City. The City or other duly authorized agents may enter upon all public and private properties for the purposes of conducting inspections for exterior public nuisances. If the property owner and/or occupants of any property refuses said inspector(s) right of entry for inspection, the City may seek an administrative search warrant or other order of the District Court for said purpose of entry and inspection.

- E. Abatement of Violation. Upon a determination by the City or other duly authorized agent that a violation as identified in Section 8-2-2-B exists on any public or private property within the City, said official shall order the exterior public nuisance to be abated in accordance with this Section.
- F. Procedure for Removal of Violation. Whenever the City or other duly authorized agent finds with reasonable certainty that a violation as identified in Section 8-2-2-B exists on any public or private property in the City, said official shall use the following procedure:
 - 1. Notice. The City or other duly authorized agents shall notify the affected property owner by first class mail that the violation must be abated within a reasonable period of time, not less than twenty (20) days from the date of service of the notice. (Service by mail shall be deemed complete upon mailing.) The order shall set forth the following:
 - a. The specific nature of the violations and requirements for compliance.
 - b. That the property owner may, within twenty (20) days of the date of order, request a hearing before the Hearing Officer and by what procedure such hearing may be requested.
 - c. That failure to abate the violation or request a hearing within the applicable time period will result in summary abatement procedures, and that the cost of abatement will be assessed against the subject property.
 - 2. Hearing. Any property owner who feels aggrieved by an order of the City or other duly authorized agent issued pursuant to this Section may request a hearing before the Hearing Officer. Such request shall be filed in writing with the City within twenty (20) days after the date of service of the notice by the City or other duly authorized agent. The City shall notify the property owner of the date, time, and place of the hearing. The hearing shall be conducted no more than twenty (20) days after the Hearing Officer receives notice of the request, unless a later date is mutually agreed to by the Hearing Officer, the property owner and the City. Both the property owner and the City may appear at the hearing with counsel and may call such witnesses and present such evidence as is determined by the Hearing Officer to be relevant. Within ten (10) days after such hearing, the Hearing Officer shall affirm, repeal, or modify the order of the City or other duly authorized agent. The Hearing Officer's order shall be accompanied by written findings of fact, and may include a finding of fact as to the absence of value of the refuse, junk, or other material to constitute a violation. Any person aggrieved by the decision of the Hearing Officer may appeal that decision to the City Council by filing a notice of such appeal with the City within twenty (20) days of receiving notice of the Hearing Officer's decision. At its next available regular meeting following the filing of a notice of appeal, the Council shall review the decision and findings of fact of the Hearing Officer and shall affirm, repeal or modify that decision. If the Council affirms the Hearing Officer's decision declaring that an exterior public nuisance exists, the City shall abate the exterior

public nuisance after twenty (20) days following the Council's final determination, unless the property owner obtains a court order to the contrary within said twenty (20) days.

3. Disposition of Property. The City maintains the right to dispose of all property that it removes from public and private properties through abatement procedures as outlines in this Section. Disposal of property deemed to have value shall occur thirty (30) days after the property is secured, unless the property owner obtains a court order to the contrary and/or pays all costs associated with the removal and storage of said property within said thirty (30) day time period. The City maintains the right to immediately dispose of refuse, junk, or other materials deemed to be without value.
 4. Assessment. The City or other duly authorized agent shall keep a record of the costs of abatements done under this Section and shall provide regular reports to the City Clerk or other appropriate officer regarding all work performed for which assessments are to be made, stating and certifying the description of the land, lots or parcels involved and the amount assessable to each. The amounts to be assessed shall include up to an additional twenty-five (25) percent to cover any administrative costs associated with the abatements. On or before September 1 of each year, the City Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under the other pertinent statutes, for certification to the County and collection the following year along with current taxes. Such assessment shall be payable in no more than ten (10) equal annual installments, pursuant to Minnesota Statutes, Section 429.01, Subd. 2.
- G. Severability. Every sub-section, provision or part of this Section is declared separable from every other sub-section, provision or part to the extent that if any sub-section, provision or part of this Section shall be held to be invalid, such holding shall not invalidate any other sub-section, provision or part thereof.
- H. Non-exclusiveness. Nothing in this Section shall be deemed a waiver or limitation of any statutory right and/or power of the City as to hazardous buildings, properties or materials, nor shall this Code Section be deemed to otherwise limit the right and/or power of the City to conduct other administrative and/or regulatory searches and inspections including, but not limited to, health inspections, fire scene and arson inspections and regulated business and industries inspections, nor shall this Section be deemed to be an exclusive remedy of the City regarding the abatement of exterior public nuisance.

Section 2. Code Added. That Section 8-2-6 of the City Code shall be added to read as follows:

8-2-6: PUBLIC NUISANCES. No person shall create, commit, or maintain a public nuisance. No person shall willfully omit or refuse to perform any legal duty in relation to the removal of a public nuisance. No person shall rent or permit to be used any premises, building, or portion thereof, knowing that it is intended to be used for committing or maintaining a public nuisance. No person shall willfully prevent, hinder, oppose, or obstruct a public official in the performance of his duties in carrying out the provisions of this Section or in removing or abating a public nuisance. Unless otherwise permitted by Code, the following are hereby declared to be public nuisances:

- A. The following are hereby declared to be nuisances affecting health:
 1. The exposed accumulation of decayed or unwholesome food or vegetable matter.

2. Decayed or unwholesome food offered for sale to the general public.
3. All diseased animals running at large.
4. All ponds or pools of stagnant water not serving a legitimate storm water management function.
5. All ponds or pools of polluted or poisonous water or
6. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death in a manner consistent with Section 8-2-1-G-1 of the City Code.
7. Accumulations of waste, refuse, or other debris.
8. Accumulations of manure outside of a legitimate agricultural function.
9. Privy vaults, garbage cans, and other such waste receptacles which are not rodent-free or fly-tight, or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
10. All noxious weeds, poisonous vegetation such as poison ivy, and other rank growths of vegetation upon public or private property.
11. Weeds, grass, brush, or plants constituting a fire hazard.
12. Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.
13. The depositing or accumulation of refuse, sewage, waste, garbage, rubbish, poisonous, or injurious substances at unlicensed or unauthorized properties.
14. The habitation of temporary structures, accessory buildings, vehicles, dwellings with inadequate sanitary facilities, and other such structures unauthorized or inadequate for a residential use.
15. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, animal waste, toxic material, or other such potentially harmful substances.
16. The placement, depositing, or permitting to be deposited in any unsanitary manner on public or private property, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.
17. It is unlawful for any person to discharge to any natural outlet or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of Chapter 3 of the City Code.
18. Any offensive trade or business as defined by statute not operating under local license.

B. The following are hereby declared to be nuisances affecting morals and decency:

1. All gambling devices, slot machines, and punch boards, except otherwise authorized and permitted by federal, state, or local law.

2. Betting, bookmaking, and all apparatus used in those occupations.
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses.
4. All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort, for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place.
5. Any vehicle used for the unlawful transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

C. The following are hereby declared to be nuisances affecting peace and safety:

1. All trees, hedges, fences, signs, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection.
2. All wires and limbs of trees that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
3. Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person.
4. All unnecessary and annoying vibrations.
5. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds, except under conditions as are permitted by this ordinance or other applicable law.
6. Radio aerials or television antennae erected or maintained in a dangerous manner.
7. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk that causes large crowds or people to gather, obstructing traffic and the free use of the street or sidewalk.
8. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by ordinance.
9. The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk.
10. Any barbed wire fence located less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way.
11. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
12. Wastewater cast upon or permitted to flow upon streets or other public properties.

13. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other materials in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation.
14. Any well, hole, or similar excavation that is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located.
15. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials.
16. The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substances that may injure any person or animal or damage any pneumatic tire when passing over such substance.
17. The depositing of garbage or refuse on a public right-of-way or on adjacent private property.
18. Reflected glare or light from private exterior lighting exceeding the requirements of Section 10-16-8.
19. Maintaining or permitting the existence of any structure or part of any structure which due to fire, wind, or other natural disaster, physical deterioration, or any other cause, is no longer habitable as a dwelling or is no longer useful for any other purpose for which it may have been intended.
20. The existence of any vacant dwelling, garage, or other building, unless such buildings are kept secured and otherwise protected from unauthorized entry.
21. The accumulation of any piles of wood not neatly stacked or secured in a stable manner.
22. A truck or other vehicle that deposits mud, dirt, sticky substances, litter, or other such material on any street or highway.
23. All other conditions or things that are likely to cause injury to the person or property of another.

Section 3. Effective Date. This Ordinance shall take effect 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS ____
DAY OF _____, 2013.

APPROVED:

Jerry Tveit
Mayor of St. Francis

ATTEST:

Barbara I. Held



MEMORANDUM

TO: St. Francis City Council
Matt Hylen, City Administrator

FROM: Nate Sparks, Consulting Planner

DATE: March 13, 2013

MEETING DATE: March 18, 2013 & April 1, 2013

RE: Noise Ordinance

BACKGROUND

During the construction season in 2012, there were several incidents where construction activity had been occurring during the overnight hours. The City had few ordinances to address this situation. A general noise ordinance has been prepared in order to hopefully avoid this situation in the future.

GENERAL NOISE ORDINANCE

The general noise ordinance is based on a League of Minnesota Cities sample ordinance and was modified for the City of St. Francis. Section A discusses certain general noise offenses that are prohibited. Section B establishes times for certain noises to be allowable such as noise related to construction activities. Section C allows the City to require “noise impact statements” for certain proposed uses that may have an impact on neighboring properties for consideration by the Council.

EXCESSIVE VEHICLE NOISE

The second section of the draft Noise Ordinance comes from the Minnesota Department of Transportation. The DOT created a template ordinance to allow for Cities to place signs warning of restrictions on noise from semi-trucks using engine brakes in certain instances. These brakes can create a loud staccato noise but are considered by the DOT to be an important safety feature. If the City were to ever consider placing signs prohibiting this type of noise on Highway 47, this ordinance is required to be passed first.

RECOMMENDED ACTION

The Planning Commission reviewed the Noise Ordinance at their February meeting and forwarded it to the Council. Staff recommends approval of the Ordinance.

**CITY OF ST FRANCIS
ST FRANCIS, MN
ANOKA COUNTY**

ORDINANCE 183, SECOND SERIES

**AN ORDINANCE ADDING SECTIONS 8-2-7 AND 7-2-9 OF THE ST. FRANCIS CITY CODE
REGARDING NOISE VIOLATIONS**

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 8-2-7 of the City Code shall hereby added to read as follows:

8-2-7: NOISE VIOLATIONS.

A. Prohibited Noises. The following are declared to be nuisances affecting public health, safety, peace or welfare:

1. Any distinctly and loudly audible noises that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property, or affects their property's value (this general prohibition is not limited by any specific restrictions provided in this ordinance).
2. All obnoxious noises, motor vehicle or otherwise, in violation of Minnesota Rules, Chapter 7030, as may be amended from time to time, are hereby incorporated into this ordinance by reference.
3. The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.
4. The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
5. Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle.
6. The use or operation, or permitting the use or operation, of any radio receiving set, television set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

B. Hourly Restriction of Certain Operations.

1. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill, or other similar domestic power equipment, except between the hours of 7:00 AM and 10:00 PM on any weekday or between the hours of 9:00 AM and 9:00 PM on any weekend or holiday. Snow removal equipment is exempt from this provision.

2. Refuse Hauling. No person shall collect or remove garbage or refuse in any residential district, except between the hours of 6:00 AM and 10:00 PM on any weekday or between the hours of 9:00 AM and 9:00 PM on any weekend or holiday.
 3. Construction Activities. It is unlawful for any person to engage in or permit construction activities creating audible noise off-site involving the use of hand held tools including but not limited to tools such as hammers, saws, wrecking bars; or electrical, diesel, or gas-powered tools including but not limited to saws, drills, or sanders except between the hours of 7:00 a.m. and 9:00 p.m. on any weekday and Saturday or between the hours of 9:00 a.m. and 8:00 p.m. on any Sunday or holiday. Operations and acts performed exclusively for emergency work to preserve the safety, welfare or public health of the citizens of the city or for emergency work necessary to restore public service or to eliminate a public hazard shall be exempt.
 4. Radios, Music Devices, Paging Systems, and the Like. The operation of any device referred to in Section 8-2-5-A-6 of this Ordinance between the hours of 10:00 PM and 7:00 AM in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- C. Noise Impact Statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation, alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. The Council shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning changes requested.

Section 2. Code Added. That Section 7-2-9 of the City Code shall be added to read as follows:

7-2-9. EXCESSIVE VEHICLE NOISE

- A. Definitions. For the purpose of this ordinance, the following phrases are defined as follows:
1. Engine retarding brake. A Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.
 2. Abnormal or excessive noise. A distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value, (b) noise in excess of that permitted by Minnesota Statutes Section 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order, or (c) noise in excess of that permitted by Minnesota Statutes Section 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.
- B. Adoption by Reference. Minnesota Statutes Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.
- C. Excessive Vehicle Noise.

1. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.
 2. It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.
- D. Signing. Signs stating "VEHICLE NOISE LAWS ENFORCED" may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this ordinance are in full force and effect even if no signs are installed.
- E. Amendments. It is the intention of the City Council that all future amendments to any statutes and rules referenced or adopted by reference in this ordinance are also referenced or adopted by reference as if they had been in existence at the time this ordinance was adopted.
- F. Penalty. Anyone found in violation of this section shall be guilty of a petty misdemeanor.

Section 3. Effective Date. This Ordinance shall take effect 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS ____
DAY OF _____, 2013.

APPROVED:

Jerry Tveit
Mayor of St. Francis

ATTEST:

Barbara I. Held
City Clerk

(seal)

**CITY OF ST. FRANCIS
ST. FRANCIS, MN
ANOKA COUNTY**

RESOLUTION 2013-08

**A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF
ORDINANCE 183, SECOND SERIES AMENDING THE CITY CODE REGARDING
NOISE VIOLATIONS**

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance No. 183 will clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED that the following summary of Ordinance No. 183 is approved for publication:

**CITY OF ST. FRANCIS, MINNESOTA
ORDINANCE 183 SECOND SERIES**

Section 1. The St. Francis Zoning Ordinance is hereby amended to include the following ordinance summarized below:

The City of St. Francis adopted Ordinance 183 adopting standards for declaring certain prohibited noise a nuisance, setting hourly restrictions for certain noises, and prohibiting excessive vehicle noise

Section 2. The full ordinance will be in effect 30 days from this summary publication.

Section 3. The full ordinance is available for review during regular office hours in the office of the City Clerk.

The motion for the adoption of the foregoing resolution was made by Councilmember - and was duly seconded by Councilmember - and upon vote being taken thereon, the following voted in favor:

Councilmember
Councilmember
Councilmember
Councilmember

and the following voted against the same:
and the following abstained:
and the following were absent:

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 1st DAY OF
APRIL, 2013.

APPROVED

Jerry Tveit
Mayor of St. Francis

Attest:

Barbara I. Held
City Clerk



CONNECTING & INNOVATING
SINCE 1913

Briefing paper---2013

Minnesota cities and street improvement districts

League position

The League supports HF 745 (Erhardt, DFL-Edina) and SF 607 (Carlson, DFL-Eagan), legislation that would allow cities to create street improvement districts. This authority would allow cities to collect fees from property owners within a district to fund municipal street maintenance, construction, reconstruction, and facility upgrades. If enacted, this legislation would provide cities with an additional tool to build and maintain city streets.

Supporters

HF 745/SF 607 is also supported by the following organizations:

- Association of Metropolitan Municipalities
- Coalition of Greater Minnesota Cities
- Minnesota Association of Small Cities
- North Metro Mayors
- Minnesota Transportation Alliance
- City Engineers Association of Minnesota
- Minnesota Chapter of the American Public Works Association

Background

Just as the state has fallen behind in making transportation investments, some cities faced with budget challenges have made the difficult decision in recent years to hold off on scheduled street improvement projects. Maintenance projects, such as seal coating and overlays, can prolong the lifecycle of streets to 50 to 60 years. Without ongoing maintenance, the average life expectancy of local streets is approximately 25 to 30 years. For every \$1 spent on maintenance, a road authority saves \$7 in repairs. But this maintenance requires a reliable dedicated funding source other than the current volatile property tax system.

For the same reasons, cities are also falling behind on the reconstruction projects necessary to help keep property values stable; and, cities lack viable options for building new transportation infrastructure to attract and retain the investments by businesses that keep Minnesota's economy strong.

Existing funding mechanisms for street maintenance and reconstruction are inadequate. Special assessments can be onerous to property owners and are difficult to implement for some cities. Special assessments are not always useful for funding collector streets and other streets that do not abut private property. Property tax dollars are generally not dedicated and are sometimes diverted to more pressing needs such as public safety, water quality and cost participation in state and county highway projects. Municipal state aid (MSA) is limited to cities over 5,000 population--147

Date

Senator
Address

Representative
Address

Dear Senator _____ and Representative _____,

I am writing to request your support for HF 745 (Erhardt, DFL-Edina) and SF 607 (Carlson, DFL-Eagan), legislation that would allow cities to create street improvement districts. This authority would allow cities to collect fees from property owners within a district to fund municipal street maintenance, construction, reconstruction, and facility upgrades. If enacted, this legislation would provide cities with an additional tool to build and maintain city streets.

In NAME OF CITY, HF745/SF607 would specifically assist us with _____.

Here are some answers to questions that have been raised about the legislation:

- This is enabling legislation. No city would be required to create a municipal street improvement district.
- The street improvement district authority legislation is modeled after Minn. Stat. 435.44, which allows cities to establish sidewalk improvement districts.
- This authority would provide a funding mechanism that is fair. It establishes a clear relationship between who pays fees and where projects occur, but stops short of the benefit test that sometimes makes special assessments vulnerable to legal challenges. It also does not prohibit cities from collecting fees from tax exempt properties within a district.
- This tool allows cities to perform maintenance and reconstruction on schedule. Timely maintenance is essential to preserving streets and thereby protecting taxpayer investments.
- This tool would allow property owners to fund expensive projects by paying relatively small fees over time. The tool could be used to mitigate or eliminate the need for special assessments.

If you have further questions on this bill, please contact me. You may also contact Anne Finn at the League of Minnesota Cities at **(651) 281-1263** or afinn@lmc.org. Thank you for considering this request.

Sincerely,

Name of Mayor
Mayor, City of

of 853 cities in Minnesota--and cannot be applied to more than 20% of a MSA city's lane miles. Existing MSA is not keeping up with needs on the MSA system.

Key messages

- This is enabling legislation. No city would be required to create a municipal street improvement district.
- The street improvement district authority legislation is modeled after Minn. Stat. 435.44, which allows cities to establish sidewalk improvement districts.
- This authority would provide a funding mechanism that is fair. It establishes a clear relationship between who pays fees and where projects occur, but stops short of the benefit test that sometimes makes special assessments vulnerable to legal challenges. It also does not prohibit cities from collecting fees from tax exempt properties within a district.
- Fees paid under a street improvement district would be deductible just as property taxes are.
- This tool allows cities to perform maintenance and reconstruction on schedule. Timely maintenance is essential to preserving streets and thereby protecting taxpayer investments.
- This tool would allow property owners to fund expensive projects by paying relatively small fees over time. The tool could be used to mitigate or eliminate the need for special assessments.

LMC Contact: Anne Finn, Assistant IGR Director, 651-281-1263, afinn@lmc.org

Updated March 13, 2013

**CITY OF ST. FRANCIS
ST FRANCIS, MN
ANOKA COUNTY**

RESOLUTION 2013-09

**A RESOLUTION SUPPORTING LEGISLATION AUTHORIZING THE
ESTABLISHMENT OF MUNICIPAL STREET IMPROVEMENT DISTRICTS**

WHEREAS, Minnesota contains over 135,000 miles of roadway, and over 19,000 miles— or 14 percent--are owned and maintained by Minnesota's 853 cities; and

WHEREAS, 84 percent of municipal streets are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, the more than 700 Minnesota cities with populations below 5,000 are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, city streets are a separate but integral piece of the network of roads supporting movement of people and goods; and

WHEREAS, existing funding mechanisms, such as Municipal State Aid (MSA), property taxes and special assessments, have limited applications, leaving cities under-equipped to address growing needs; and

WHEREAS, maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle; and

WHEREAS, for every one dollar spent on maintenance, a road authority saves seven dollars in repairs; and

WHEREAS, the Council of the City of St. Francis finds it is difficult to develop adequate funding systems to support the City's needed street improvement and maintenance programs while complying with existing State statutes; and

WHEREAS, cities need flexible policies and greater resources in order to meet growing demands for municipal street improvements and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. FRANCIS supports enabling legislation that would authorize cities to establish street improvement districts to fund municipal street maintenance, construction and reconstruction.

The motion for the adoption of the foregoing resolution was made by Councilmember - and was duly seconded by Councilmember - and upon vote being taken thereon, the following voted in favor:

Councilmember
Councilmember
Councilmember
Councilmember

and the following voted against the same:
and the following abstained:
and the following were absent:

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 1st
DAY OF MARCH, 2013.

Jerry Tveit, Mayor

ATTEST:

Barbara I. Held, City Clerk

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA
APRIL 1, 2013
ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)
4115 Ambassador Blvd. NW
6:00 PM

1. Call to Order
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
 - a. City Council Minutes – March 18, 2013
 - b. Receive and File the URRWMO Minutes of March 5, 2013 and Unapproved Minutes of March 19, 2013
 - c. Accept the Resignation of Part Time Liquor Store Clerk Brian Ruud
 - d. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
7. Ordinances & Resolution
 - a. Ordinance 182, Second Series: Amending Section 8-2-2 and adding Section 8-2-6 of the St. Francis City Code Regarding Nuisance & Abatement (First Reading)
 - b. Ordinance 183, Second Series: Adding Sections 8-2-7 and 7-2-9 of the St. Francis City Code Regarding Noise Violations (Second Reading)
 - c. Resolution 2013-08: Authorizing Summary Publication of Ordinance 183, Second Series
 - d. Resolution 2013-09: Supporting Legislation Authorizing the Establishment of Municipal Street Improvement Districts
8. Reports of Consultants & Staff Members
 - a. Engineer:
 - b. Attorney:
 - c. Staff:
 - Fire Dept.:
 - Public Works:
 - Liquor Store:
 - Police:
 - City Administrator Report: Wastewater Treatment Discussion
9. Reports from Council Members
10. Report from Mayor:
11. Old Business
12. New Business
13. Adjournment

Calendar of Events

- Apr 6: SF Area Chamber of Commerce Business & Community Expo @ SFHS 9-2 pm
Apr 6: St. Francis Lioness Fashion and Style Show @ St. Francis Am Legion Noon Lunch and 12:30 Style show
Apr 15: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Apr 17: Planning Commission Meeting @ ISD #15 Central Services Center (District Offices) 7:00 pm