CITY OF ST. FRANCIS

CITY COUNCIL
AGENDA

August 20, 2012

ISD #15 CENTRAL SERVICES CENTER (DISTRICT OFFICES)
4115 Ambassador Blvd. NW

6:00 pm

1. Call to Order/Pledge of Allegiance
2. Roll Call
3. Adopt Agenda
4. Consent Agenda
   a. Approve City Council Minutes – August 6, 2012
   b. Fire Inspection Summary 2012
   c. Payment of Claims
5. Meeting Open to the Public
6. Petitions, Requests, Applications
   a. Brian & Angela Lawrence: Ordinance Amendment and Variance Request regarding Accessory Structures
7. Ordinances & Resolutions:
   a. Ord. 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities (1st Rdg)
   b Ord. 173, Second Series: Adding Section 8-3-5 Keeping of Bees (First Reading)
   c. Ord. 174, Second Series: Adding Section 2-11 in the City Code "Administrative Enforcement of Code Regulations" (Second Reading)
   d. Resolution 2012-28: Authorizing summary Publication of Ordinance 174, Second Series Adding Section Section 2-11 of the City Code Regarding the Administrative Enforcement of Code Regulations
   e. Ord. 175, Second Series: Amending Section 6-5-3 Gambling Proceeds (First Reading)
8. Reports of Consultants & Staff Members
   a. Engineer:
   b. Attorney:
   c. Staff:
   Fire: Department Update
   Public Works:
   Liquor Store:
   Police:
   City Administrator: Budget Cut Proposals
9. Reports from Council Members
10. Report from Mayor
11. Old Business
12. New Business
13. Adjournment

CALENDAR OF EVENTS

Aug 17: August 17 -"Diary of a Wimpy Kid" Movies begin at dusk(Community Park (off of Hwy 47).
Aug 20: City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Aug 22: Free Concert in the Park August 22, 7-9 pm Woodbury Park Gazebo
Sept 4th (Tues) City Council Meeting @ ISD #15 Central Services Center (District Offices) 6:00 pm
Sept 15: Oktoberfest 2012 Community Park 5K Run/Walk @ 11 am and music in the afternoon

TO: Mayor & City Council

FROM: Matthew L. Hylen,
City Administrator

RE: Agenda Memorandum – August 20, 2012 Meeting

Agenda Items:

4. **Consent Agenda:**
   b. Fire Chief Kapler provided a summary report on Fire Inspections for 2012. This information was requested at the last City Council meeting.
6. **Petitions, Requests, Applications:**
   a. *Brian and Angela Lawrence*: The Lawrence's previously sent the council members letters requesting a variance and/or an ordinance amendment. This is in regards to the size of an accessory structure. They are asking to have a dialogue with the Council regarding their request. Planner Nate Sparks will be at the meeting if you have questions.
7. **Ordinances & Resolutions:**

a. *Ordinance 170, Second Series*: Utility Code Update. The first reading was back on June 4, 2012. There has been some concern with residents in the Urban Area that have sand points and whether or not they should follow the odd/even watering ban.

Proposed Language:

3-2-6: WATER USE RESTRICTIONS.

A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days between May 1st and continuing until September 30th of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.

This could be changed to "...use water from the City Water System" instead of "... use water in the Urban Service Area". Not a major change but it will make enforcement slightly more difficult.

A motion and roll call vote would be in order for this Ordinance, if Council chooses to proceed. Staff recommends starting over with a first reading.

b. *Ordinance 173, Second Series:* Ordinance 173, Second Series (first reading) creates a section of the City Code to regulate the keeping of bees. This Ordinance has been recommended by the Planning Commission. Planner Nate Sparks explains in his memorandum the reasoning behind the five acre minimum. A motion and roll call vote would be in order for the first reading of Ordinance 173.

c. *Ordinance 174, Second Series:* Ordinance 174, Second Series (second reading) adds Section 2-11 to the City Code entitled "Administrative Enforcement of Code Regulations". A motion and roll call vote would be in order for the first reading of Ordinance 174.

d. *Resolution 2012-28:* This resolution allows the City to print a summary of Ordinance 174, Second Series which is allowed due to the length and cost. A full

copy is at city hall for people to review. A motion would be in order to approve Resolution 2012-28.

e. *Ordinance 175, Second Series:* City Attorney, Scott Lepak drafted Ordinance 175, Second Series as per discussion at the last City Council meeting. A motion and roll call vote would be in order for the first reading of Ordinance 175.

8. Reports:

a. **Engineer:**

c. **Staff:**

Fire:

Public Works:

Liquor Store:

Police:

City Administrator: Budget Cut Proposals: An agenda report is provided outlining the proposed budget cuts.

11. Old Business

12. New Business:

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

CITY COUNCIL MINUTES

AUGUST 6, 2012

1. **Call to Order/Pledge of Allegiance:** The regular City Council Meeting was called to order by Mayor Jerry Tveit at 6:00 p m.

2. **Roll Call:** Present were Mayor Jerry Tveit, Council members Jeff Sandoval, Tim Brown Steve Kane and Chris McClish. Also present were Also present were City Attorney Scott Lepak (Barna, Guzy and Steffen, Ltd) ,City Engineer Jared Voge (Bolton & Menk, Inc.), Police Chief Jeff Harapat, Public Works Director Paul Teicher, Finance Director Darcy Mulvihill, City Administrator Matt Hylen and City Clerk Barb Held.

3. **Adopt Agenda:** MOTION BY SANDOVAL SECOND KANE TO ADOPT THE AUGUST 6, 2012 CITY COUNCIL AGENDA. Motion carried 5-0.

4. **Consent Agenda:** MOTION BY BROWN SECOND McCLISH TO APPROVE THE AUGUST 6, 2012, CITY COUNCIL CONSENT AGENDA A-F AS FOLLOWS:

a. Approve the City Council Minutes of July 6, 2012.

b. Approve the Labor Agreement between the City of St. Francis and Law Enforcement Labor Services, Inc. Representing Police Officers January 1, 2012 – December 31, 2014.

c. Approve Pay Estimate No. 8 from Amcon Construction Management for $664,150 to Gopher State Contractors Inc. $3,505; SCR, Inc.-St. Could, $173,048; St Cloud, Electrical Solutions, Inc.,$78,369; Classic Construction, $48,906; Central Minnesota Fabricating $14,498; Maxx Steel Erectors, $4,750; Northland Paving. LLC, $50,350; M. Reinert Drywall, Inc., $41,397; Multiple Concepts Interiors, $1,315; Brothers Fire Protection, $ 46,446; Alltech Engineering Corp, $34, 452; Greystone Construction Co., $103,210; Steinbrecher Painting, $2,280; Overhead Door of the Northland, $49,048; Bartley Sales Co, Inc. $463 and Grazzini Brothers and Company, $12,113.

d. Approve Pay Estimate No. 9 from Amcon Construction Management for $665,165 to St Cloud, Electrical Solutions, Inc., $257,450; North Metro Asphalt and Contracting, $22,625; Classic Construction, $69,844; Central Minnesota Fabricating, $11,940; Maxx Steel Erectors, $4,959; Multiple Concepts Interiors, $4,620; Overhead Door of the Northland , $19,009; Greystone Construction Co., $11,742; Construction Supply Inc., $9,648; Tiffin Metal Products, $12,883; St. Cloud Refrigeration, $$230,945 and Grazzini Brothers and Co. $9,500.

e. Approve the St. Francis Lions Club 3.2 Permit Application for Oktoberfest, September 15, 2012 in Community Park.

f. Approve the Payment of Claims for $ 1,737,043.26. (ACH 38E and 39E $82,127.48 and Check Number 64012-64115)

Motion carried 5-0.

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5. **Meeting Open to the Public:** Mike Starr, 3215-217th Oak Grove introduces himself to the City Council. Mr. Starr is running for State Senate in the New District 31 and looking forward to working with the cities.

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

a. **North American Red Fern Foundation (DBA- Healing Through Horses): 5k Run/Walk Permit Application 9/22/12:** Jane Karpe of Healing Through Horses is asking for a 5k Run/Walk permit for September 22, 2012. The route would be run through City streets. MOTION BY KANE SECOND SANDOVAL APPROVING THE 5K RUN/WALK PERMIT FOR HEALING THROUGH HORSES ON SEPTEMBER 22, 2012. Motion carried 5-0. I will have a Certificate of Insurance with the City of St. Francis being named as a Certificate Holder. Karpe asked about signage and would she be able to put out signs, such as political signs about two weeks before the event and along with signs in individual residents property. Hylen stated please call City Hall and we will get answers to your questions. I still need to talk with the police about what they would like for enforcement at the intersections. Lepak asked for a friendly amendment that the motion include contingent upon the receipt of the Certificate of Liability Insurance with the City of St. Francis named as a Certificate Holder. Kane and Sandoval agreed with the amendment to the motion.

b. **St. Francis Lions Club 5K Run/Walk Permit Application 9/15/12:** MOTION BY SANDOVAL SECOND BROWN APPROVING THE ST FRANCIS LIONS CLUB 5K RUN/WALK FOR SEPTEMBER 15, 2012. Motion carried 5-0. This is the third year of the event.

c. **Anoka County - Karen Skepper: Economic Gardening and Anoka County HRA/EDA Update:** Ms. Skepper, Anoka County's Director of Community and Government Relations introduced a new program being offered that is called Economic Gardening. Economic Gardening represents a new way of thinking about supporting growth companies and letting business owners know how important they are to their local economics. By dedicating $150,000 or approximately $10,000 for each of 15 businesses that qualify the county has launched a program in which it is "reaching out to the businesses we never hear from. There are no fees for businesses entering the county-sponsored program. The idea is that the businesses, the county and potential customers all will benefit. The businesses must meet certain criteria to qualify, including having 99 or fewer employees.
Community Development Programs/HRA/EDA: Ms. Skepper gave a quick overview of all the different programs Anoka County offers.

d. **Capital Improvement Plan 2013-2017: Public Hearing:** Mayor Tveit opened the Public Hearing at 6:19 pm. Tveit asked if there is anyone in the audience that would like to discuss the 2013-2017 Capital Improvement Plan. There was no public input. Mayor Tveit closed the public hearing at 6:20 pm. MOTION BY KANE SECOND BROWN ADOPTING THE 2013-2017 CAPITAL IMPROVEMENT PLAN. McClish stated I am not sure if the Trunk Hwy 47 Water and Sewer Extension project is feasible for 2013. Kane want to remind everyone that even if there are projects and equipment in the plan, each items still needs to come before the City Council for approval. Motion carried 5-0.

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e. **Rum River Regional Trail Master Plan:** Anoka County has updated the proposed Rum River Regional Trail Master Plan corridor through the cities of Anoka, Andover, Ramsey Oak Grove and St. Francis. The trail is approximately 20 miles long and will provide a valuable north/south connection and link many amenities throughout the County. Hylen stated Anoka County is looking for any input. Staff would like the trail along Poppy Street to be interconnected. We would like our trails also match up with the City of Oak Grove. Tveit said the only concern is once the trail is implemented we would need to maintain it. This is a long-term plan because some of these trails would not be put in until construction or reconstruction of a street. Sandoval would like to see the horse trails be also included in some of the northern parks. General consensus of the City Council was they like proposed Rum River regional Trail Master Park Plan.

7. **Ordinances & Resolution:**

a. **Ord. 171, Second Series: Amending Section 10-20-4 Regarding Required Landscaping (Second Reading):** MOTION BY SANDOVAL SECOND McCLISH APPROVING THE SECOND READING OF ORDINANCE 171, SECOND SERIES MENDING SECTION 10-20-4 REGARDING REQUIRED LANDSCAPING. Tveit stated I still believe this is a little restrictive on what type of trees can be planted. I would like to see more personal property rights. Roll Call: Ayes: Sandoval, Brown Kane and McClish. Nays: Tveit.

b. **Ord. 172, Second Series: Amending Sign Ordinance Regarding Sandwich Board Signs (Second Reading):** MOTION BY BROWN SECOND KANE APPROVING THE SECOND READING OF ORDINANCE 172, SECOND SERIES AMENDING SIGN ORDINANCE REGARDING SANDWICH BOARD SIGNS. Roll Call: Ayes: McClish, Kane, Brown, Sandoval, and Tveit. Nays: None.

c. **Ord. 173, Second Series: Adding Section 8-3-5 Keeping of Bees (First Reading):** Sandoval asked do you have to have five acres to have a beehive. Hylen stated as this ordinance is written you would have to have a parcel greater than five acres in size and the enclosures greater than 100 feet from any property line. Tveit said I agree with Sandoval and think five acres might be too much. Tveit asked if five is the norm. Hylen stated I know we did take the wording from another city that had a problem with bees on urban lots. Brown asked what about four acres. Hylen said you might also have issue with PUD's. Hylen stated you can table it tonight, change the language or vote on it as presented. MOTION BY SANDOVAL SECOND McCLISH TABLING THE FIRST READING OF ORDINANCE 173, SECOND SERIES ADDING SECTIN 8-3-5 KEEPING OF BEES. Motion carried 5-0. The Council would like to have staff research the lot size and also look at the requirements with in the Planned Unit Development areas.

d. **Ord. 174, Second Series: Adding Section 2-11 in the City Code "Administrative Enforcement of Code Regulations" (First Reading):** MOTION BY TVEIT SECOND SANDOVAL APPROVING THE FIRST READING OF ORDINANCE 174, SECOND SERIES ADDING SECTION 2-11 ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS. McClish asked if 20 days was enough time to clean-up. Hylen explained we do give some leeway if they are showing progress. McClish said well then let's give them 14 days to pay it instead of 10 days. The rest of the Council agreed. Roll Call: Brown, Kane, McClish, Sandoval, and Tveit. Nays: None.

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e. **Resolution 2012-25: Approving the Extension to the Filing Deadline for a Minor Subdivision for a Property Division at 23725 Nacre Street NW:** MOTION BY SANDOVAL SECOND KANE ADOPTING RESOLUTION 2012-25 A RESOLUTION APPROVING THE EXTENSION TO THE FILING DEADLINE FOR A MINOR SUBDIVISION FOR A PROPERTY DIVISION AT 23725 NACRE STREET NW. Motion carried 5-0.

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

a. **Engineer: Authorization to advertise the TH 47 Pedestrian Improvements Project-Resolution 2012-26**: Final plans and specifications have been prepared for the Trunk Highway 47 Pedestrian Improvements project. The project consists of the installation of Rectangular Rapid Flashing Beacons (RRFB's) at the intersection of Pederson Drive and TH 47. In addition, concrete pedestrian ramp improvements will also be completed. The proposed improvement will be funded 50 percent by the City of St Francis' General fund and 50 percent by Independent School District 15 per previous City and School District discussions. Tveit asked how long does it take MnDOT to approve the plans. Voge said his experience with MnDOT it can take anywhere from 15 to 45 days. MOTION BY TVEIT SECOND McCLISH ADOPT RESOLUTION 2012-26 A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS. Motion carried 5-0.

b. **Attorney: 1) Discussion of potential amendment of lawful gambling ordinance:** Lepak reported that at the last City Council meeting the council raised the issue of whether the City should amend its existing lawful gambling ordinance to address the use of proceeds up to ten percent. Lepak provide a memorandum on the options. Lepak stated the direction from the council is requested on whether the City regulation of payouts should be focused on any of the three options; 1) The City administered fund; 2) the expenditure requirement within the City and City trade area; and/or 3) up to ten percent expenditure of net profits. In addition, Council direction is requested on the potential tax up to three percent. Lepak said I would need direction from Council in order to bring to you a draft ordinance. The Council preferred the City administrated fund to be included in the ordinance. Kane said he would like it paid monthly.
2) 4020-233rd Avenue Property: Order Requiring Removal of Gas Tanks as a Hazardous Property: Lepak reported this is a continuation from previous meetings. The City has not received any response to the July 17, 2012 letter seeking to have the owners of the "old" Food-n-Fuel remove the gas tanks. Accordingly, the City's next step is to Order the removal of these tanks as part of the Hazardous and Substandard Building law. A proposed order was prepared and will be submitted to the owners of the property along with a letter providing the owner the option to consent to this project without the necessity of a formal court action. MOTION BY SANDOVAL SECOND BROWN ORDERING THE OWNER OF THE PROPERTY LOCATED AT 4020-233rd AVENUE NORTHWEST, ST. FRANCIS, MINNESOTA TO CORRECT OR REMOVE THE HAZARDOUS CONDITION BY REMOVAL OF THE GAS TANKS LOCATED ON THE PROPERTY. Motion carried 5-0.

c. **Staff:**

c. Staff:
Fire Department:
Public Works:
Liquor Store:
Police Dept.:

City Administrator Report: Policy on Tuition Reimbursement-Resolution 2012-27: Due to fiscal concerns the City will no longer be able to reimburse collegiate tuition reimbursement. Sandoval asked this does not mean training, correct? Hylen stated yes funding for training is still in the budget. MOTION BY SANDOVAL SECOND KANE ADOPTING RESOLUTION 2012-27 A RESOLUTION AMENDING THE CITY'S PERSONNEL POLICY REGARDING COLLEGIATE TUITION REIMBURSEMENT. Motion carried 5-0.

9. **Reports from Council Members**: Kane stated I would be standing in for Councilmember Brown the next Planning Commission meeting. McClish stated the new facility is looking very well, good job on the paint colors. Glad to see the Hwy 47 and Pederson Drive intersection is finally getting some signage.

10. **Report from Mayor:** Tveit said he would like to take a minute to thank my colleagues and staff for taking time to come to the budget meeting yesterday (Sunday). I believe we gave staff direction on ideas of where potentially we can cut. I am confident it will happen.

Just a reminder that tomorrow is Night to Unite at Community Park from 6-8pm. Do not forget about your neighbors.

I was invited to talk to the Boy Scouts last week. It is always great talking to kids.

Yesterday I also attended the General meeting for the Fire departments. I encourage you (council members) to attend one of their meetings. They are held on Sunday nights. Tveit asked staff to make up a schedule and put it at city hall so the city council members can sign up to attend. It would be nice to take turns. I also attended the fire department picnic on Saturday.

11. **Old Business**:

a. Ord. 170, Second Series: Amending Chapter 3 of the City Code Regarding Municipal Utilities: Tveit stated this is the ordinance that failed for a lack of a motion previously. There are a lot of good portions in the ordinance. I still do not like the portion regarding sand points. Sandoval said I too agree this is an overall good ordinance. Is there a way to see if the sand points that are out there registered with the State of MN. Tveit said if you regulate the homeowners in the water and sewer area that want a sand point then you should regulate all well owners. Tveit said I don't think the residents should be regulated with when they can water their lawn, if they use a sand point. But I do think the City should regulate who does have wells. Kane asked what about pulling a permit each year for each resident with a sand point. Police have better things to do than decide who has sand points and who do not. Brown stated before long we are going to have all a whole development with sand points. Isn't it just easier to just comply with the odd/even watering ban. Tveit said I am just looking at personnel property rights. I do not think it is the City's business to manage that. The rest of the ordinance seems to be fine. Tveit asked that Staff look at the ordinance language without the private wells portion in it. Kane would like to keep it in. Kane said I believe you have a conflict with this ordinance. MOTION BY McCLISH SECOND KANE APPROVING THE FIRST READING AMENDING THE CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES. Roll Call: McClish, Kane, Brown Nays: Sandoval and Tveit. Motion did not pass due to the fact an ordinance needs a 4/5 approval in order to pass. Hylen said just a point of

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clarification, are there portions of this ordinance that would not offend the council if staff brings it back. Sandoval said I would like it tied up a little tighter with the new sand points. Tveit I would not be opposed to a database that public works come out and document it. Hylen said we will make adjustments and bring this back to the council.

Sandoval asked how are the fire inspections going. Hylen said I will find out and have a report to the Council.

12. **New Business:** None.

13. **Adjournment:** The City Council adjourned the meeting at 7: 23 pm.

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Barbara I. Held, City Clerk

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Fire Inspections Summary 2012

Fire Code Inspections	
Initial Visits	11
Follow-up Visits	3
Total Code Inspections	14*

*2 more follow-up visits need to be scheduled

Non-Fire Code Visits to Businesses	4*

*2 of these visits resulted in a code inspection later

Pre-plans Scheduled (Non Fire Code Related)	1 and another pending
Assistance with Fire Code Compliance (via phone)	2

City of St. Francis

PAYMENT BATCH AP 08-20-12

A TO Z LANDCLEARING, INC.					
08/08/2012	1362	E 101-45200-311	Contract	GRIND STUMPS IN WOODBURY	300.00
					$300.00
AIRGAS NORTH CENTRAL					
07/31/2012	9903632895	E 101-43100-217	Other Operating Supplies	CHEMICALS	4.36
07/31/2012	9903632895	E 101-43210-217	Other Operating Supplies	CHEMICALS	4.36
07/31/2012	9903632895	E 101-45200-217	Other Operating Supplies	CHEMICALS	4.36
07/31/2012	9903632895	E 601-49440-217	Other Operating Supplies	CHEMICALS	4.36
07/31/2012	9903632895	E 602-49490-217	Other Operating Supplies	CHEMICALS	4.36
					$21.80
ALDEN POOL & MUNICIPAL SUPPLY					
06/13/2012	1200146	E 601-49440-233	Water Treatment Plant Maint	PARTS	869.43
					$869.43
ALLINA HOSPITALS & CLINICS					
04/01/2012	ii10015558	E 101-42210-208	Training and Instruction	APRIL - JUNE MEDICAL DIRECT(	300.00
					$300.00
AMERICAN PUBLIC WORK ASSOC.					
		E 101-43100-433	Dues and Subscriptions	MEMBERSHIP	93.12
		E 101-45200-433	Dues and Subscriptions	MEMBERSHIP	93.13
					$186.25
AMERICAN WATER WORKS ASSN.					
07/31/2012	7000529579	E 601-49440-433	Dues and Subscriptions	MEMBERSHIP	310.00
					$310.00
AMERIPRIDE LINEN & APPAREL SER					
08/08/2012	1002212381	E 101-41940-219	Rug Maintenance	Rugs-City Hall	52.09
					$52.09
ASPEN MILLS					
08/03/2012	123825	E 101-42210-437	Uniform Allowance	BADGES	310.85
					$310.85
BAUER BUILT INC.					
07/31/2012	940010888	E 101-43100-218	Equipment Repair & Maintenance	MOWING TRAILER	52.72
07/31/2012	940010888	E 101-45200-218	Equipment Repair & Maintenance	MOWING TRAILER	52.71
					$105.43
BERNICK COMPANIES, THE					
08/10/2012	200205	E 609-49751-252	Beer For Resale	BEER	195.75
					$195.75
BGS (BARNA GUZY)					

07/31/2012	103719	E 101-41600-312	Criminal Legal Fees	PROSECUTION/MISC	4,864.00
07/31/2012	103791	E 101-41600-304	Civil Legal Fees	MUNICIPAL	1,800.00
07/31/2012	103792	E 101-41600-304	Civil Legal Fees	GENERAL LABOR	1,092.00
07/31/2012	103848	E 101-45200-441	Miscellaneous	BOUNDARY LINE	189.00
					$7,945.00
BOLTON & MENK, INC.					
06/27/2012	148391	E 101-41910-303	Engineering Fees	2012 GEN ENGINEERING	1,020.50
06/27/2012	148391	E 101-43100-303	Engineering Fees	2012 GEN ENGINEERING	105.00
06/27/2012	148391	E 101-45200-303	Engineering Fees	2012 GEN ENGINEERING	45.00
06/27/2012	148391	E 601-49440-303	Engineering Fees	2012 GEN ENGINEERING	172.50
06/27/2012	148391	E 602-49490-303	Engineering Fees	2012 GEN ENGINEERING	172.50
07/20/2012	149301	E 101-45200-303	Engineering Fees	GIS	48.00
07/20/2012	149301	E 601-49440-303	Engineering Fees	GIS	148.50
07/20/2012	149301	E 602-49490-303	Engineering Fees	GIS	148.50
07/20/2012	149302	G 602-16500	Construction in Progress	AMBASSADOR TRUNK UTILITY I	955.00
07/20/2012	149303	E 101-43100-303	Engineering Fees	RIVER CROSSING STUDY	862.50
07/20/2012	149305	E 601-49440-303	Engineering Fees	WOODHAVEN WATER METER IN	546.00
07/20/2012	149306	E 101-41910-303	Engineering Fees	2012 GEN ENGINEERING	510.00
07/20/2012	149306	E 101-43100-303	Engineering Fees	2012 GEN ENGINEERING	294.38
07/20/2012	149306	E 101-45200-303	Engineering Fees	2012 GEN ENGINEERING	659.37
07/20/2012	149306	E 601-49440-303	Engineering Fees	2012 GEN ENGINEERING	204.38
07/20/2012	149306	E 602-49490-303	Engineering Fees	2012 GEN ENGINEERING	204.37
07/23/2012	149336	E 101-43100-303	Engineering Fees	245TH AVE CULVERT IMP	575.00
07/23/2012	149337	E 101-43100-303	Engineering Fees	47 PEDESTRIAN FLASHER IMP	5,603.50
07/23/2012	149338	E 601-49440-303	Engineering Fees	OAK GROVE SANITARY SEWER	3,265.00
					$15,540.00
CENTURY LINK					
		E 101-41940-321	Telephone	PHONE	91.06
		E 101-42110-321	Telephone	PHONE	75.88
		E 101-42210-321	Telephone	PHONE	75.88
		E 101-43100-321	Telephone	PHONE	15.17
		E 101-45200-321	Telephone	PHONE	15.21
		E 601-49440-321	Telephone	PHONE	15.17
		E 601-49440-321	Telephone	PHONE	85.26
		E 602-49490-321	Telephone	PHONE	15.17
		E 602-49490-321	Telephone	PHONE	85.25
					$474.05
CHISAGO LAKES DISTRIBUTING CO.					
08/13/2012	479784	E 609-49751-252	Beer For Resale	BEER	302.00
					$302.00
COCA COLA REFRESHMENTS					
08/06/2012	108090222	E 609-49751-254	Miscellaneous Merchandise	MISC	437.92
08/06/2012	108090223	E 609-49751-254	Miscellaneous Merchandise	CREDIT	(21.28)
					$416.64
CONNEXUS ENERGY					
07/31/2012	GI512	E 101-43100-311	Contract	BANNER REPLACEMENTS	250.00
					$250.00

CORPORATE CONNECTION					
07/26/2012	5705	E 101-43100-417	Uniform Clothing & PPE	SAFETY VEST-HARD HAT	65.61
07/26/2012	5705	E 101-45200-417	Uniform Clothing & PPE	SAFETY VEST-HARD HAT	65.61
07/26/2012	5705	E 601-49440-417	Uniform Clothing & PPE	SAFETY VEST-HARD HAT	65.61
07/26/2012	5705	E 602-49490-417	Uniform Clothing & PPE	SAFETY VEST-HARD HAT	65.60
					$262.43
COURIER, THE					
08/08/2012	43509	E 101-43210-439	Recycling Days	RECYCLE AD	89.00
					$89.00
CRAWFORD EQUIPMENT					
07/21/2012	28555	E 101-43100-218	Equipment Repair & Maintenance	BOBCAT WINDOW	116.13
07/21/2012	28555	E 101-45200-218	Equipment Repair & Maintenance	BOBCAT WINDOW	116.12
					$232.25
CRYSTAL SPRINGS ICE					
08/04/2012	27552	E 609-49751-254	Miscellaneous Merchandise	MISC	135.20
08/07/2012	81997	E 609-49751-254	Miscellaneous Merchandise	MISC	106.40
08/11/2012	81932	E 609-49751-254	Miscellaneous Merchandise	MISC	148.90
					$390.50
DAHLHEIMER DIST. CO. INC.					
08/01/2012	1033457	E 609-49751-252	Beer For Resale	BEER	5,176.77
08/01/2012	1033457	E 609-49751-254	Miscellaneous Merchandise	MISC	189.00
08/08/2012	1033499	E 609-49751-252	Beer For Resale	BEER	8,532.00
08/08/2012	1033499	E 609-49751-254	Miscellaneous Merchandise	MISC	136.00
08/08/2012	1033499	E 609-49751-255	N/A Products	N/A	15.50
					$14,049.27
DAY DISTRIBUTING CO.					
08/03/2012	662338	E 609-49751-252	Beer For Resale	BEER	3,377.90
08/03/2012	662338	E 609-49751-255	N/A Products	N/A	19.20
					$3,397.10
DE LAGE LANDEN					
08/07/2012	14678545	E 101-42110-200	Office Supplies	COPIER	253.89
08/07/2012	14689670	E 101-41400-240	Office Equip	COPIER	261.92
					$515.81
DEX MEDIA EAST LLC					
08/05/2012	110097517.0812	E 609-49750-340	Advertising	ADVERTISING	66.30
					$66.30
ECM PUBLISHERS, INC.					
08/10/2012	IQ001802763	E 101-41400-351	Legal Notices Publishing	LEGAL ORD	430.50
08/10/2012	IQ001802842	E 101-41400-351	Legal Notices Publishing	LEGAL ORD	71.75
					$502.25
ENVIROTECH SERVICES, INC.					
07/27/2012	CD201216308	E 101-43100-407	Gravel Repair & Maint	ROAD SAVER	10,941.42
07/27/2012	CD201216308	G 101-20810	Sales Tax Payable	ROAD SAVER	(703.83)
					$10,237.59
FREEDOM SERVICES, INC.-FD					
08/08/2012	15498	G 101-21706	Flex Account	SEPT FUND DEPOSIT	418.34

08/08/2012	15498	G 101-21708	Health Premium	SEPT FUND DEPOSIT	1,903.84
					$2,322.18
FREEDOM SERVICES, INC-MA					
08/08/2012	15499	E 101-41540-301	Auditing and Acct g Services	Admin Fee	88.80
					$88.80
G&K SERVICES, INC					
07/20/2012	1043223433	E 101-43100-402	Janitorial Service	TOWELS	16.05
07/20/2012	1043223433	E 101-45200-402	Janitorial Service	TOWELS	16.05
07/20/2012	1043223433	E 601-49440-402	Janitorial Service	TOWELS	16.05
07/20/2012	1043223433	E 602-49490-402	Janitorial Service	TOWELS	16.06
07/27/2012	1043228386	E 601-49440-402	Janitorial Service	MATS	92.48
08/03/2012	1043233337	E 101-43100-402	Janitorial Service	TOWELS	21.39
08/03/2012	1043233337	E 101-45200-402	Janitorial Service	TOWELS	21.39
08/03/2012	1043233337	E 601-49440-402	Janitorial Service	TOWELS	21.39
08/03/2012	1043233337	E 602-49490-402	Janitorial Service	TOWELS	21.40
					$242.26
GERDIN AUTO SERVICE, INC.					
		R 101-34103	Zoning and Subdivision Fees	REFUND TEMP SIGN PERMIT	25.00
					$25.00
GRAINGER, INC.					
07/30/2012	9888954030	E 601-49440-229	Project Repair & Maintenance	PARTS	511.63
07/30/2012	9888954048	E 601-49440-229	Project Repair & Maintenance	PARTS	105.82
					$617.45
GRANITE CITY JOBBING CO.					
08/07/2012	731761	E 609-49750-210	Operating Supplies	OPERATING	56.45
08/07/2012	731761	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
08/07/2012	731761	E 609-49751-256	Tobacco Products For Resale	TOBACCO	305.51
					$366.21
HACH COMPANY					
08/01/2012	7875154	E 601-49440-235	Lab Supplies	SUPPLIES	81.92
08/03/2012	7879568	E 602-49490-235	Lab Supplies	MICRO SLIDES	61.50
					$143.42
HENRYS WATERWORKS, INC.					
07/31/2012	15921	E 601-49440-229	Project Repair & Maintenance	PENTAGON PLUG LID	380.60
					$380.60
ISANTI COUNTY EQUIPMENT, INC.					
07/31/2012	033068494	E 101-45200-237	Small Equipment	PARTS	654.98
					$654.98
ISD #15					
07/26/2012	664	E 101-43100-221	Vehicle Repair & Maintenance	2007 INTERNATIONAL	560.71
07/26/2012	664	E 101-45200-221	Vehicle Repair & Maintenance	2007 INTERNATIONAL	560.71
07/26/2012	665	E 101-43100-221	Vehicle Repair & Maintenance	2002 CHEV SILVERADO	131.81
07/26/2012	665	E 101-43210-221	Vehicle Repair & Maintenance	2002 CHEV SILVERADO	131.80
07/26/2012	665	E 101-45200-221	Vehicle Repair & Maintenance	2002 CHEV SILVERADO	131.81
07/26/2012	665	E 601-49440-221	Vehicle Repair & Maintenance	2002 CHEV SILVERADO	131.81
07/26/2012	665	E 602-49490-221	Vehicle Repair & Maintenance	2002 CHEV SILVERADO	131.81

07/26/2012	666	E 101-43100-221	Vehicle Repair & Maintenance	2010 FORD ESCAPE	10.89
07/26/2012	666	E 101-45200-221	Vehicle Repair & Maintenance	2010 FORD ESCAPE	10.89
07/26/2012	666	E 601-49440-221	Vehicle Repair & Maintenance	2010 FORD ESCAPE	10.89
07/26/2012	666	E 602-49490-221	Vehicle Repair & Maintenance	2010 FORD ESCAPE	10.90
07/26/2012	667	E 101-43100-221	Vehicle Repair & Maintenance	2006 FORD PICKUP	101.04
07/26/2012	667	E 101-45200-221	Vehicle Repair & Maintenance	2006 FORD PICKUP	101.04
07/26/2012	668	E 601-49440-221	Vehicle Repair & Maintenance	2007 DODGE CAB	138.10
07/26/2012	668	E 602-49490-221	Vehicle Repair & Maintenance	2007 DODGE CAB	138.10
07/26/2012	669	E 601-49440-221	Vehicle Repair & Maintenance	2011 DODGE	57.81
07/26/2012	669	E 602-49490-221	Vehicle Repair & Maintenance	2011 DODGE	57.80
07/26/2012	670	E 101-43100-218	Equipment Repair & Maintenance	2007 KUBOTA	151.57
07/26/2012	670	E 101-45200-218	Equipment Repair & Maintenance	2007 KUBOTA	151.57
07/26/2012	671	E 101-43100-221	Vehicle Repair & Maintenance	2009 DODGE PICKUP	129.77
07/26/2012	671	E 101-45200-221	Vehicle Repair & Maintenance	2009 DODGE PICKUP	129.77
					$2,980.60

JOHNSON BROS WHLSE LIQUOR

07/11/2012	1341406	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.88
07/11/2012	1341406	E 609-49751-251	Liquor For Resale	LIQUOR	452.30
07/11/2012	1341407	E 609-49751-206	Freight and Fuel Charges	FREIGHT	22.05
07/11/2012	1341407	E 609-49751-253	Wine For Resale	WINE	705.65
07/12/2012	540833	E 609-49751-206	Freight and Fuel Charges	CREDIT	(2.94)
07/12/2012	540833	E 609-49751-253	Wine For Resale	LIQUOR	(81.75)
07/18/2012	1346890	E 609-49751-206	Freight and Fuel Charges	FREIGHT	22.05
07/18/2012	1346890	E 609-49751-251	Liquor For Resale	LIQUOR	1,361.37
07/18/2012	1346891	E 609-49751-206	Freight and Fuel Charges	FREIGHT	38.22
07/18/2012	1346891	E 609-49751-253	Wine For Resale	WINE	1,191.45
07/25/2012	1352031	E 609-49751-206	Freight and Fuel Charges	FREIGHT	94.08
07/25/2012	1352031	E 609-49751-251	Liquor For Resale	LIQUOR	4,695.16
07/25/2012	1352032	E 609-49751-206	Freight and Fuel Charges	FREIGHT	69.09
07/25/2012	1352032	E 609-49751-253	Wine For Resale	WINE	3,139.40
07/25/2012	1352033	E 609-49751-253	Wine For Resale	WINE	209.90
08/01/2012	1357769	E 609-49751-206	Freight and Fuel Charges	FREIGHT	16.17
08/01/2012	1357769	E 609-49751-251	Liquor For Resale	LIQUOR	1,113.39
08/01/2012	1357770	E 609-49751-206	Freight and Fuel Charges	FREIGHT	16.17
08/01/2012	1357770	E 609-49751-253	Wine For Resale	WINE	461.05
08/01/2012	1357771	E 609-49751-252	Beer For Resale	BEER	39.25
08/02/2012	1358221	E 609-49751-251	Liquor For Resale	LIQUOR	564.00
08/03/2012	543884	E 609-49751-206	Freight and Fuel Charges	CREDIT	(8.82)
08/03/2012	543884	E 609-49751-251	Liquor For Resale	CREDIT	(609.00)
08/08/2012	1363058	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.91
08/08/2012	1363058	E 609-49751-251	Liquor For Resale	LIQUOR	239.32
08/08/2012	1363059	E 609-49751-206	Freight and Fuel Charges	FREIGHT	7.35
08/08/2012	1363059	E 609-49751-253	Wine For Resale	WINE	278.05
08/08/2012	1363060	E 609-49751-253	Wine For Resale	WINE	104.95
					$14,148.70

MCDONALD DIST CO.

		E 609-49751-252	Beer For Resale	OVERPAYMENTS AND CREDITS	(354.85)
08/02/2012	307934	E 609-49751-254	Miscellaneous Merchandise	MISC	102.00
08/02/2012	307935	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00

08/02/2012	307935	E 609-49751-252	Beer For Resale	BEER	7,676.90
08/09/2012	308470	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
08/09/2012	308470	E 609-49751-252	Beer For Resale	BEER	3,598.30
08/09/2012	308471	E 609-49751-254	Miscellaneous Merchandise	MISC	34.00
08/09/2012	308505	E 609-49751-252	Beer For Resale	BEER	2,064.00
					$13,126.35
MN SECRETARY OF STATE					
		E 101-41400-441	Miscellaneous	LIND-NOTARY	120.00
					$120.00
OLSON POWER AND EQUIPMENT, INC					
07/16/2012	85123	E 101-43100-218	Equipment Repair & Maintenance	CYLINDER-FILTER	475.01
07/16/2012	85123	E 101-45200-218	Equipment Repair & Maintenance	CYLINDER-FILTER	475.00
07/30/2012	85538	E 101-45200-218	Equipment Repair & Maintenance	BLADE	83.42
					$1,033.43
OPUS 21					
08/04/2012	120747	E 601-49440-382	Utility Billing	JULY	1,439.73
08/04/2012	120747	E 602-49490-382	Utility Billing	JULY	1,439.73
					$2,879.46
PACE ANALYTICAL SERVICES					
07/31/2012	121222131	E 602-49490-313	Sample Testing	TESTS	45.00
08/02/2012	121222232	E 602-49490-313	Sample Testing	TESTS	100.00
08/03/2012	121222272	E 601-49440-313	Sample Testing	TESTING	120.00
					$265.00
PHILLIPS WINE & SPIRITS CO.					
08/08/2012	2283959	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.88
08/08/2012	2283959	E 609-49751-251	Liquor For Resale	LIQUOR	537.63
08/08/2012	2283960	E 609-49751-206	Freight and Fuel Charges	FREIGHT	16.17
08/08/2012	2283960	E 609-49751-253	Wine For Resale	WINE	407.05
08/08/2012	2283961	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.88
08/08/2012	2283961	E 609-49751-254	Miscellaneous Merchandise	MISC	141.85
					$1,114.46
PREMIUM WATERS, INC.					
08/02/2012	453056-08-12	E 101-42110-311	Contract	SUPPLIES	19.24
					$19.24
PRINTING UNLIMITED					
08/13/2012	6377	E 101-42400-200	Office Supplies	BLDG INSPECT FORMS	175.01
					$175.01
RJM DISTRIBUTING INC.					
08/01/2012	19174	E 609-49751-252	Beer For Resale	BEER	378.00
					$378.00
RUSSELL SECURITY RESOURCE INC.					
08/08/2012	A20181	E 101-43100-217	Other Operating Supplies	EAST SHOP KEY	14.43
08/08/2012	A20181	E 101-45200-217	Other Operating Supplies	EAST SHOP KEY	14.43
					$28.86
SCHARBER & SONS					
07/12/2012	011103403	E 101-45200-218	Equipment Repair & Maintenance	FILTER	65.58

07/31/2012	011104897	E 101-43100-218	Equipment Repair & Maintenance	PARTS	73.40
07/31/2012	011104897	E 101-45200-218	Equipment Repair & Maintenance	PARTS	73.39
					$212.37
SCHREDER, ANDY					
08/13/2012	081312	E 101-42400-331	Travel Expenses	MILEAGE	68.82
					$68.82
SHOOKINATOR LAWNS					
08/13/2012		E 101-41910-441	Miscellaneous	MOW 4654 233RD LANE	155.00
					$155.00
SOUTH SIDE SEWER SERVICE INC					
07/31/2012	13027	E 101-45200-229	Project Repair & Maintenance	COMM PARK	228.50
08/09/2012	13053	E 101-45200-401	Repairs/Maint Buildings	COMMUNITY PARK	395.00
					$623.50
SOUTHERN WINE & SPIRITS OF MN					
08/09/2012	1846986	E 609-49751-206	Freight and Fuel Charges	FREIGHT	17.50
08/09/2012	1846986	E 609-49751-251	Liquor For Resale	LIQUOR	964.93
08/09/2012	1846986	E 609-49751-253	Wine For Resale	WINE	216.00
					$1,198.43
ST. FRANCIS TRUE VALUE HARDWAR					
07/10/2012	21512	E 602-49490-217	Other Operating Supplies	SUPPLIES	5.00
07/10/2012	21514	E 602-49490-217	Other Operating Supplies	SUPPLIES	4.02
07/12/2012	22552	E 602-49490-217	Other Operating Supplies	SUPPLIES	7.10
07/14/2012	22570	E 101-45200-217	Other Operating Supplies	SUPPLIES	21.27
07/17/2012	21557	E 101-43100-226	Sign Repair Materials	SUPPLIES	60.92
07/23/2012	22618	E 101-45200-217	Other Operating Supplies	SUPPLIES	3.04
07/24/2012	22630	E 101-45200-212	Motor Fuels	SUPPLIES	17.25
07/24/2012	22632	E 101-45200-217	Other Operating Supplies	SUPPLIES	6.88
07/30/2012	22693	E 101-45200-217	Other Operating Supplies	SUPPLIES	11.15
					$136.63
SUBURBAN LAWN					
08/02/2012	0440477497	E 101-45200-218	Equipment Repair & Maintenance	WEED WHIP PARTS	102.26
					$102.26
SUPPORT THE TROOPS GOLF TOURN					
		E 609-49750-340	Advertising	SPONSOR GOLF TOURNAMENT	100.00
					$100.00
SWENSON, KIMBERLY					
		E 101-42210-208	Training and Instruction	REIMB 30% TUITION & BOOKS	221.80
					$221.80
THORPE DISTRIBUTING COMPANY					
08/10/2012	706238	E 609-49751-253	Wine For Resale	WINE	150.60
08/10/2012	706239	E 609-49751-252	Beer For Resale	BEER	290.50
					$441.10
TWIN CITIES FLAG SOURCE, INC					
08/13/2012	18043	E 101-45200-217	Other Operating Supplies	FLAGS	119.70
					$119.70

UTILITY SERVICE CO., INC.					
08/01/2012	296540	E 601-49440-234	Water Tower Maintenance	WATER TOWER MAINTENANCE	23,511.75
					$23,511.75
VINOCOPIA, INC.					
08/03/2012	60866-IN	E 609-49751-206	Freight and Fuel Charges	FREIGHT	2.50
08/03/2012	60866-IN	E 609-49751-254	Miscellaneous Merchandise	MISC	36.75
					$39.25
WIRTZ BEVERAGE MN					
08/09/2012	786584	E 609-49751-206	Freight and Fuel Charges	FREIGHT	20.30
08/09/2012	786584	E 609-49751-251	Liquor For Resale	LIQUOR	1,040.92
08/09/2012	786584	E 609-49751-253	Wine For Resale	WINE	519.75
					$1,580.97
					$126,943.38

FUND SUMMARY

101 GENERAL FUND	$39,636.99
601 WATER FUND	$32,306.19
602 SEWER FUND	$3,689.17
609 MUNICIPAL LIQUOR FUND	$51,311.03
Total	126,943.38

Brian and Angela Lawrence
23124 Drake Street NW
St. Francis, MN 55070
(763) 753-3017

August 10, 2012

City of St. Francis
23340 Cree Street
St. Francis, MN 55070

RE: Agenda Request

Dear Councilmembers:

The purpose of this letter is to request permission to appear before the Council at the next public hearing of August 20, 2012, to address a request for an ordinance amendment and variance issue. We have submitted two inquiries regarding ordinances contained in Chapter 18 and would like to address the council in person.

Thank you.

Sincerely,

Brian and Angela Lawrence

Brian and Angela Lawrence
23124 Drake Street NW
St. Francis, MN 55070
(763) 753-3017

City of St. Francis
Attn: Councilmembers
23340 Cree Street
St. Francis, MN 55070

RE: Request for Variance

Dear Councilmembers:

Please consider this to be our proposal for a variance to build a larger structure on our property.

By way of background, we, Brian and Angela Lawrence, purchased our property in Shadow Ridge Estates in 2000 for the sole purpose to build a custom home and pole building. Shadow Ridge Estates is a neighborhood consisting of roughly 17 homes. Attached as Exhibit A is a plat map of Shadow Ridge Estates. Our property is noted as "Lawrence Property" at Lot 8, Block 1. At the time of purchase, the building ordinance for St. Francis provided that a permit would be granted to build a pole building the maximum size of 2400 square feet in the 2½ to 5 acre property size. Our lot is 4.3 acres. We built our home in 2002. We are now in a position to build a pole building. Upon preparing to do so in a proper and legal manner, to obtain a permit for the size pole building we have always intended to build, 2400 square feet, find out that the ordinance has since changed.

For the reasons stated below, it is our belief that a variance should be granted to allow a structure of 2400 square feet on our property:

1. At the time of purchase of our property we had the understanding we could build a 2400 square foot structure;
2. Our property is just two-thirds short of 5 acres;
3. All lots on Drake Street are large and wooded allowing for structures to be partially concealed by passersby;
4. Nearly half of all homes on Drake Street have pole buildings or other additional out-buildings;

5. The immediate property owner to the north, Rich Johnson, has a pole building that is 2400 square feet (see Exhibit B) and we would erect our structure adjacent to his on our property. **Please note that Rich Johnson's lot is under 5 acres**;
6. Our neighbors have no objection to our building a structure this size as shown in Exhibit C: Petition to Grant Variance;
7. The purpose for building this structure is to conceal our belongings to make our property neat and more attractive, which, in turn, makes the City of St. Francis in general more appealable.

As noted above, Exhibit C is a Petition to Grant Variance signed by our immediate surrounding neighbors and a number of additional neighbors from 231st Lane and Drake Street. The Petition outlines our intentions and by signing, our neighbors state that they agree and support the variance and urge the City to grant the variance as requested.

We are also attaching the following additional documents as required for a building permit request:

1) Development Application;
2) Permit Application;
3) Lot Certification Survey of our lot with the setbacks of the home (Exhibit D);
4) A scale drawing of the proposed 2400 square foot pole building with building description (Exhibit E); and
5) Drawing of proposed setbacks including pole building (Exhibit F).

We urge you to please give this request serious consideration and grant us the variance as requested. Thank you.

Respectfully yours,

Brian Lawrence Angela Lawrence

Brian and Angela Lawrence

Brian and Angela Lawrence
23124 Drake Street NW
St. Francis, MN 55070
(763) 753-3017

Mayor Jerry Tveit
and City Councilmembers
23340 Cree Street
St. Francis, MN 55070

RE: Request for Variance

Dear Mayor Tveit and Councilmembers:

The purpose of this letter is to request your support with regard to a variance request. Attached you will find a copy of a letter (without attachments) which has been provided to Nate Sparks, zoning commissioner. At this time Mr. Sparks has advised us that we have a "slim chance" that the variance will be granted.

We are depending upon you for support. We are simply asking that we be "grandfathered in" with regard to the size pole building we would like to build. As indicated in the attached letter, when we bought our property in 2000, we knew we were going to be able to build a pole building that is 2,400 square feet. We purchased our property with sole intentions of building a home and eventually a pole building. We feel our request is not excessive.

We understand that rules are in place for a reason. Could someone please enlighten us as to why Ordinance 10-18-6: Area, Number and Height Limitations was changed to begin with? Attached is the ordinance codes for Oak Grove showing that more than twice the size is allowed for our lot size.

Mr. Sparks has directed us to Chapter 8: Administration – Variances and below is a synapsis addressing each section with regard to our situation.

Section 10-8-4

A. That because of the particular physical surroundings, shape, or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Due to the size of our specific parcel of land, we have incurred a hardship in that we may no longer build a 2,400 square foot building on our property.

B. That the conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

These conditions are unique to us. It is not known to us if other property owners have the same situation: that is, they purchased a parcel of land under 5 acres prior to the size requirements being changed, as are now looking to build a larger size building. Should those property owners wish to request a variance in the same situation, their request should be seriously considered by the City.

C. That the purpose of the variance is not based exclusively upon an economical hardship, or a desire to increase the value or income potential of the parcel of land.

The purpose of the request is to store our belongings and therefore this sub-part is not applicable.

D. That the alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons having an interest in the parcel of land and is not a self-created hardship.

This is not a self-created hardship. The property has been surveyed and a copy of the survey has been provided to the City.

E. That the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.

This is not injurious or detrimental to the land or neighborhood improvements. Our neighbors fully support our request as indicated on the signed Petition attached.

F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety.

Not applicable.

G. That the requested variance is the minimum action required to eliminate the hardship.

The granting of the variance is the minimum action required to alleviate the hardship.

H. That the variance does not involve a use that is not allowed within the respective zoning district.

The pole building would be used to store our belongings.

I. That the granting of the variance will not confer special privileges on the parcel in question that are not generally available to other property in the same zoning district.

The granting of the variance will not confer special privileges and other property owners shall be able to make the same request should they be in the same situation.

We do not feel this is a major request and would not do any harm to the community. If you are unable to support our variance request, we would move to have an amendment made to Ordinance 10-18-6. We would be happy to discuss this request as well as address our specific situation at a City Council meeting should your agenda allow.

Thank you for your consideration.

Respectfully yours,

Brian and Angela Lawrence

NORTHWEST ASSOCIATED CONSULTANTS, INC.

4800 Olson Memorial Highway, Suite 202, Golden Valley, MN 55422
Telephone: 763.231.2555 Facsimile: 763.231.2561 planners@nacplanning.com

MEMORANDUM

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

FROM: Nate Sparks, Consulting Planner

DATE: May 30, 2012

MEETING DATE: June 4, 2012, July 16, August 2, and August 20

RE: Utility Code Update

BACKGROUND

Recently, City Staff reviewed Chapter 3 of the City Code regarding municipal utilities. There were several areas that were not consistent with current City policies and plans. The proposed ordinance update is intended to address these issues. Some of the changes are very minor such as updating position titles and fee schedule references. Other changes are more substantial.

Chapter 3 is divided into five sections. Section 1 is general standards applicable to billing and accounts. Section 2 is related to water service. Section 3 is about sewer service. Section 4 is currently about septic systems but is proposed to be modified to include well regulations. Section 5 is a codified version of a trunk area fee ordinance.

SECTION 1 – GENERAL PROVISIONS

The changes to Section 1 of Chapter 3 are more minor in nature. The primary change is to include the City's "Zero Read" policy into the ordinance. This is the policy that the Public Works Department follows regarding meters that are not detecting water use. Other changes include putting the requirement to pay for connection and access charges into this section to ensure it is applicable to all potential utilities, referring to the fee schedule as an ordinance, and other such changes.

SECTION 2 – RULES & REGULATIONS RELATING TO WATER SERVICE

The City has had an established policy and ordinance that the property owner is to care for their service line from the (and including) the curb stop box to the house. The policy has been difficult to enforce, as it is hard to ascertain if the leak is on the City's side or the property owner's side of the box in many cases. The purpose of the policy was that the service line was supposed to be the financial responsibility of the property owner, as much as feasible, and not all system users or taxpayers. Thus, the wording of this ordinance was changed to state the responsibilities for service line lie with the utility user from the corporation stop through the curb stop box and into the building served.

Safeguards are put in place requiring permits and inspections to ensure the right-of-way is maintained properly and that work will not cause problems for neighboring properties.

Section 3-2-4 regarding service pipes was expanded to include all of the City's requirements and standards for private facilities such as corporation stops, curb stops, and service lines. These are the standards that the City currently employs but are now being placed into the ordinance for the sake of clarity.

Section 3-2-6 is the ordinance section regarding the City's watering ban. Instead of generally referencing potential watering restrictions, this Section is proposed to be expanded to clearly state the City's watering ban policy. A general "water emergency" section was also added for severe or unusual cases that lie outside of the watering ban.

The ordinance included archaic references to private fire hose connections and use of unmetered service that are out of line with current Public Works and Engineering Policies. These have been removed and amended.

Also included into the updated water section are standards for backflow protection and a clear authorization to collect specific water connection charges. Neither area is of a major concern, at this time, but other area cities have run into issues that these ordinance sections helped to address.

SECTION 3 - RULES & REGULATIONS RELATING TO SEWAGE SERVICE

The City's policy has been to require the removal of abandoned underground tanks and vaults when no longer in use whenever feasible. Section 3-3-2-E has been updated to include this requirement but also allow for it to be waived by the City Engineer in certain cases.

Section 3-3-5 is proposed to have several updates. The City's current ordinance generally addressed items not allowed to be put into the sewer but more specificity was needed. Such discharges are broken into two categories. One is items that should never go into the sewer and others are items the City may take from certain users with agreements (i.e. industrial). This section includes more specific standards for these agreements and testing. Also included is the City's current policy regarding sump pumps and floor drains being daylighted.

The other major change is to delete the sewer equivalency connection table and to refer to the standard table created by the Met Council. They continuously do studies, review standards, and update the tables for use throughout the metropolitan area. The City's current SEC table is an older version of theirs and this reference allows the City to automatically use their newer versions.

SECTION 4 – RULES & REGULATIONS RELATING TO SEPTIC & WELL

Section 4 has been amended to include the City's private well standards. Until recently, individual cities were not allowed to regulate wells by ordinance in this manner by the

State Department of Health. The City has an adopted wellhead protection plan that states that no private wells in the urban area may be allowed within the area around the source wells for drinking water. The proposed regulations state that to use a well for irrigation, a permit is required and that the permit may be denied if it is in this wellhead protection area. Currently a plumbing permit is required but it is unclear if the City could deny the permit to be consistent with the adopted Wellhead Protection Plan.

RECOMMENDED ACTION

Included in the packet are two documents. One is a review draft showing the changes via strikethrough for deletion and underline for addition to allow for you to follow the changes. Another is the ordinance form with how each changed section will read after amendment. If the Council finds the changes to be acceptable, it would be recommended to approve the ordinance.

ST. FRANCIS UTILITY CODE UPDATES

REVIEW DRAFT

SECTION 1 – GENERAL REQUIREMENTS – PAGE 3-2

SECTION 2 – WATER REGULATIONS – PAGE 3-8

SECTION 3 – SEWER REGULATIONS – PAGE 3-15

SECTION 4 – SEPTIC & WELL REGULATIONS – PAGE 3-38

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SECTION 1

GENERAL PROVISIONS

SECTION:

3-1-1: Definitions
3-1-2: Fixing Rates and Charges for Municipal Utilities
3-1-3: Contractual Contents
3-1-4: Rules and Regulations Relating to Municipal Utilities
3-1-5: Connection or Tapping Prohibited – Delinquent Assessments or Charges
3-1-6: Violation a Misdemeanor

3-1-1: DEFINITIONS. As used this Code, the following words and terms shall have the meanings stated:

A. "Company", "Grantee", and "Franchisee" mean any public utility system to which a franchise has been granted by the City.

B. "Consumer" and "Customer" mean any user of a utility.

C. "Municipal Utility" means any City-owned utility system, including, but not by way of limitation, water and sewerage service.

D. "Service" means providing a particular utility to a customer or consumer.

E. "Utility" means all utility services, whether the same to be public City-owned facilities or furnished by public utility companies.

3-1-2: FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by the way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if nay, shall be fixed, determined and amended by the Council and adopted by ~~resolution~~ ordinance as part of the City's Fee Schedule. Such ~~resolution~~ ordinance, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk~~/Treasurer~~ and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

3-1-3: CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all

consumers of municipal utility services, and every such consumer be deemed to assent to the same.

3-1-4: RULES AND REGULATIONS RELATING TO MUNICIPAL UTILITIES.

A. Billing, Payment and Delinquency. All municipal utilities shall be billed monthly and a utilities statement or statements shall be mailed to each consumer. All utilities charges shall be delinquent if they are unpaid at the close of business on the 15th day following such billing, provided, that if the 15th day shall fall on a Saturday, Sunday or legal holiday, the time shall be extended to the close of business on the next succeeding day on which business is normally transacted. A penalty of ten (10) percent of the delinquent amount shall be added to, and become part of, all delinquent utility bills. Each billing will clearly state the penalty as a percentage rate. Delinquent utility accounts shall result in disconnection within forty-eight (48) hours after mailing notice thereof to the consumer. If service is suspended due to delinquency it shall not be restored at that location until a reconnection charge has been paid for each utility reconnected in addition to amounts owed for service and penalties.

B. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No ~~connection shall be made until consent has been received from the~~ connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

C. Discontinuance of Service. All municipal utilities may be shut off or discontinued, ~~any time between any Monday at 9:00 AM and the following Friday at 9:00 AM, except in case of an emergency~~, whenever it is found that:

1. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith, or.

2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after notice thereof.

3. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

4. The City will not shut off water service to a residential unit from October 15th through April 15th if that shut off would in any way affect the primary heat source of the unit and the present owner or occupant complies with thee provisions of state law and regulations.

5. The Building Official or the Director of Public Works to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist: (Ord 133, SS, 2-2-2009)

   a. The property if vacant;

   b. The property if unsecured;

   c. The property is determined to be uninhabitable or unsuitable for occupancy;

   d. Other utilities to the property providing heat and/or light have been shut off;

   e. The property has plumbing that is failing or unsafe;

   f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property; or

   g. The property owner or occupancy has refused access by authorized officials as authorized by this Section.

6. If the Public Works Director or designee determines a meter needs reading, inspection, maintenance, or replacement, a notification shall be placed on the property. If the owner or occupier of a premises fails to respond to the order within fourteen (14) days, the City may cause to have a No Response Fee, as established by the Fee Schedule, charged to the property or premise account. After such charge is applied to the property, the City may cause to have the water shut-off.

~~6.~~7. The water service shall not be re-connected to the property until it has passed an inspection by the Director of Public Works or designee and/or the Building ~~Inspector~~ Official and the necessary permits have been issued and fees have been paid. The inspection fee will be determined by the City's fee schedule ~~resolution of the City Council~~. (Ord 133, SS, 2-2-2009)

D. Ownership of Municipal Utilities. Ownership of all municipal utilities, plants, lines, mains, extensions and appurtenances thereto, shall be and remain in the City

and no person shall own any part of portion thereof. Provided, however, that private facilities and appurtenances constructed on private property are not intended to be included in municipal ownership.

E. Right of Entry. By applying for, or receiving, a municipal utility service, a customer irrevocably consents and agrees that any City employee acting within the course and scope of his employment may enter into and upon the private property of the customer, including dwellings and other buildings, at all reasonable times under the circumstances, in or upon which private property a municipal utility, or connection therewith, is installed, for the purpose of inspecting, repairing, reading meters, connecting or disconnecting the municipal utility service.

F. Meter Test. Whenever a consumer shall request the City to test any utility meter in use by him, such a request shall be accompanied by a cash deposit for each meter to be tested. If any such meter is found to be inaccurate the same shall be replaced with an accurate meter and the deposit thereon refunded. If the meter shall be found to be accurate in its recordings or calculations it shall be reinstalled and deposit shall be retained by the City to defray the cost of such test.

G. Unlawful Acts.

1. It is unlawful for any person to willfully or carelessly break, injure, mar, deface, disturb, or in any way interfere with any buildings, attachments, machinery, apparatus, equipment, fixture, or appurtenance of any municipal utility or municipal utility system, or commit any act tending to obstruct or impair the use of any municipal utility.

2. It is unlawful for any person to make any connection with, opening into, use, or alter in any way any municipal utility system without first having applied for and received written permission to do so from the City.

3. It is unlawful for any person to turn on or connect a utility when the same has been turned off or disconnected by the City for non-payment of a bill, or for any other reason, without first having obtained a permit to do so from the City.

4. It is unlawful for any person to "jumper" or by any means or device fully or partially circumvent a municipal utility meter, or to knowingly use or consume un-metered utilities or use the services of any utility system, the use of which the proper billing authorities have no knowledge.

H. Municipal Utility Services and Charges a Lien.

1. Payment for all municipal utility (as that term is defined in City Code, Section ~~3.01~~ 3-1-1) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of St. Francis, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk~~/Treasurer~~ of the City of St. Francis, Minnesota, to the County Auditor, and the City Clerk~~/Treasurer~~ in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

I. Notice and Appeal. The City will provide the current owner or occupant notice of a pending shut-off or certification prior to shutting off the water or certifying the unpaid amount and the appeal mechanism in the subdivision. This notice will be by first class mail to the individual's last known address at least twenty (20) days and, if there is no response, a red tag with the appropriate notice will be affixed to the property for a period of seven (7) days. Individuals who receive such a notice may appeal to the City Council by submitting a written appeal no later than thirty (30) calendar days after the initial notice. In addition, individuals who receive such a notice may submit a written request to meet with a City representative at any time prior to the matter being placed before the City Council to discuss the unpaid bill or other reason for shut off or certification.

3-1-5: CONNECTION OR TAPPING PROHIBITED – DELINQUENT ASSESSMENTS OR CHARGES. No permit shall be granted to tap or connect with sewer or water mains when any assessment or connection charge for such sewer or water main against the property to be connected is in default or delinquent. If such assessment or connection charges are payable in installments, no permit shall be granted unless all installments then due and payable have been paid.

~~**3-1-6: VIOLATION A MISDEMEANOR.** Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.~~

3-1-6: CONNECTION & ACCESS CHARGES. Connection and access charges shall be required to be paid prior to the initiation of service for any utility. The cost of such charges shall be fixed from time to time by Ordinance in the form of the City's Fee Schedule. Such charges shall be reflective of the original cost of improvements to which connection is made, together with appropriate adjustments which reflect current costs for similar improvements shall be paid at the time a connection is made or required to be made to any Sanitary Sewer, Public Water, Storm Sewer, or other Public Improvement by any premise which has not previously contributed to the costs of such Public Improvement.

3-1-7: VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

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SECTION 2

RULES AND REGULATIONS RELATING TO WATER SERVICE

SECTION:

3-2-1: Deficiency of Water and Shutting Off Water
3-2-2: Notice & Repair of Leaks
3-2-3: Abandoned Service Penalties
3-2-4: ~~Service Pipes~~ Private Service Connections & Maintenance
3-2-5: Private Water Supplies
3-2-6: ~~Prohibited Uses or Restricted Hours~~ Water Use Restrictions
3-2-7: Water Emergencies
3-2-~~7~~8: Private Fire Hose Connections
3-2-~~8~~9: Opening Hydrants
3-2-~~9~~10: Un-metered Service
3-2-~~10~~11: Water Meters and Water Meter Horns
3-2-~~11~~12: Code Requirement
3-2-13: Water Connection Charges
3-2-14: Backflow Prevention
3-2-~~12~~15: Additional Rules and Regulations

3-2-1: DEFICIENCY OF WATER AND SHUTTING OFF WATER. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

3-2-2: REPAIR OF LEAKS. ~~It is the responsibility of the consumer or owner to maintain the curb stop and service pipe from the curb stop into the house or other building.~~ It is the responsibility of the consumer or owner to maintain the service pipe from the corporation cock, through the curb stop box, and into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. If repairs are necessary to protect public or neighboring properties and not initiated within twenty-four (24) hours after oral and written notice, the City may cause to have the work done at the account holder or property owners' expense.

3-2-3: ABANDONED SERVICE PENALTIES. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation and subsequent restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the ~~old~~ existing water service size, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause to allow any service pipe to be hammered or squeezed together at the ends to stop the flow or water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

~~**3-2-4: SERVICE PIPES.** Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than seven (7) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the main to the inside of the building; or if not taken into a building then to the hydrant of other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be place close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared or compression fitted, and kept to a minimum. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be one-inch in diameter~~.

3-2-4: PRIVATE SERVICE CONNECTIONS & MAINTENANCE.

A. No person may excavate in a public right-of-way to obtain service from a water main, make connection therewith, or for any purpose which will expose a water main unless in receipt of a permit for the connection.

B. The corporation stop inserted in the distributing pipe must be of the size specified in the permit order and the connection shall be made in a manner consistent with City specifications and standards. Minimum size connection with the water main shall be one-inch in diameter.

C. Service pipes shall extend from the main through the curb stop box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A brass ball valve, the same size as the service pipe, shall be installed close to the inside wall of the building, ahead of the meter and well protected from freezing. Service pipes 1 inch in diameter shall be Seamless Copper, Type K, Soft Annealed Copper or Polyethylene Grade PE-

3408 or PE-4710 and shall be rated for 200 PSI working pressure, SDR-9, Copper Tube Size. Copper materials shall not be used for services larger than 1 inch in diameter. Service materials for services larger than 2 ½ inches in diameter shall conform to the requirements of Ductile Iron Pipe Class 52 or Polyvinyl Chloride Pipe C-900. Where non-conductive service materials are installed, #12 AWG solid copper or copper clad steel (CCS) wire with 30 mil high density polyethylene (HDPE) insulating jacket shall be installed along the entire length of service pipe. The copper wire shall be terminated such that it is able to be connected to and used for underground locating purposes.

D. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing or other such damage.

E. Joints on copper tubing shall be flared and kept to a minimum. Joints on polyethylene tubing shall be compression fitted with Type 304 stainless steel pipe inserts/stiffeners. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until they have been inspected.

F. The curb stop shall be installed in a manner such that it is accessible from the surface through a curb stop box without digging. The curb stop box shall be installed in a location accessible to the City at all times and in a manner approved by the City. All curb stop boxes shall conform and be maintained to the specifications and standards of the City. All curb stops shall be installed with a stationary operating rod a minimum of 78 inches in length. All valves within curb stop boxes shall be maintained in good working condition at all times. It shall be the responsibility of the applicant, owner, occupant or user to maintain the water service curb stop box for operability and at such height as will ensure that it remains above the finished grade of the land or property. No person shall erect any fence or other structure or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. If the curb stop box needs maintenance or raising or if the area around the curb stop needs clearing for access, the City may cause to have the work done at the expense of the account holder and/or property owner.

G. Frozen or otherwise damaged service pipes between the corporation stop and the building inclusive of the curb stop box shall be the responsibility of the private property owner. All maintenance, repairs, or other such work to the service pipe shall be done to the specification and standards of the City and require a permit and inspection from the Public Work Director and/or Building Official.

H. No more than one house or building shall be supplied from one corporation stop.

I. All piping and connections from the corporation cock and/or the curb stop box to the premise supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official and/or the Public Works Director or designee. The water meter installation shall be inspected, tested, and the meter sealed by the Public Works Department.

J. If the property owner requests maintenance services or repairs be performed by the City, or if repairs are necessary to protect public or neighboring properties in an emergency situation, the property owner shall be charged for the costs of the maintenance and/or repairs, including but not limited to any necessary street repairs, concrete, concrete curb and gutter, sidewalk, bituminous trail, turf, etc.

3-2-5: PRIVATE WATER SUPPLIES. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow as stated in Section 3-4-9.

~~**3-2-6: PROHIBITED USES OR RESTRICTED HOURS.** Whenever the City shall determine that a shortage of water threatens the City, it may entirely prohibit water use or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof.~~

3-2-6: WATER USE RESTRICTIONS.

A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days between May 1st and continuing until September 30th of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.

B. Alternating days means that property with an address ending in an odd number may irrigate only on odd-numbered days of the month and property with an address ending in an even number may irrigate only on even-numbered days of the month.

C. Upon written request and approval by the City Administrator, or his designee, and subject to such terms and conditions imposed by the City Administrator, or

his designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City's municipal water system at times other than as permitted in Section 3-2-16 Subdivision A and B hereof:

1. Employees and agents of the City or School District, in such instances wherein lawn, grass, or turf used for play fields or park areas owned and operated by such entities require more frequent irrigation to prevent unreasonable damage thereto.

2. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of the new sod, seed, or immature turf or grasses for a period of thirty (30) days, when in receipt of a permit for such activity from the Public Works Director.

3-2-7: WATER EMERGENCIES.

A. Whenever in the judgment of the City Administrator, or his designee, the water pressure and/or available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be publically posted, and all orders of the City Administrator, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.

B. During the existence of a state of water emergency the City Administrator, or his designee, may, by order, impose restrictions on sprinkling, irrigation, or other utilization of water from the City's municipal water system including, but not limited to the total prohibition of water use for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them or the prohibition of such water use on specified days or during certain hours.

~~**3-2-7: PRIVATE FIRE HOSE CONNECTIONS.** Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.~~

3-2-8: OPENING HYDRANTS. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the

same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver ~~do liver or suffer~~ or offer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

3-2-9: UN-METERED SERVICE. ~~Un-metered service may be provided for construction, flooding skating rinks, and any other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, un-metered service may be provided and the un-metered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water used. In so estimating the City shall consider the use to which the water is put and the length of time of un-metered service.~~ In cases where, in the opinion of the Public Works Director, no reasonable manner for metered service is available, a private system user may be granted un-metered service on a temporary basis. The user shall pay the temporary meter fee and fees for the estimated water use based on the judgment of the Public Works Director.

3-2-10: WATER METERS AND WATER METER HORNS. All water meters shall be furnished, owned, controlled, and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All meters in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed in a manner acceptable to the City ~~and controlled by the City~~ and the cost of installation shall be the responsibility of the property owner. ~~All water meters shall be owned and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owners. All meters in need of replacement shall be replaced at the cost of the property owner and furnished and maintained by the City.~~ All five-eighths (5/8) and one (1) inch meters shall be installed in a meter horn with remote wire and remote pad. All meters larger than one (1) inch shall meet City requirements including remote wire and remote pad. All meter installations shall be controlled and inspected by the City and the cost of installation shall be the responsibility of property owner.

3-2-11: CODE REQUIREMENT. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and other standards and specifications of the City. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. The corresponding fees for such permits, as established by the City's Fee Schedule, shall be paid at the time of permit issuance.

~~**3-2-12: ADDITIONAL RULES AND REGULATIONS.** The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk/Treasurer, and uniformly enforced.~~

3-2-13: WATER CONNECTION CHARGES. Connection charges are due to the City upon issuance of a building permit or connection permit and prior to a new occupancy. This fee shall be set by ordinance for each equivalent connection unit. An equivalent connection unit (one E.C.) is established in Section 3-3-8 for development within the City. One single family dwelling is one unit. These Standards may be amended as may be necessary by ordinance.

3-2-14: BACKFLOW PROTECTION. Approved devices or assemblies for the protection of the potable water supply must be installed at any plumbing fixture or equipment where backflow or back siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

A. Any device or assembly for the prevention of backflow or back siphonage installed, shall have first been certified by a recognized testing laboratory and have a certification number clearly visible on the devise. AWWA, ASSE, and USC are the certified labs recognized by the Administrative Authority. These devices must be readily accessible.

B. The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified, accredited personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from piping installation has not interfered with the functioning of the assembly.

3-2-15: ADDITIONAL RULES AND REGULATIONS. The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

SECTION 3

RULES AND REGULATIONS RELATING TO SEWAGE SERVICE

SECTION:

3-3-1: Definitions
3-3-2: Use of Public Sewers Required
3-3-3: Constructing Building Sewers and Connections to Public Sewers
3-3-4: Repairs to Sewage Service
3-3-5: Use of Public Sewers
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3-3-7: Authority and Powers of Inspectors
3-3-8: Equivalent Connection Charges
3-3-9: User Charges
3-3-10: Connection With and Use of City System Without Compliance Prohibited
3-3-11: Qualifications of Persons

3-3-1: DEFINITIONS. The following terms, as used in this Section, shall have the meanings stated:

A. "BOD" or "BOD_5" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in milligrams per liter.

B. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning at least one (1) foot outside the building footings.

C. "Building Sewer Service" means the sewer extension from the building drain to the public sewer main or other place of disposal.

D. "Collection" means the receiving and conveying of sewage, including any lifting or pumping equipment and/or structures, to the sewage treatment facility.

E. "Domestic Wastes" includes one or more of the following: human excretions, food and meal preparation, dishwashing, and laundry wastes in less than industrial quantities.

F. "Equivalent Connection" means a building sewer which produces a flow equivalent to an average single family detached residence contribution calculated at ~~two hundred fifty (250)~~ two-hundred seventy-four (274) gallons per day with a BOD loading of 0.60#/day.

G. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

H. "Industrial Wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

I. "Industrial User" means any person from whose property industrial waste is discharged into the public sanitary sewer in quantities greater than one thousand (1,000) gallons per day or which produces concentrations of suspended solids or BOD content exceeding the limits herein set for normal sewage.

J. "Maintenance" means the repairing, replacing, cleaning, repainting or such similar work as is necessary to maintain the sewage system in proper operating condition.

K. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.

L. "Normal Sewage" means sewage in volumes of two-hundred seventy-four (274) or less ~~than two hundred seventy-five (275~~) gallons per day and containing an average concentration of suspended solids below ~~two hundred seventy-five (275)~~ two hundred fifty (250) milligrams per liter and a BOD content of below ~~two hundred seventy-five (275)~~ two hundred fifty (250) milligrams per liter.

M. "Operation" means the day-to-day managing, controlling, and maintaining of the sewage system.

N. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

O. "Properly Shredded Garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

P. "Public Sewer" means a sanitary sewer in which all owners of abutting properties have equal usage rights, and is controlled by public authority.

Q. "Replacement" means the purchase and installation in the sewage system of an item of real or personal property as a substitute for a like item that has been damaged or not functioning properly.

R. "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

S. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

T. "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

U. "Sewerage System" means all facilities for collecting, pumping, treating, and disposing of sewage.

V. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

W. "Storm Drain" or "Storm Sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

X. "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Y. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Z. ~~Y.~~ "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

~~Z. "Zones" or "Zone" means any one or more of the following specified zones~~:

AA. "Metropolitan Urban Service Area" (MUSA) means the area identified in the Comprehensive Plan as intended for urban services (i.e. sewer and water).

BB. "Rural Service Area" means the area identified in the Comprehensive Plan as intended for rural services (i.e. septic and well).

3-3-2: USE OF PUBLIC SEWERS REQUIRED.

A. Deposition of Waste. It is unlawful for any person to place, deposit, or permit 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.

B. Discharge to Natural Outlets. 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 this Section.

C. Construction of Private Waste Disposal System. Except as hereinafter provided, it is unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage in the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Where a hardship exists, the Council may allow the continued use of an existing safe on-site sewage disposal system, as a non-conforming use. No expansion or alteration or repair of these systems will be allowed; should they be necessary, the connection to the public system will then be required within ninety (90) days. Parcels within the MUSA greater than twenty (20) acres in size may install and maintain an on-site sewerage disposal system until that time the parcel is further subdivided.

D. Connection to the Public Sewerage System. Unless excepted above, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other like purposes situated within the MUSA abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet and other wastewater collection facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Section, within ninety (90) days after the date of official notice to do so from the City. Provided, however, that this requirement shall not apply to unheated buildings used exclusively for storage.

E. Abandonment of Private System. At such time as public sewer becomes available to a property sewered by a private sewage disposal system, as direct connections shall be made to the public sewer in compliance with this Section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed from the site. In cases where the City Engineer finds that removal may cause significant damage in regards to public property, erosion, or mature trees the system may be abandoned, cleaned of sludge, and filled with suitable material, such as clean pit-run gravel or dirt to the satisfaction of the Public Works Director ~~Maintenance Superintendent~~.

F. Extension of Sewer. If a person in the MUSA needs or desires to connect to the City Sewerage System, he may petition the Council to extend sewers to serve his

property. The Council shall follow the procedure as specified by statute for the construction of said improvements.

G. Pretreatment. Sewerage systems users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all Federal categorical pre-treat wastewater to a level acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director ~~Maintenance Superintendent~~/City Engineer for review, and shall be acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce and effluent acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Public Works Director ~~Maintenance Superintendent~~/City Engineer prior to the user's initiation of the charges. All records relating to the compliance with pretreatment standards shall be made available by the Public Works Director ~~Maintenance Superintendent~~/City Engineer Engineer to officials of the EPA or MPCA upon request.

H. Confidential Information. Information and data on a user's water consumption and sewage characteristic obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director ~~Maintenance Superintendent~~ that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for users related to this Section, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater ~~constituents~~ composition and characteristics will not be recognized as confidential information. Information accepted by the Public Works Director ~~Maintenance Superintendent~~ as confidential, shall not be transmitted to any governmental agency or to the general public by the Public Works Director ~~Maintenance Superintendent~~ until and unless a ten (10) day notification is given to the user.

I. Sludge Generated. Sludge, floats, skimming, etc., generated by an industrial or commercial pretreatment system shall not be placed into the wastewater disposal system. Such sludge shall be contained, transported, and disposed of by haulers in accordance with all Federal, State and local regulations.

3-3-3: CONSTRUCTING BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS.

A. Unauthorized Work on a Public Sewer. It is unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Public Works Director ~~Maintenance Superintendent~~.

B. Building Sewer Permits. There shall be three classes of building sewer permits (1) for residential service; (2) service to commercial and industrial firms producing domestic wastes; and, (3) for service to firms producing industrial wastes. The owner or his agent shall make application on a special form furnished by the City which form shall be adopted by the Council and the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director ~~Maintenance Superintendent~~. A permit and inspection fee set by the Council resolution according to the proposed sewer use and connection shall be paid to the City at the time the application is filed. Said permit fees may be changed by the Council, from time to time, by resolution, and a copy of such resolution shall be kept on file in the office of the City Clerk~~/Treasurer~~ and available for inspection during regular office hours. Any fee charged by the State of Minnesota or any other entity of the Sate or Federal government shall also be collected and shall be in addition to the fee herein.

C. Installation and Connection Costs. All costs and expenses incident to the installation and connection of the building sewer service shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. Separate Sewer Service for Each Building. A separate and independent building sewer shall be provided for every principal building~~, except where the location of the sewer and the building to be connected reasonably require otherwise, the Council shall determine what is reasonable~~. Residential, commercial, and industrial developments with several buildings may require sewers and manholes on private property to provide individual building services. Such a system must be approved by the City Engineer.

E. Reuse of Old Sewer Services. Old building sewer services may be used in connection with new buildings only when they are found, on examination and/or

testing by the owner in a manner acceptable to the Public Works Director ~~Maintenance Superintendent~~, to meet all requirements of this Section.

F. Building Sewer Service Code Requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connection to the public sewer, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and of other applicable rules and regulations of the City. Care shall be taken to prevent entry of groundwater or any unauthorized waters into the public sewer during construction. For residential service, no floor drains from accessory building or garages, whether attached or detached, shall be connected to the building sewer or sanitary sewer.

G. Gravity or Lifted Sewage Flow in Sewer Service. Whenever possible, the building sewer service shall be brought to the building at an elevation below the basement floor, in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer service.

H. Building Sewer Service Inspection. The applicant for the building sewer service permit shall notify the Public Works Director ~~Maintenance Superintendent~~ when the building sewer service is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director ~~Maintenance Superintendent~~ or his representative.

I. Public Hazard Protection During Service Installation. All excavations for building sewer service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as required by the Minnesota Department of Transportation rules and regulations. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

3-3-4: REPAIRS TO SEWAGE SERVICE.

A. Whenever any building sewer service becomes clogged, obstructed, broken or out of order between the building and the main, the owner shall forthwith make repairs.

B. If the owner fails to make the necessary repairs required by Section 3-3-4.A of this Code, the City may cause the work to be performed and bill the property owner accordingly.

C. Whenever any damage condition of a building sewer service shall cause damage to, or the introduction of soil or foreign matter into, the municipal sewerage

system which shall require repairs or cleaning of the system, the property owner shall be responsible for the cost of repairs or cleaning.

D. Each day, after notice, that a person neglects or fails to repair the building sewer service constitutes a separate violation of the City Code.

3-3-5: USE OF PUBLIC SEWERS.

A. ~~Illegal Discharge. It is unlawful for any person to discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer without a special permit from the City.~~

Prohibited Discharges.

1. Unpolluted Waters. No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharge shall be directed to the storm water collection system, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.

2. Foreign or Hazardous Substances.

   a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

   b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;

   c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;

   d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand,

mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;

e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

B. ~~Article V of Sewage and Waste Control Rules and Regulations for the Metropolitan Disposal System. The regulations of the Metropolitan Waste Control Commission, (formerly Metropolitan Sewer Board) adopted December 1, 1971, and as the same has been, or may be in the future, amended, are hereby adopted by reference and incorporated herein. A copy of said Rules and Regulations and amendments thereto, shall be kept on file in the office of the City Clerk/Treasurer for reference and open to public inspection during regular office hours.~~

Regulated Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of the sewage plant, the City's NPDES permit, and other pertinent determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances restricted shall be:

1. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.).

3. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension.

4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.

6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.

7. Any water or wastes having a pH in excess of 9.5.

8. Materials which exert or cause:

   a. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

   b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

   c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

   d. Unusual volume of flow or concentration of wastes constituting a slug.

   e. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

~~C. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.~~

C. Response to Improper Discharge. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or

wastes do not meet the standards set out in or promulgated under this Section, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

1. Refuse to accept the discharges.

2. Require control over the quantities and rates of discharge.

3. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

4. Require payment to cover the added cost of handling or treating the wastes.

~~D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.~~

D. Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

~~E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Maintenance Superintendent or his authorized representative.~~

E. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

F. Testing.

1. Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure

together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

2. Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

G. Industrial Waste. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.

E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Public Works Director ~~Maintenance Superintendent~~ or his authorized representative.

F. Required Daylighting. All sump pumps and garage floor drains shall be daylighted to prove the discharge is not being put into the sanitary sewer system. The discharge pipes from both shall be directed away from houses/principal structures on neighboring properties and wetlands.

3-3-6: DAMAGE TO THE PUBLIC SEWAGE SYSTEM.

A. It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewerage system.

B. It is unlawful for any person, having charge of any building or other premises which drains into the municipal sewerage system, to permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer.

3-3-7: AUTHORITY AND POWERS OF INSPECTORS.

A. Permission to Enter Onto Private Property for Observation and Testing. The Public Works Director ~~Maintenance Superintendent~~ and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section. The Public Works Director ~~Maintenance Superintendent~~ shall have no authority to inquire into any proprietary processes in metallurgy, chemical manufacturing, refining, paper making, ceramics, or similar industries beyond the technical information required for the proper receiving, conveying and treatment of the particular waste.

B. Observation of Safety Rules by City Employees. While performing the necessary work on private properties referred to herein, the Public Works Director ~~Maintenance Superintendent~~ or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

C. Inspection, Sampling, Measurement and Maintenance on Private Property. The Public Works Director ~~Maintenance Superintendent~~ and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly

negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

3-3-8: EQUIVALENT CONNECTION CHARGES.

A. Equivalent Connection Charge Definition and Application. A sum of money hereinafter termed "the equivalent connection charge" is to be collected for the purpose of providing funding necessary for the construction of the sewerage system and additions or extensions thereto, and for payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such improvements. This sum of money is hereby charged with respect to every lot, parcel of land, buildings or premises within ~~Zone I and Zone II~~ MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Such charge is made for the privilege of making a connection, direct or indirect, to the City's facilities for the collections and treatment of sewage, industrial waste and water or other liquid discharged from such premises.

B. Payment of Connection Charges. Connection charges are payable at the time of the building permit issuance. The Building Inspector shall not issue a building permit until such connection charge is paid. For any building permit issued prior to the effective date of this Section, in which the connection has not been made to the Public Sewerage System, connection charges are then payable prior to the time of connection or by such date as stipulated by the Council. For existing buildings connection charges are payable upon application for a connection permit.

C. Application and Permit for a Connection. No connection from any premises to the disposal system is authorized without there being first obtained for such connection a permit issued by the City. No permit may be obtained from the City, and no representative of the City is authorized to issue a permit for connection unless and until an authorized representative of the City receives an application for such connection, determines and establishes the type of connection to be made and receives the equivalent connection fee as required. The City shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the City and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section.

D. Increased Connection Charges Based on Measurement. The determination and establishment in the first instance of the equivalent connection charge represented by a connection, especially when made by estimate based upon

representations of the owner or occupant of the premises is at all times subject to further determination and establishment after the connection has been made and determined by an actual measurement and/or analysis by the Public Works Director ~~Maintenance Superintendent~~ of the sewage or waste discharge from such connection entering into the system of the City. The receipt and acceptance by the City of any money paid and received by the City, as previously imposed does not bar the City's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the City's right to recover therefore is not impaired. After a connection has been made and the connection charge established, imposed and paid, no diminution in discharge from the premises shall entitle the owner (or occupant) against the City to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.

E. Computation of Connection Charges. Connection charges ~~for building within the immediate sewer service area (Zone I)~~ are due to the City upon issuance of a building and/or connection permit. This fee shall be set by Council resolution for each equivalent connection unit. An equivalent connection unit (one E.C.) is established as the anticipated flow from a single family residence as referenced herein. ~~The following list is hereby established as the basis for equivalent connection units for development within the City. These Standards may be amended as may be necessary by Council resolution.~~ The City hereby adopts by reference and incorporates herein Appendix A of the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge Procedure Manual as may be amended in the future. A copy of said document and amendments thereto shall be kept on file in the office of the City Clerk for reference and open to public inspection during regular office hours. In cases where said document references MCES or MCES Staff shall be interpreted to mean City of St. Francis or City of St. Francis Staff respectively.

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~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~ANIMAL CLINIC (humane societies, animal research, boarding, etc.)~~		
~~Animal Holding Areas:~~	~~17 f.u.~~	~~1~~
~~Animal Runs:~~	~~34 f.u.~~	
~~ARCHERY (6 feet/lane)~~	~~6 lanes~~	~~1~~
~~ARENAS (bleachers 18 inches/person)~~	~~110 seats~~	~~1~~
~~AUDITORIUMS (7 sq. ft./person)~~	~~110 seats~~	~~1~~
~~AUTOMOBILE~~		
~~Fast service (less than 4 hours per car):~~	~~2 service bays~~	~~1~~
~~Major service (more than 4 hours per car):~~	~~14 employees~~	~~1~~
~~BALLROOM (exclude dance floor)~~		
~~Facility without liquor service:~~	~~825 sq. ft.~~	~~1~~
~~Facility with liquor service:~~	~~590 sq. ft.~~	~~1~~
~~BANK (exclude cash vault)~~	~~2,400 sq. ft.~~	~~1~~
~~BANQUET ROOM (15 sq. ft./ person)~~		
~~Food catered~~	~~2,060 sq. ft.~~	~~1~~
~~Food catered with dishwashing~~	~~1,180 sq. ft.~~	~~1~~
~~Food catered with liquor~~	~~1,028 sq. ft.~~	~~1~~
~~Food preparation and dishwashing~~	~~825 sq. ft.~~	~~1~~
~~Food catered with dishwashing and liquor~~	~~750 sq. ft.~~	~~1~~
~~Food preparation, dishwashing with liquor~~	~~590 sq. ft.~~	~~1~~
~~BARBER~~	~~4 chairs~~	~~1~~
~~BEAUTY SALON~~	~~4 cutting stations~~	~~1~~
~~BINGO HALL (used only for bingo)~~	~~110 seats~~	~~1~~
~~BOARDING HOUSE (dorm rooms)~~	~~5 beds~~	~~1~~
~~BODY SHOP (major service-more than 4 hours per car, no vehicle washing)~~	~~14 employees~~	~~1~~
~~BOWLING ALLEYS (does not include bar or dining area)~~	~~3 alleys~~	~~1~~
~~CAMPS [no. gal X occupant or site)/274]~~		
~~Children's camps (central toilet and bath; overnight, primitive cabins)~~	~~274 gallons~~	~~1~~
~~(no. occupants X 50 gal/occupant)/274 gal~~		
~~Day camps (no meals)~~	~~274 gallons~~	~~1~~
~~(# occupants x 50 gal/occupant)/274 gal~~		
~~Labor/Construction camps~~	~~274 gallons~~	~~1~~
~~(# occupants x 50 gal/occupant)/274 gal~~		
~~Resorts (housekeeping cabins)~~	~~274 gallons~~	~~1~~
~~(# occupants x 60 gal/occupant)/274 gal~~		
~~Travel Trailer Parks~~		
~~with water & sewer hookup~~	~~274 gallons~~	~~1~~
~~(# sites x 100 gal/site)/274 gal~~		

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~CAMPS – Continued~~ ~~Travel Trailer Parks~~ ~~with central toilet and showers~~ ~~(# sites x 75 gal/site)/274 gal~~ ~~sanitary dump (sites w/o hookup)~~ ~~(# sites x 10 gal/site)/274 gal~~	 ~~274 gallons~~ ~~274 gallons~~	 ~~1~~ ~~1~~
~~CAR WASH (Self Service)~~	~~1 stall~~	~~1~~
~~CAR WASH (Service Station – Automatic Rollover Brushes)~~	~~1 stall~~	~~6~~
~~CAR WASH (Requires specification on equipment flow rate and cycle time; tunnel-car pulled through) CONTACT MWCC FOR DETERMINATION~~	~~274 gallons~~	~~1~~
~~CHURCHES (for sanctuary, nave, chancel) (7 sq. ft./person-seating area) (remainder use other criteria) (sacristy, ambulatory-no charge)~~	~~275 seats~~	~~1~~
~~COCKTAIL LOUNGE (no food service)~~	~~23 seats~~	~~1~~
~~CORRECTION FACILITY (prison)~~	~~2.5 inmates~~	~~1~~
~~DAYCARE (number of children licensed for)~~	~~14 children~~	~~1~~
~~DORM ROOMS On/Off campus students (charge additional for classrooms)~~	~~5 students~~	~~1~~
~~DRY CLEANERS (retail)~~	~~3,000 sq. ft.~~	~~1~~
~~ELDERLY HOUSING (100% of current SEC rate)~~ ~~(# of one bedroom units x 1.5 people/unit)~~ ~~+ (# of two bedroom units x 2.0 people/unit)~~ ~~(total # of people/3 people)~~	 ~~3 people~~	 ~~1~~
~~EXERCISE AREA/GYM (juice bars-no charge) (sauna, whirlpool included)~~ ~~No showers~~	~~700 sq. ft.~~ ~~2,060 sq. ft.~~	~~1~~ ~~1~~
~~FIRE STATION (charge for office, meeting room, etc. at established rates)~~ ~~Washing (hose tower, truck)~~ ~~Full Time (overnight people)~~ ~~(75 gal/person)/274 gal~~ ~~Volunteer (occasional overnight)~~	 ~~274 gallons~~ ~~274 gallons~~ ~~14 people~~	 ~~1~~ ~~1~~ ~~1~~
~~FUNERAL HOME (charge viewing areas only-chapel, viewing areas, etc.)~~ ~~Apartment~~	~~770 sq. ft.~~ ~~1 apartment~~	~~1~~ ~~1~~
~~GAME ROOM (billiards, video, pinball games)~~ ~~With bar~~ ~~Without bar~~	 ~~590 sq. ft.~~ ~~2,060 sq. ft.~~	 ~~1~~ ~~1~~
~~GENERAL OFFICE BUILDING~~ ~~(deduct mechanical rooms, elevator shafts, Stairwells, restroom and storage areas)~~	~~2,400 sq. ft.~~	~~1~~

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~GOLF COURSE (if showers use locker room criteria)~~		
~~18 hole (280 golfers/day x 2.5 gal/golfer)/274 gal~~	~~274 gallons~~	~~1~~
~~Par 3 (168 golfers/day x 2.5 gal/golfer)/274 gal~~	~~274 gallons~~	~~1~~
~~Country Club (private)~~		
~~Dining room (evenings & weekends)~~	~~15 seats~~	~~1~~
~~Bar & Grill (separated)~~		
~~Bar~~	~~23 seats~~	~~1~~
~~Grill~~	~~15 seats~~	~~1~~
~~Bar & Grill (combined)~~		
~~([168 or 280] golfers x 9 gal/person)/274 gal~~	~~274 gallons~~	~~1~~
~~GREENHOUSE~~		
~~Area not open to public~~	~~15,000 sq. ft.~~	~~1~~
~~Area open to public~~	~~5,000 sq. ft.~~	~~1~~
~~General retail area~~	~~3,000 sq. ft.~~	~~1~~
~~GROUP HOME~~	~~5 beds~~	~~1~~
~~GUEST ROOMS (apartment or condominium) (charge SEC as apartment)~~		~~1~~
~~Washer/Dryer~~	~~100% of current SAC rate~~	
~~No Washer/Dryer~~	~~80% of current SAC rate~~	
~~No Kitchen~~	~~50% of current SAC rate~~	
~~HANDBALL AND RACQUETBALL COURTS~~	~~1 court~~	~~2~~
~~HOSPITALS (licensed beds or baby cribs) (does not include out-patient clinic)~~	~~1 bed~~	~~1~~
~~Out-patient clinic (Plumbing Fixture Units)~~	~~17 f.u.~~	~~1~~
~~Sterilizers (4 hours x gmp x 60 minutes/274 gal)~~	~~274 gallons~~	~~1~~
~~X-ray film processors (continuous operation 9 hrs) (intermittent operation 4 hrs) (operation time (hrs) x gmp x 60 minutes/274 gal)~~		
~~LAUNDROMAT (requires water volume for cycle time) 8 cycles per day~~	~~274 gallons~~	~~1~~
~~LIBRARY (subtract out book storage areas, file areas charge common plumbing fixture units)~~	~~17 f.u.~~	~~1~~
~~(meeting rooms, board rooms, reception, book checkout, offices)~~	~~2,400 sq. ft.~~	~~1~~
~~LOADING DOCK~~	~~7,000 sq. ft.~~	~~1~~
~~LOCKER ROOMS (if showers 20 gal/person)~~	~~14 lockers~~	~~1~~
~~MEETING ROOMS (conference rooms)~~	~~1,650 sq. ft.~~	~~1~~
~~MINI-STORAGE (storage area no charge)~~		
~~Living Area~~		~~1~~
~~Public Restroom (plumbing fixtures)~~	~~17 f.u.~~	~~1~~
~~MOBILE HOME~~		~~1~~

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~MOTELS AND HOTELS (assume 2 persons/room) (pools, saunas, Jacuzzis, game rooms, exercise Rooms exclusively used by guests – no charge)~~	~~2 rooms~~	~~1~~
~~Breakfast only (complimentary)~~	~~45 seats~~	~~1~~
~~Cocktail Hours (complimentary)~~	~~55 seats~~	~~1~~
~~Kitchenettes (# kitchenettes x 10 gal/day)/274 gal~~	~~274 gallons~~	~~1~~
~~MUSEUM~~	~~2,400 sq. ft.~~	~~1~~
~~NURSING HOME~~	~~3 beds~~	~~1~~
~~POLICE STATION (charge as office)~~		
~~Cells Overnight (jail) (# overnight people x 80 gal/person)/274 gal~~	~~274 gallons~~	~~1~~
~~No overnight people (holding area)~~	~~14 people~~	~~1~~
~~RECORDING/FILMING STUDIOS~~	~~7,000 sq. ft.~~	~~1~~
~~RESTAURANT (drive-in)~~	~~9 parking spaces~~	~~1~~
~~RESTAURANT (fast food) (disposal paper plates, glasses, and silverware)~~	~~22 seats~~	~~1~~
~~RESTAURANT (full service)(washable silverware, glasses and dishes)~~	~~8 seats~~	~~1~~
~~RETAIL STORES (deduct mechanical rooms, elevator shafts, stairwells, restrooms and unfinished storage areas)~~	~~3,000 sq. ft.~~	~~1~~
~~ROLLER RINK (skating area)~~	~~825 sq. ft.~~	~~1~~
~~ROOMING HOUSES (no food service)~~	~~7 beds~~	~~1~~
~~RV DUMPING STATION (not in association with camp grounds)~~		~~1~~
~~SCHOOLS (Sunday) – (30 sq. ft./student)~~	~~55 students~~	~~1~~
~~SCHOOLS (elementary) – (15 gal/student) (30 sq. ft./student)~~	~~18 students~~	~~1~~
~~SCHOOLS (college, TVI) – (30 sq. ft./student)~~	~~18 students~~	~~1~~
~~Lecture Halls (15 sq. ft./student)~~	~~18 students~~	~~1~~
~~Labs (50 sq. ft./student)~~	~~18 students~~	~~1~~
~~Dorm Rooms (on/off campus students)~~	~~5 students~~	~~1~~
~~SCHOOLS (nursery) (number of children licensed for)~~	~~14 students~~	~~1~~
~~Church (nursery during worship service only – (30 sq. ft./child)~~	~~55 children~~	~~1~~
~~Nursery (health clubs, bowling alleys, etc.)~~	~~2,400 sq. ft.~~	~~1~~
~~SCHOOLS (secondary) – (30 sq. ft./student) – (20 gal/student)~~	~~14 students~~	~~1~~
~~Labs (50 sq. ft./student)~~	~~14 students~~	~~1~~
~~SERVICE STATION (gas pumping only)~~		~~1~~
~~SERVICE STATION (with service center – 2 service bays)~~		~~2~~

~~FACILITY~~	~~PARAMETER~~	~~SEC~~
~~SERVICE STATION (with service center and car wash)~~		~~8~~
~~SWIMMING POOLS (public) (pool area)~~ ~~(private residential, townhouse, condominiums, hotels, motels or apartments – no charge)~~	~~900 sq. ft.~~	~~1~~
~~TANNING ROOMS~~	~~3,000 sq. ft.~~	~~1~~
~~TENNIS COURTS (public, shower facilities available)~~	~~1 court~~	~~2~~
~~THEATER~~	~~64 seats~~	~~1~~
~~THEATER (drive-in) (parking spaces)~~	~~55 spaces~~	~~1~~
~~VEHICLE GARAGE~~ ~~Employees stationed in garage~~ ~~Vehicle drivers (per day)~~ ~~Vehicle washing (# vehicles/day x gpm x minutes/vehicle)/274 gal~~	 ~~14 employees~~ ~~28 drivers~~ ~~274 gallons~~	 ~~1~~ ~~1~~ ~~1~~
~~WAREHOUSES (assembly areas)~~ ~~Office/Warehouse (speculative) - (must be re-reviewed on finishing permits)~~ ~~Minimum 30% Office~~ ~~Maximum 70% Warehouse~~	~~7,000 sq. ft.~~ ~~2,400 sq. ft.~~ ~~7,000 sq. ft.~~	~~1~~ ~~1~~ ~~1~~
~~WHIRLPOOL (doctors office/clinic, therapy)~~ ~~(# gal/fill x 8 fills/day)/274 gal~~	 ~~274 gallons~~	 ~~1~~
~~YARD STORAGE BUILDINGS (no permanent employees) (ex: lumber storage, customer pickup)~~	~~15,000 sq. ft.~~	~~1~~

~~*PLUMBING WASTE FIXTURE UNITS~~

~~TYPE OF FIXTURE~~	~~FIXTURE UNIT VALUE~~
~~Drinking fountain~~	~~1~~
~~Floor drain 2" waste (only if hose bib included)~~	~~2~~
~~Floor drain 3" waste (only if hose bib included)~~	~~3~~
~~Floor drain 4" waste (only if hose bib included)~~	~~4~~
~~Shower stall, domestic~~	~~2~~
~~Shower (gang) per head~~	~~1~~
~~Sinks (lab in exam room, bathroom)~~	~~1~~
~~(kitchen, and others)~~	~~2~~
~~(surgeon)~~	~~3~~
~~(janitor)~~	~~4~~
~~Urinals (single – wall hung)~~	~~3~~
~~(trough – per 6 foot section)~~	~~2~~
~~Water closet~~	~~6~~

~~*(If not included in list, use Plumbing Code)~~

F. Determination of Equivalent Connection for Unlisted Uses. The connection unit for those building uses not included in Subparagraph E, above, shall be determined by the Council after a report from the City Engineer. All non-residential property uses shall have a minimum of one (1) equivalent connection. The City shall supply appropriate forms to those required to get approval and shall submit the completed form to the City Clerk~~/Treasurer~~. No building permit may be issued until the Public Works Director or City Engineer ~~Maintenance Superintendent~~ has designated and transmitted to the City Clerk~~/Treasurer~~ the connection unit assignment and the fee has been collected. The Public Works Director ~~Maintenance Superintendent~~ shall review actual sewage flow one (1) year after the initial discharge, and the City may impose such additional connection charges in accordance with the provisions of Section 3-3-8.D of this Code.

G. Application of Funds. The funds received from the collection of connection charges authorized by this Subdivision shall be used to provide funds for the payment of principal and interest on obligations incurred to finance the cost of constructing improvements to the City sanitary sewerage system as prescribed by resolutions or covenants authorizing or securing such obligations; and to provide funds for the reasonable requirements of extending, improving and/or replacing City sanitary sewerage facilities. These funds shall be disbursed by Council resolution.

3-3-9: USER CHARGES.

A. Purpose of User Charges. For the purpose of providing monies necessary to the construction, maintenance and operation of the sewerage system of the City as well as additions thereto, or extensions thereof, including payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such construction, maintenance, and operation, there is hereby charged a "user charge" to be collected by the City with respect to each lot, parcel of land, building or premises, having any connection, direct or indirect, with the disposal system of the City or otherwise discharging sewage industrial waste, water or other waste directly or indirectly into the City disposal system. The "user charge" is to be paid at an interval as determined by the City commencing with connection and continuing (unless for good cause, waived or excused by the Council) for as long as the premises remain connected, whether or not such connection is actively used for discharge of sewage or waste during any particular period of time.

B. Computation of User Charges. Charges for sewer use shall be paid by the user to the City or its designated agent according to a rate, established by Council resolution. A copy of the rate shall be kept in the office of the City Clerk~~/Treasurer~~ and open to public inspection during regular office hours.

C. User Charge Surcharge. In the event the Council makes an industrial waste surcharge, such surcharge shall be charged by the City to the designated industrial user causing such discharge. Such surcharge shall be in addition to other charges required herein and shall be based on rate of flow in gallons per day, strength of sewage in BOD, and suspended solids in parts per million. If unusual chemicals or substance are in the industrial waste the charge shall be based on the actual collection and treatment costs. ~~The City in the future may consider United States Environmental Protection Agency funding for expansion of the sewage treatment plant. Federal regulations require the recovery of such funds expended for industrial sewage capacity (Industrial Cost Recovery) and the return of those funds to the Federal government. Industrial users will be charged on the basis of the above sewage characteristics over twenty (20) years to recover each user's share of the expansion cost. The Council shall collect, invest, and transmit to the U.S.E.P.A. such industrial user charges according to Federal regulations.~~

D. The City or its designated agent shall compute the amount due the City for service charges and render a statement thereof at an interval as determined by the City to the owner of any premises served. All amounts due hereunder shall be payable to the office of the City Clerk~~/Treasurer~~, City or its designated agent.

E. Permanence of User Charge. A connection once made shall thereafter be considered in continual use, except and unless the building or facility is completely removed and the building sewer service capped both in a manner approved by the City. The "user charge" imposed shall be collected by the City (with respect to such connection) for each monthly period of time that such connection exists, whether such connection is then being actively used or otherwise. Such "user charge" shall be promptly paid when due by the owner (or occupant) of the premises affected directly to the City for the monthly period of use represented by such payment. The Council may establish a schedule of additional charges for late payment of user charges.

F. Application of Funds. The funds received from the collection of charges authorized by this Subdivision shall be deposited, as collected, in a fund known as the Sewer and Water Operating Fund and shall be disbursed to meet the costs of operating and maintaining the sewage disposal pumping stations and facilities.

3-3-10: CONNECTION WITH AND USE OF CITY SYSTEM WITHOUT COMPLIANCE PROHIBITED. No connection to the sewage disposal system shall be made (directly or indirectly) from any premises, and no use of a connection from the premises to the system, shall be continued in use except in strict compliance with the provisions of this Section, whether as to connection or use of the City system or payment of charges imposed and to be collected with respect thereto, subjects an

offender to a disconnection and termination of use, claim for loss or damage sustained by the City, and also all provisos and penalties imposed by law.

3-3-11: QUALIFICATIONS OF PERSONS. Any person engaged in the laying of or building public sewers shall be qualified to perform such work and be familiar with all laws and regulations of the State of Minnesota Department of Health, Pollution Control Agency, Plumbing Code, and City Code provisions. The contractor shall also place on file with the City certificated of insurance showing that he is covered, by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of $100,000.00 per person and $300,000.00 per incident for injuries, including accidental death of any one person, and property damage insurance in an amount of not less than $100,000.00 per incident. <u>These coverages are minimum amount and may be adjusted by the City Engineer based on the size and scope of the project.</u>

A. Performance Bond. Each contractor shall provide the City with one of the following: (1) If master plumber and has State license a copy thereof; (2) Non-Master - $2,000.00 bond; (3) Excavation - $2,000.00 bond. The intent for this requirement is to assure that installations shall comply with all applicable laws and that the contractor shall pay for any and all materials and labor for such work.

B. Connection to Public Sewer of Privately Laid Sewer. A property owner may lay sewer on his property but a licensed ~~sewer~~ <u>and certified pipe</u> layer must make the connection to the City Sewerage System.

C. Failure of Privately Laid Sewer to Meet Requirements of this Section. If the work is done by a property owner on his own premises and does not meet the requirements of this Section and he cannot perform the work to comply with the requirements as instructed by the Inspector, he shall engage a licensed ~~sewer~~ certified pipe layer to install the connection. Failure to do so will be considered just cause for the City to refuse him a sewer connection.

SECTION 4

RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEMS AND PRIVATE WELL WATER SUPPLIES

SECTION:

3-4-1: Purpose
3-4-2: Compliance
3-4-3: Inspection
3-4-4: State Code Setting Individual On-site Sewage Treatment System Standards
3-4-5: Administration
3-4-6: Systems Failures
3-4-7: Inspection/Maintenance
3-4-8: Contractor Requirements
3-4-9: Private Well Regulations

3-4-1: PURPOSE. It is the purpose of this Section to establish standards for the design, location, construction, and operation of private well water supplies and individual on-site sewage treatment systems to protect and promote the health, safety and general welfare of the residents of the City.

3-4-2: COMPLIANCE. It is unlawful for any person to install a private well or individual on-site sewage treatment systems without securing the required permits prior to commencing construction, and all work is to be done in complete compliance with the provisions of this Section and all requirements from the State and/or County including ~~as well as~~ the Minnesota Pollution Control Agency Rules Section 7080. Failure to comply with the terms of this Section shall be justification for denying a certificate of occupancy and/or use of the building or facility in addition to other penalties. No additional permits shall be issued to any contractor responsible for outstanding work which does not comply with terms of this Section.

3-4-3: INSPECTION. No part of any individual on-site sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected, and approved as herein provided, it shall be uncovered upon the direction of the Building Official. The Building Official shall cause such inspections as are necessary to determine compliance with this Section. It shall be the responsibility of the applicant for the permit to notify the Building Official when the system is ready for inspection. The Building Official may require that all requests for inspections are filed with the City at least one (1) working day prior to the requested inspection.

3-4-4: STATE CODE SETTING INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEM STANDARDS. Minnesota Pollution Control Agency Rules 6 MCAR 4.8040, 7080, relating to individual on-site sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein. One copy of said Rules shall be kept on file in the office of the City Clerk~~/Treasurer~~ and open to public inspection during regular office hours.

3-4-5: ADMINISTRATION. The Building Official shall be the person responsible for the enforcement of the provisions of this Section. All permits required under this Section must be issued by the Building Official except when otherwise noted.

3-4-6: SYSTEMS FAILURES. When an existing on-site sewage treatment system ceases to function, discharges to the surface, or fails, it shall be the responsibility of the property owner to notify the City as soon as possible. The property owner shall also repair or replace the system as soon as possible. The repair or reconstructions of said system shall comply with all provisions of this Section as well as the Minnesota Pollution Control Agency rules Section 7080.

3-4-7: INSPECTION/MAINTENANCE. Property owners with on-site sewage treatment systems, upon written notification from the City are required to perform the maintenance set forth in Minnesota State Rules 7080 and report the findings and subsequent maintenance/pumping to the City on forms to be provided by the City. The above reference reporting and maintenance shall be performed at intervals not to exceed every three (3) years. In maintenance and reporting, the City may cause the required maintenance to be performed at the expense of the property owner and recover fees and all administrative costs via assessments. (Ord 136, SS, 7-20-2009)

3-4-8: CONTRACTOR REQUIREMENTS.

A. Qualifications of Persons. Any person engaged in the business of installing individual on-site sewage treatment systems, within the City shall be to perform such work and be familiar with all pertinent laws and regulations of the State of Minnesota relating to wells and individual on-site sewage treatment systems.

B. Insurance. The contractor shall place on file with the City Clerk~~/Treasurer~~, his/her certificate of insurance showing that he/she is covered by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of $100,000 per person and $600,000 per incident for injury, including accidental death of any one person, and property damage insurance in an amount of not less than $100,000.00 per incident.

3-4-9: PRIVATE WELL REGULATIONS.

A. All wells shall be installed and maintained in compliance with all State and County regulations.

B. Upon connection to City Water, any existing well on site shall be sealed and properly abandoned unless granted a permit as set forth in this Section.

C. Permits for irrigation wells for Commercial, Industrial, Institutional, or Multi-Family users in the MUSA may be approved by the Public Works Director in the following instances:

1. The proposed well is consistent with the City's Wellhead Protection Plan.

2. There shall be no cross connections or possible cross connections with the City Water system.

3. The well shall be used for exterior landscape irrigation purposes only.

4. There shall be only one well per irrigation system.

5. Adequate backflow prevention measures have been taken.

6. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

7. All requirements by the State and/or County are met.

D. Permits for drive point irrigation wells in the MUSA may be approved by the Public Works Director in the following instances:

1. There shall be no cross connections or possible cross connections with the City Water system.

2. The well shall be used for exterior landscape irrigation purposes only.

3. There shall be only one well per parcel.

4. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

5. All requirements by the State and/or County are met.

6. The drive point well shall not impair or endanger the City's Wellhead Management Area.

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SECTION 5

TRUNK AREA FEES

SECTION:

3-5-1: Trunk Area
3-5-2: Trunk Sanitary Sewer Area Fee
3-5-3: Trunk Watermain Area Fee

3-5-1: TRUNK AREA. The City hereby establishes a Trunk Area consisting of the following identified parcels:

30-34-24-22-0005; 30-34-24-23-0002; 30-34-24-23-0005; 30-34-24-22-0002; 30-34-24-21-0002; 30-34-24-24-0004; 30-34-24-24-0005; 30-34-24-13-0002; 30-34-24-13-0004; 30-34-24-13-0007; 30-34-24-13-0006; 30-34-24-14-0006; 30-34-24-14-0007; 30-34-24-14-0002; 30-34-24-14-0003; 30-34-24-11-0006; 30-34-24-11-0005; 30-34-24-11-0003; 30-34-24-11-0004; 30-34-24-12-0006; 30-34-24-12-0007; 30-34-24-12-0004; 30-34-24-12-0002; 30-34-24-21-0003; 29-34-24-33-0001; 29-34-24-32-0001; 29-34-24-31-0001; 29-34-24-23-0002; 29-34-24-23-0003; 29-34-24-23-0004; 29-34-24-22-0002; 29-34-24-22-0003; 29-34-24-21-0001; 29-34-24-12-0005; 29-34-24-12-0006; 29-34-24-12-0002; 29-34-24-12-0003; 29-34-24-12-0017; 29-34-24-12-0018; 29-34-24-12-0019; 29-34-24-12-0004; 29-34-24-12-0020; 29-34-24-12-0021; 29-34-24-12-0022; 29-34-24-12-0023; 29-34-24-13-0001; 29-34-24-13-0003; 29-34-24-13-0011; 29-34-24-13-0007; 29-34-24-13-0008; 29-34-24-13-0009; 29-34-24-13-0010; 29-34-24-12-0007; 29-34-24-12-0008; 29-34-24-12-0009; 29-34-24-12-0026; 29-34-24-12-0012; 29-34-24-12-0013; 29-34-24-12-0014; 29-34-24-12-0024; 29-34-24-11-0002; 29-34-24-11-0003; 29-34-24-11-0004; 29-34-24-11-0013; 29-34-24-11-0012; 30-34-24-31-0001; 30-34-24-31-0002; 30-34-24-31-0004; 30-34-24-31-0005; 30-34-24-31-0006; 30-34-24-31-0007; 30-34-24-42-0001; 30-34-24-41-0001; 30-34-24-41-0002; 30-34-24-43-0001; 30-34-24-44-0001

3-5-2: TRUNK SANITARY SEWER AREA FEE. The City hereby adopts a Trunk Sanitary Sewer Area Fee in the amount of five thousand seventy five dollars ($5,075) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.

3-5-3: TRUNK WATERMAIN AREA FEE. The City hereby adopts a Trunk Watermain Area Fee in the amount of one thousand three hundred twenty dollars ($1,320) per acre. This fee shall be applicable to the Trunk Highway 47 sewer and water service area.

CITY OF ST. FRANCIS
ST FRANCIS MN
ANOKA COUNTY

ORDINANCE 170, SECOND SERIES

AN ORDINANCE AMENDING CHAPTER 3 OF THE CITY CODE REGARDING MUNICIPAL UTILITIES

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 3-1-2 shall hereby be amended to read as follows:

3-1-2: FIXING RATES AND CHARGES FOR MUNICIPAL UTILITIES. All rates and charges for municipal utilities, including, but not by the way of limitation, rates for service, permit fees, deposit, connection and meter testing fees, disconnection fees, reconnection fees including penalties for non-payment if nay, shall be fixed, determined and amended by the Council and adopted by ordinance as part of the City's Fee Schedule. Such ordinance, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced. For the purpose of fixing such rates and charges, the Council may categorize and classify under the various types of service, provided, that such categorization and classification shall be included in the resolution authorized by this Section.

Section 2. Code Amended. That Section 3-1-4-B shall hereby be amended to read as follows:

B. Application, Connection and Sale of Service. Application for municipal utility services shall be made upon forms supplied by the City, and strictly in accordance therewith. No connection shall be made until consent has been received from the City to make the same. All municipal utilities shall be sold and delivered to consumers under the then applicable rate applied to the amount of such utilities taken as metered or ascertained in connection with such rates.

Section 3. Code Amended. That Section 3-1-4-C shall hereby be amended to read as follows:

C. Discontinuance of Service. All municipal utilities may be shut off or discontinued whenever it is found that:

1. The owner or occupant of the premises served, or any person working on any connection with the municipal utility systems, has violated any requirement of the City Code relative thereto, or any connection therewith.

2. Any charge for a municipal utility service, or any other financial obligation imposed on the present owner or occupant of the premises served, is unpaid after notice thereof.

3. There is fraud or misrepresentation by the owner or occupant in connection with any application for service or delivery or charges therefore.

4. The City will not shut off water service to a residential unit from October 15th through April 15th if that shut off would in any way affect the primary heat source of the unit and the present owner or occupant complies with the provisions of state law and regulations.

5. The Building Official or the Director of Public Works to protect the public health and safety and in order to protect the public water supply and/or private property, may order the City water service immediately disconnected to any property upon determining that any of the following conditions exist:

   a. The property if vacant;

   b. The property if unsecured;

   c. The property is determined to be uninhabitable or unsuitable for occupancy;

   d. Other utilities to the property providing heat and/or light have been shut off;

   e. The property has plumbing that is failing or unsafe;

   f. That running water to the property creates an unsanitary or unsafe condition to anyone who may enter the property; or

   g. The property owner or occupancy has refused access by authorized officials as authorized by this Section.

6. If the Public Works Director or designee determines a meter needs reading, inspection, maintenance, or replacement, a notification shall be placed on the property. If the owner or occupier of a premise fails to respond to the order within fourteen (14) days, the City may cause to have a No Response Fee, as established by the Fee Schedule, charged to the property or premise account. After such charge is applied to the property, the City may cause to have the water shut-off.

7. The water service shall not be re-connected to the property until it has passed an inspection by the Director of Public Works or designee and/or the Building Official and the necessary permits have been issued and fees have been paid. The inspection fee will be determined by the City's fee schedule.

Section 4. Code Amended. That Section 3-2-4-H shall hereby be amended to read as follows:

H. Municipal Utility Services and Charges a Lien.

1. Payment for all municipal utility (as that term is defined in City Code, Section 3-1-1) service and charges shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise contracted for and authorized in writing by the owner and the tenant, as agent for the owner, and consented to by the City of St. Francis, Minnesota. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

2. Each such account is hereby made a lien upon the premises served. All such accounts which are more than thirty (30) days past due may, when authorized by resolution of the Council, be certified by the City Clerk of the City of St. Francis, Minnesota, to the

County Auditor, and the City Clerk in so certifying shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

Section 5. Code Amended. That Section 3-1-6 shall hereby be amended to read as follows:

3-1-6: CONNECTION & ACCESS CHARGES. Connection and access charges shall be required to be paid prior to the initiation of service for any utility. The cost of such charges shall be fixed from time to time by Ordinance in the form of the City's Fee Schedule. Such charges shall be reflective of the original cost of improvements to which connection is made, together with appropriate adjustments which reflect current costs for similar improvements shall be paid at the time a connection is made or required to be made to any Sanitary Sewer, Public Water, Storm Sewer, or other Public Improvement by any premise which has not previously contributed to the costs of such Public Improvement.

Section 6. Code Amended. That Section 3-1-7 shall hereby be added to read as follows:

3-1-7: VIOLATION A MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 7. Code Amended. That Section 3-2 shall hereby be amended to read as follows:

3-2-1: DEFICIENCY OF WATER AND SHUTTING OFF WATER. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

3-2-2: REPAIR OF LEAKS. It is the responsibility of the consumer or owner to maintain the service pipe from the corporation stop, through the curb stop box, and into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his/her service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately. If repairs are necessary to protect public or neighboring properties and not initiated within twenty-four (24) hours after oral and written notice, the City may cause to have the work done at the account holder or property owners' expense.

3-2-3: ABANDONED SERVICE PENALTIES. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation and subsequent restoration. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to increase the existing water service size, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause to allow any service pipe to be hammered or squeezed together at the ends to stop the flow or water, or to save expense in improperly removing such pipe from the main.

Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

3-2-4: PRIVATE SERVICE CONNECTIONS & MAINTENANCE.

A. No person may excavate in a public right-of-way to obtain service from a water main, make connection therewith, or for any purpose which will expose a water main unless in receipt of a permit for the connection.

B. The corporation stop inserted in the distributing pipe must be of the size specified in the permit order and the connection shall be made in a manner consistent with City specifications and standards. Minimum size connection with the water main shall be one-inch in diameter.

C. Service pipes shall extend from the main through the curb stop box to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which it is intended to supply. A brass ball valve, the same size as the service pipe, shall be installed close to the inside wall of the building, ahead of the meter and well protected from freezing. Service pipes 1 inch in diameter shall be Seamless Copper, Type K, Soft Annealed Copper or Polyethylene Grade PE-3408 or PE-4710 and shall be rated for 200 PSI working pressure, SDR-9, Copper Tube Size. Copper materials shall not be used for services larger than 1 inch in diameter. Service materials for services larger than 2 ½ inches in diameter shall conform to the requirements of Ductile Iron Pipe Class 52 or Polyvinyl Chloride Pipe C-900. Where non-conductive service materials are installed, #12 AWG solid copper or copper clad steel (CCS) wire with 30 mil high density polyethylene (HDPE) insulating jacket shall be installed along the entire length of service pipe. The copper wire shall be terminated such that it is able to be connected to and used for underground locating purposes.

D. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than eight (8) feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing or other such damage.

E. Joints on copper tubing shall be flared and kept to a minimum. Joints on polyethylene tubing shall be compression fitted with Type 304 stainless steel pipe inserts/stiffeners. Not more than one (1) joint shall be used for a service up to seventy (70) feet in length. All joints shall be left uncovered until they have been inspected.

F. The curb stop shall be installed in a manner such that it is accessible from the surface through a curb stop box without digging. The curb stop box shall be installed in a location accessible to the City at all times and in a manner approved by the City. All curb stop boxes shall conform and be maintained to the specifications and standards of the City. All curb stops shall be installed with a stationary operating rod a minimum of 78 inches in length. All valves within curb stop boxes shall be maintained in good working condition at all times. It shall be the responsibility of the applicant, owner, occupant or user to maintain the water service curb stop box for operability and at such height as will ensure that it remains above the finished grade of the land or property. No person shall erect any fence or other structure or plant any tree or other landscaping that would obstruct the use of the curb stop box or cause damage to the same. If the curb stop box needs maintenance or raising or if the area around the curb stop needs clearing for access, the City may cause to have the work done at the expense of the account holder and/or property owner.

G. Frozen or otherwise damaged service pipes between the corporation stop and the building inclusive of the curb stop box shall be the responsibility of the private property owner. All

maintenance, repairs, or other such work to the service pipe shall be done to the specification and standards of the City and require a permit and inspection from the Public Work Director and/or Building Official.

H. No more than one house or building shall be supplied from one corporation stop.

I. All piping and connections from the corporation cock and/or the curb stop box to the premise supply piping shall be made under the supervision of a licensed plumber subject to inspection by the City Building Official and/or the Public Works Director or designee. The water meter installation shall be inspected, tested, and the meter sealed by the Public Works Department.

J. If the property owner requests maintenance services or repairs be performed by the City, or if repairs are necessary to protect public or neighboring properties in an emergency situation, the property owner shall be charged for the costs of the maintenance and/or repairs, including but not limited to any necessary street repairs, concrete, concrete curb and gutter, sidewalk, bituminous trail, turf, etc.

3-2-5: PRIVATE WATER SUPPLIES. No water pipe of the City water system shall be connected with any pump, well, pipe, tank or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow as stated in Section 3-4-9.

3-2-6: WATER USE RESTRICTIONS.

A. A person may water, sprinkle, irrigate, or otherwise use water in the Urban Service Area for lawn areas, grass, or turf (hereinafter referred to as "irrigation" or "irrigate") only on alternating days between May 1st and continuing until September 30th of each year. This prohibition is in effect from 10 am until 7 pm each day during this period.

B. Alternating days means that property with an address ending in an odd number may irrigate only on odd-numbered days of the month and property with an address ending in an even number may irrigate only on even-numbered days of the month.

C. Upon written request and approval by the City Administrator, or his designee, and subject to such terms and conditions imposed by the City Administrator, or his designee, with respect to such approval, the following persons may be authorized to irrigate or otherwise utilize water from the City's municipal water system at times other than as permitted in Section 3-2-16 Subdivision A and B hereof:

1. Employees and agents of the City or School District, in such instances wherein lawn, grass, or turf used for play fields or park areas owned and operated by such entities require more frequent irrigation to prevent unreasonable damage thereto.

2. Owners and lessees (their employees and agents) of lands newly sodded or grass seeded which requires irrigation to prevent loss of the new sod, seed, or immature turf or grasses for a period of thirty (30) days, when in receipt of a permit for such activity from the Public Works Director.

3-2-7: WATER EMERGENCIES.

A. Whenever in the judgment of the City Administrator, or his designee, the water pressure and/or available water in the municipal water system reaches a level which endangers the public health or safety of residents and other persons in the City, he may declare a state of water emergency which shall continue until such time as he shall determine that the danger to public health or safety no longer exists. Forthwith upon the declaration of a state of water emergency notice thereof shall be publically posted, and all orders of the City Administrator, or his designee, issued pursuant thereto shall be enforced after one hour has elapsed from the time of such notice.

B. During the existence of a state of water emergency the City Administrator, or his designee, may, by order, impose restrictions on sprinkling, irrigation, or other utilization of water from the City's municipal water system including, but not limited to the total prohibition of water use for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them or the prohibition of such water use on specified days or during certain hours.

3-2-8: OPENING HYDRANTS. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or offer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

3-2-9: UN-METERED SERVICE. In cases where, in the opinion of the Public Works Director, no reasonable manner for metered service is available, a private system user may be granted un-metered service on a temporary basis. The user shall pay the temporary meter fee and fees for the estimated water use based on the judgment of the Public Works Director.

3-2-10: WATER METERS AND WATER METER HORNS. All water meters shall be furnished, owned, controlled, and maintained by the City at the expense of the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All meters in need of replacement, shall be replaced with a remote type which shall be furnished and maintained by the City. All water meters shall be installed in a manner acceptable to the City and the cost of installation shall be the responsibility of the property owner. All five-eighths (5/8) and one (1) inch meters shall be installed in a meter horn with remote wire and remote pad. All meters larger than one (1) inch shall meet City requirements including remote wire and remote pad. All meter installations shall be controlled and inspected by the City and the cost of installation shall be the responsibility of property owner.

3-2-11: CODE REQUIREMENT. All piping, connections and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and other standards and specifications of the City. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of water service to any consumer. The corresponding fees for such permits, as established by the City's Fee Schedule, shall be paid at the time of permit issuance.

3-2-13: WATER CONNECTION CHARGES. Connection charges are due to the City upon issuance of a building permit or connection permit and prior to a new occupancy. This fee shall be set by ordinance for each equivalent connection unit. An equivalent connection unit (one E.C.) is established in Section 3-3-8 for development within the City. One single family dwelling is one unit. These Standards may be amended as may be necessary by ordinance.

3-2-14: BACKFLOW PROTECTION. Approved devices or assemblies for the protection of the potable water supply must be installed at any plumbing fixture or equipment where backflow or back siphonage

may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

A. Any device or assembly for the prevention of backflow or back siphonage installed, shall have first been certified by a recognized testing laboratory and have a certification number clearly visible on the devise. AWWA, ASSE, and USC are the certified labs recognized by the Administrative Authority. These devices must be readily accessible.

B. The installation of reduced pressure backflow preventers shall be permitted only when a periodic testing and inspection program conducted by qualified, accredited personnel will be provided by an agency acceptable to the administrative authority. Inspection intervals shall not exceed one year, and overhaul intervals shall not exceed five years. The administrative authority may require more frequent testing if deemed necessary to assure protection of the potable water. Backflow preventers shall be inspected frequently after initial installation to assure that they have been properly installed and that debris resulting from piping installation has not interfered with the functioning of the assembly.

3-2-15: ADDITIONAL RULES AND REGULATIONS. The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

Section 8. Code Amended. That Section 3-3-1-F shall hereby be amended to read as follows:

F. "Equivalent Connection" means a building sewer which produces a flow equivalent to an average single family detached residence contribution calculated at two-hundred seventy-four (274) gallons per day with a BOD loading of 0.60#/day.

Section 9. Code Amended. That Section 3-3-1-L shall hereby be amended to read as follows:

L. "Normal Sewage" means sewage in volumes of two-hundred seventy-four (274) or less per day and containing an average concentration of suspended solids below hundred fifty (250) milligrams per liter and a BOD content of below two hundred fifty (250) milligrams per liter.

Section 10. Code Amended. That Section 3-3-1-Y shall hereby be amended to read as follows:

Y. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Section 11. Code Amended. That Section 3-3-1-Z shall hereby be amended to read as follows:

Z. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

Section 12. Code Amended. That Section 3-3-2-E shall hereby be amended to read as follows:

E. Abandonment of Private System. At such time as public sewer becomes available to a property sewered by a private sewage disposal system, as direct connections shall be made to the public

sewer in compliance with this Section, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed from the site. In cases where the City Engineer finds that removal may cause significant damage in regards to public property, erosion, or mature trees the system may be abandoned, cleaned of sludge, and filled with suitable material, such as clean pit-run gravel or dirt to the satisfaction of the Public Works Director.

Section 13. Code Amended. That Section 3-3-2-G shall hereby be amended to read as follows:

G. Pretreatment. Sewerage systems users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all Federal categorical pre-treat wastewater to a level acceptable to the Public Works Director and/or City Engineer shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Public Works Director and/or City Engineer for review, and shall be acceptable to the Public Works Director and/or City Engineer before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce and effluent acceptable to the Public Works Director and/or City Engineer under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Public Works Director and/or City Engineer prior to the user's initiation of the charges. All records relating to the compliance with pretreatment standards shall be made available by the Public Works Director and/or City Engineer to officials of the EPA or MPCA upon request.

Section 14. Code Amended. That Section 3-3-2-H shall hereby be amended to read as follows:

H. Confidential Information. Information and data on a user's water consumption and sewage characteristic obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for users related to this Section, the NPDES Permit, State Disposal System Permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater composition and characteristics will not be recognized as confidential information. Information accepted by the Public Works Director as confidential, shall not be transmitted to any governmental agency or to the general public by the Public Works Director until and unless a ten (10) day notification is given to the user.

Section 15. That Section 3-3-3 shall hereby be amended to read as follows:

3-3-3: CONSTRUCTING BUILDING SEWERS AND CONNECTIONS TO PUBLIC SEWERS.

A. Unauthorized Work on a Public Sewer. It is unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Public Works Director.

B. Building Sewer Permits. There shall be three classes of building sewer permits (1) for residential service; (2) service to commercial and industrial firms producing domestic wastes; and, (3) for service to firms producing industrial wastes. The owner or his agent shall make application on a special form furnished by the City which form shall be adopted by the Council and the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee set by the Council resolution according to the proposed sewer use and connection shall be paid to the City at the time the application is filed. Said permit fees may be changed by the Council, from time to time, by resolution, and a copy of such resolution shall be kept on file in the office of the City Clerk and available for inspection during regular office hours. Any fee charged by the State of Minnesota or any other entity of the State or Federal government shall also be collected and shall be in addition to the fee herein.

C. Installation and Connection Costs. All costs and expenses incident to the installation and connection of the building sewer service shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. Separate Sewer Service for Each Building. A separate and independent building sewer shall be provided for every principal building. Residential, commercial, and industrial developments with several buildings may require sewers and manholes on private property to provide individual building services. Such a system must be approved by the City Engineer.

E. Reuse of Old Sewer Services. Old building sewer services may be used in connection with new buildings only when they are found, on examination and/or testing by the owner in a manner acceptable to the Public Works Director, to meet all requirements of this Section.

F. Building Sewer Service Code Requirements. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connection to the public sewer, testing, and backfilling the trench, shall all conform to the requirements of the State Building Code and of other applicable rules and regulations of the City. Care shall be taken to prevent entry of groundwater or any unauthorized waters into the public sewer during construction. For residential service, no floor drains from accessory building or garages, whether attached or detached, shall be connected to the building sewer or sanitary sewer.

G. Gravity or Lifted Sewage Flow in Sewer Service. Whenever possible, the building sewer service shall be brought to the building at an elevation below the basement floor, in all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means discharged to the building sewer service.

H. Building Sewer Service Inspection. The applicant for the building sewer service permit shall notify the Public Works Director when the building sewer service is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or his representative.

I. Public Hazard Protection During Service Installation. All excavations for building sewer service installation shall be adequately guarded with barricades and lights so as to protect the public from hazard as required by the Minnesota Department of Transportation rules and regulations. Streets,

sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 16. Code Amended. That Section 3-3-5 shall hereby be amended to read as follows:

3-3-5: USE OF PUBLIC SEWERS.

A. Prohibited Discharges.

1. Unpolluted Waters. No person, firm, or corporation shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, yard drainage, yard fountain water, pond or pool overflow, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City or other local unit government. Storm water and all other unpolluted discharge shall be directed to the storm water collection system, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City or other unit of local government.

2. Foreign or Hazardous Substances.

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

b. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works;

c. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works;

d. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products;

e. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.

B. Regulated Discharges. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City the discharge will not harm the wastewater facilities, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the relation of flows and velocities in the sewers, nature of the sewage treatment process, capacity of

the sewage plant, the City's NPDES permit, and other pertinent determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances restricted shall be:

1. Any liquid or vapor having a temperature in excess of one hundred fifty (150) degrees F (65 degrees C).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (zero (0) and sixty-five (65) degrees C.).

3. Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension.

4. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.

6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.

7. Any water or wastes having a pH in excess of 9.5.

8. Materials which exert or cause:

    a. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

    b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

    c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

    d. Unusual volume of flow or concentration of wastes constituting a slug.

    e. Water or water containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant.

C. Response to Improper Discharge. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Section, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

1. Refuse to accept the discharges.

2. Require control over the quantities and rates of discharge.

3. Require pretreatment to an acceptable condition for the discharge to the public sewers. The design and installation of the plant and equipment for pretreatment of equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

4. Require payment to cover the added cost of handling or treating the wastes.

D. Interceptors. Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Chapter, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

E. Preliminary Treatment or Flow Equalization Facilities. Where preliminary treatment or flow equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

F. Testing.

1. Required. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

2. Standards. All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this Chapter shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants"; the latest edition of Standard Methods For the Examination Of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at the control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, duration, and frequencies are to be determined on an individual basis subject to approval by the City.

G. Industrial Waste. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this Chapter and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.

D. Special Agreements or Arrangements with City. No statement contained in this Subdivision shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payments for additional capital equipment and/or operating and maintenance costs therefore, by the industrial concern.

E. Discharged Waste Sample Gathering. Commercial and industrial users with other than normal sewage shall permit the monthly gathering of samples of their discharged wastes by the Public Works Director or his authorized representative.

F. Required Daylighting. All sump pumps and garage floor drains shall be daylighted to prove the discharge is not being put into the sanitary sewer system. The discharge pipes from both shall be directed away from houses/principal structures on neighboring properties and wetlands.

Section 17. Code Amended. That Section 3-3-7 shall hereby be amended to read as follows:

3-3-7: AUTHORITY AND POWERS OF INSPECTORS.

A. Permission to Enter Onto Private Property for Observation and Testing. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Section. The Public Works Director shall have no authority to inquire into any proprietary processes in metallurgy, chemical manufacturing, refining, paper making, ceramics, or similar industries beyond the technical information required for the proper receiving, conveying and treatment of the particular waste.

B. Observation of Safety Rules by City Employees. While performing the necessary work on private properties referred to herein, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

C. Inspection, Sampling, Measurement and Maintenance on Private Property. The Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement,

sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of duly negotiated easement pertaining to the private property involved.

Section 18. Code Amended. That Section 3-3-8 shall hereby be amended to read as follows:

3-3-8: EQUIVALENT CONNECTION CHARGES.

A. Equivalent Connection Charge Definition and Application. A sum of money hereinafter termed "the equivalent connection charge" is to be collected for the purpose of providing funding necessary for the construction of the sewerage system and additions or extensions thereto, and for payment of principal and interest due or accruing on bonds and other obligations issued or incurred to finance such improvements. This sum of money is hereby charged with respect to every lot, parcel of land, buildings or premises within the MUSA that abuts a public right-of-way or easement in which there is located a public sanitary sewer of the City. Such charge is made for the privilege of making a connection, direct or indirect, to the City's facilities for the collections and treatment of sewage, industrial waste and water or other liquid discharged from such premises.

B. Payment of Connection Charges. Connection charges are payable at the time of the building permit issuance. The Building Inspector shall not issue a building permit until such connection charge is paid. For any building permit issued prior to the effective date of this Section, in which the connection has not been made to the Public Sewerage System, connection charges are then payable prior to the time of connection or by such date as stipulated by the Council. For existing buildings connection charges are payable upon application for a connection permit.

C. Application and Permit for a Connection. No connection from any premises to the disposal system is authorized without there being first obtained for such connection a permit issued by the City. No permit may be obtained from the City, and no representative of the City is authorized to issue a permit for connection unless and until an authorized representative of the City receives an application for such connection, determines and establishes the type of connection to be made and receives the equivalent connection fee as required. The City shall prepare, provide for, and furnish any form and instrument found necessary to the connection applications and permits of the City and perform all acts reasonably required with respect thereto. Applications and permits shall be uniform, in accordance with this Section.

D. Increased Connection Charges Based on Measurement. The determination and establishment in the first instance of the equivalent connection charge represented by a connection, especially when made by estimate based upon representations of the owner or occupant of the premises is at all times subject to further determination and establishment after the connection has been made and determined by an actual measurement and/or analysis by the Public Works Director of the sewage or waste discharge from such connection entering into the system of the City. The receipt and acceptance by the City of any money paid and received by the City, as previously imposed does not bar the City's right to payment of the correct amount of money due therefore, as may be determined and established by actual measurement; and the City's right to recover therefore is not impaired. After a connection has been made and the connection charge established, imposed and paid, no diminuation in discharge from the premises shall entitle the owner (or occupant) against the City to a reduction, reimbursement or refund with respect to the connection charge imposed and paid.

E. Computation of Connection Charges. Connection charges are due to the City upon issuance of a building and/or connection permit. This fee shall be set by Council resolution for each equivalent connection unit. An equivalent connection unit (one E.C.) is established as the anticipated flow from a single family residence as referenced herein. City hereby adopts by reference and incorporates herein Appendix A of the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge Procedure Manual as may be amended in the future. A copy of said document and amendments thereto shall be kept on file in the office of the City Clerk for reference and open to public inspection during regular office hours. In cases where said document references MCES or MCES Staff shall be interpreted to mean City of St. Francis or City of St. Francis Staff respectively.

F. Determination of Equivalent Connection for Unlisted Uses. The connection unit for those building uses not included in Subparagraph E, above, shall be determined by the Council after a report from the City Engineer. All non-residential property uses shall have a minimum of one (1) equivalent connection. The City shall supply appropriate forms to those required to get approval and shall submit the completed form to the City Clerk. No building permit may be issued until the Public Works Director or City Engineer has designated and transmitted to the City Clerk the connection unit assignment and the fee has been collected. The Public Works Director shall review actual sewage flow one (1) year after the initial discharge, and the City may impose such additional connection charges in accordance with the provisions of Section 3-3-8-D of this Code.

G. Application of Funds. The funds received from the collection of connection charges authorized by this Subdivision shall be used to provide funds for the payment of principal and interest on obligations incurred to finance the cost of constructing improvements to the City sanitary sewerage system as prescribed by resolutions or covenants authorizing or securing such obligations; and to provide funds for the reasonable requirements of extending, improving and/or replacing City sanitary sewerage facilities. These funds shall be disbursed by Council resolution.

Section 19. Code Amended. That Section 3-4 is hereby amended to read as follows:

RULES AND REGULATIONS RELATING TO INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEMS AND PRIVATE WELL WATER SUPPLIES

3-4-1: PURPOSE. It is the purpose of this Section to establish standards for the design, location, construction, and operation of private well water supplies and individual on-site sewage treatment systems to protect and promote the health, safety and general welfare of the residents of the City.

3-4-2: COMPLIANCE. It is unlawful for any person to install a private well or individual on-site sewage treatment systems without securing the required permits prior to commencing construction, and all work is to be done in complete compliance with the provisions of this Section and all requirements from the State and/or County including the Minnesota Pollution Control Agency Rules Section 7080. Failure to comply with the terms of this Section shall be justification for denying a certificate of occupancy and/or use of the building or facility in addition to other penalties. No additional permits shall be issued to any contractor responsible for outstanding work which does not comply with terms of this Section.

3-4-3: INSPECTION. No part of any individual on-site sewage treatment system shall be covered until it has been inspected and approved by the Building Official. If any part of the system is covered before being inspected, and approved as herein provided, it shall be uncovered upon the direction of the Building

Official. The Building Official shall cause such inspections as are necessary to determine compliance with this Section. It shall be the responsibility of the applicant for the permit to notify the Building Official when the system is ready for inspection. The Building Official may require that all requests for inspections are filed with the City at least one (1) working day prior to the requested inspection.

3-4-4: STATE CODE SETTING INDIVIDUAL ON-SITE SEWAGE TREATMENT SYSTEM STANDARDS. Minnesota Pollution Control Agency Rules 6 MCAR 4.8040, 7080, relating to individual on-site sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein. One copy of said Rules shall be kept on file in the office of the City Clerk and open to public inspection during regular office hours.

3-4-5: ADMINISTRATION. The Building Official shall be the person responsible for the enforcement of the provisions of this Section. All permits required under this Section must be issued by the Building Official except when otherwise noted.

3-4-6: SYSTEMS FAILURES. When an existing on-site sewage treatment system ceases to function, discharges to the surface, or fails, it shall be the responsibility of the property owner to notify the City as soon as possible. The property owner shall also repair or replace the system as soon as possible. The repair or reconstructions of said system shall comply with all provisions of this Section as well as the Minnesota Pollution Control Agency rules Section 7080.

3-4-7: INSPECTION/MAINTENANCE. Property owners with on-site sewage treatment systems, upon written notification from the City are required to perform the maintenance set forth in Minnesota State Rules 7080 and report the findings and subsequent maintenance/pumping to the City on forms to be provided by the City. The above reference reporting and maintenance shall be performed at intervals not to exceed every three (3) years. In maintenance and reporting, the City may cause the required maintenance to be performed at the expense of the property owner and recover fees and all administrative costs via assessments.

3-4-8: CONTRACTOR REQUIREMENTS.

A. Qualifications of Persons. Any person engaged in the business of installing individual on-site sewage treatment systems, within the City shall be to perform such work and be familiar with all pertinent laws and regulations of the State of Minnesota relating to wells and individual on-site sewage treatment systems.

B. Insurance. The contractor shall place on file with the City Clerk, his/her certificate of insurance showing that he/she is covered by workmen's compensation in the amount required by statute, and public liability and property damage in the amount of $100,000 per person and $600,000 per incident for injury, including accidental death of any one person, and property damage insurance in an amount of not less than $100,000.00 per incident.

3-4-9: PRIVATE WELL REGULATIONS.

A. All wells shall be installed and maintained in compliance with all State and County regulations.

B. Upon connection to City Water, any existing well on site shall be sealed and properly abandoned unless granted a permit as set forth in this Section.

C. Permits for irrigation wells for Commercial, Industrial, Institutional, or Multi-Family users in the MUSA may be approved by the Public Works Director in the following instances:

1. The proposed well is consistent with the City's Wellhead Protection Plan.

2. There shall be no cross connections or possible cross connections with the City Water system.

3. The well shall be used for exterior landscape irrigation purposes only.

4. There shall be only one well per irrigation system.

5. Adequate backflow prevention measures have been taken.

6. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

7. All requirements by the State and/or County are met.

D. Permits for drive point irrigation wells in the MUSA may be approved by the Public Works Director in the following instances:

1. There shall be no cross connections or possible cross connections with the City Water system.

2. The well shall be used for exterior landscape irrigation purposes only.

3. There shall be only one well per parcel.

4. Users shall comply with all watering restrictions found in Sections 3-2-6 and 3-2-7.

5. All requirements by the State and/or County are met.

6. The drive point well shall not impair or endanger the City's Wellhead Management Area.

Section 20. Code Amended. That Section 6-1-6 (Fee Schedule) shall hereby be amended to include the following fee:

Water Meter/Service Notification No Response Fee: $250

Section 21. 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 AUGUST, 2012.

APPROVED:

_____
Jerry Tveit
Mayor of St. Francis

ATTEST:

_____
Barbara I. Held
City Clerk

(seal)

PLANNING MEMO

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

From: Nate Sparks, Planner

Date: August 16, 2012

Re: Bee Keeping Minimum Lot Size

At the previous Council meeting, there were some questions regarding the origin of the minimum lot size for the non-agricultural bee keeping operations in the draft ordinance. The draft ordinance reviewed at the previous meeting set a minimum of 5 acres. This acreage was selected due to it matching the City's current ordinances regarding the keeping of chickens, fowl, cattle, dog kennels, and horses. The minimum for these uses was set at 5 acres in order to exclude these uses from the City's urban and rural residential neighborhoods. The Planning Commission simply recommended continuing this practice to be consistent. The City has only deviated from the 5 acre standard one time and that was for fancy pigeons and doves in an ordinance passed in 2004. For these birds the minimum lot size was set at 2.5 acres.

The ordinance can be changes if the Council desires. It has been recommended that is be set at 5 acres in order to keep the ordinance consistent with other similar uses. Please note that the limitations set in this draft ordinance do not impact existing agricultural uses that keep bees, as they are exempted.

PLANNING REPORT

TO:	**St. Francis City Council** **Matt Hylen, City Administrator**
FROM:	**Nate Sparks, City Planner**
DATE:	**July 31, 2012**
MEETING DATE:	**August 6, 2012 & August 20, 2012**
RE:	**Animal Ordinance – Keeping of Bees**

BACKGROUND

In area cities, there have become more frequent reports of people keeping bees on urban lots. This has caused issues between neighbors and complaints to the cities. Currently, the City of St. Francis does not have any direct ordinance relating to the keeping of bees. In order to avoid conflicts or confusion a general regulation on the keeping of bees was reviewed by the Planning Commission in July and is now forwarded to the Council for consideration.

PROPOSED ORDINANCE

Some cities regulate bees as "livestock" as they are common elements of agricultural uses. St. Francis allows livestock on parcels greater than 5 acres in size in animal enclosures greater than 100 feet from any property line. Also, some cities, such as Stillwater, limit non-agricultural uses to having only one bee hive. This may be due to the volume of honey produced most likely being related to a commercial business which would be prohibited on residential property. Therefore, the Planning Commission recommended an ordinance amendment limiting beekeeping to one hive on parcels greater than 5 acres in size with all hives being 100 feet from the property lines. Agricultural uses were exempted from the hive limitation. A standard requiring the hives to be of the removable frame type was added so as to allow the City to be able to clearly determine what is a hive.

RECOMMENDED ACTION

The Planning Commission recommended approval of this ordinance amendment.

A nearby city had a complaint regarding bee keeping on a residential parcel. Upon inspection, the property owner was found to have over 20 hives in an illegal shed under his deck.

CITY OF ST. FRANCIS
ST FRANCIS MN
ANOKA COUNTY

ORDINANCE 173, SECOND SERIES

AN ORDINANCE ADDING SECTION 8-3-5
REGARDING THE KEEPING OF BEES

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 8-3-5, Second Series shall hereby be added to read as follows:

8-3-5: KEEPING OF BEES

A. Bees shall not be kept on parcels smaller than five (5) acres in size.

B. No parcel shall have more than one hive or colony housing structure not to exceed three feet in size in any dimension unless it is an Agricultural Use.

C. All hives shall be of the removable frame type.

D. All hives shall be kept 100 feet from any property line.

Section 2. 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 20th DAY OF AUGUST, 2012.

APPROVED:

_____
Jerry Tveit
Mayor of St. Francis

ATTEST:

_____
Barbara I. Held
City Clerk

(seal)

STAFF REPORT

TO:	**St. Francis City Council** **Matt Hylen, City Administrator**
FROM:	**Nate Sparks, City Planner**
DATE:	**August 1, 2012**
MEETING DATE:	**August 6, 2012 & August 20, 2012**
RE:	**Administrative Enforcement of Code Regulations Ordinance**

BACKGROUND

The purpose of this ordinance is to allow for the City to implement a new method by which to gain compliance for code violations. Currently, the City sends letters and then either gives a ticket, initiates civil action, or abates the issue. These processes are lengthy and have had limited results. With an administrative penalty procedure, City Staff may issue citations and fines to violators in hopes to gain compliance to avoid further penalties. If the administrative procedures do not work, then the traditional methods are initiated. Many other cities in and around the Metro Area such as Cambridge, Otsego, West St. Paul, Hopkins, Coon Rapids, and Spring Park currently utilize similar programs. The types of violations that this program is intended to handle are related to nuisances, zoning, licenses, and other such codes.

DRAFT ORDINANCE

The draft ordinance establishes a procedure by which the City may levy fines against code violators that choose to ignore letters from the City for compliance. The procedure is loosely based on the City's current code enforcement policy and nuisance abatement procedure.

In the proposed ordinance, a violator is given a notice and up to 20 days to correct the violation. If there is no compliance after the deadline, then the City may issue a citation and levy a fine. The violator then has 10 days to either pay the fine or appeal the citation. If the violation still exists upon the expiration of this time period, another citation may be given and the amount of the fine associated with the citation increases. The first fine is $100, the second is $250, the third $500, the fourth $1000, the fifth and subsequent fines are $2000. If the fines are not paid, the City may assess the fines on the property taxes. The penalty amounts are set annually by the Council as part of the fee schedule.

If the violator appeals the citation then there will be a hearing where the violation is reviewed by a Council appointed hearing officer. This is a similar procedure to the existing nuisance

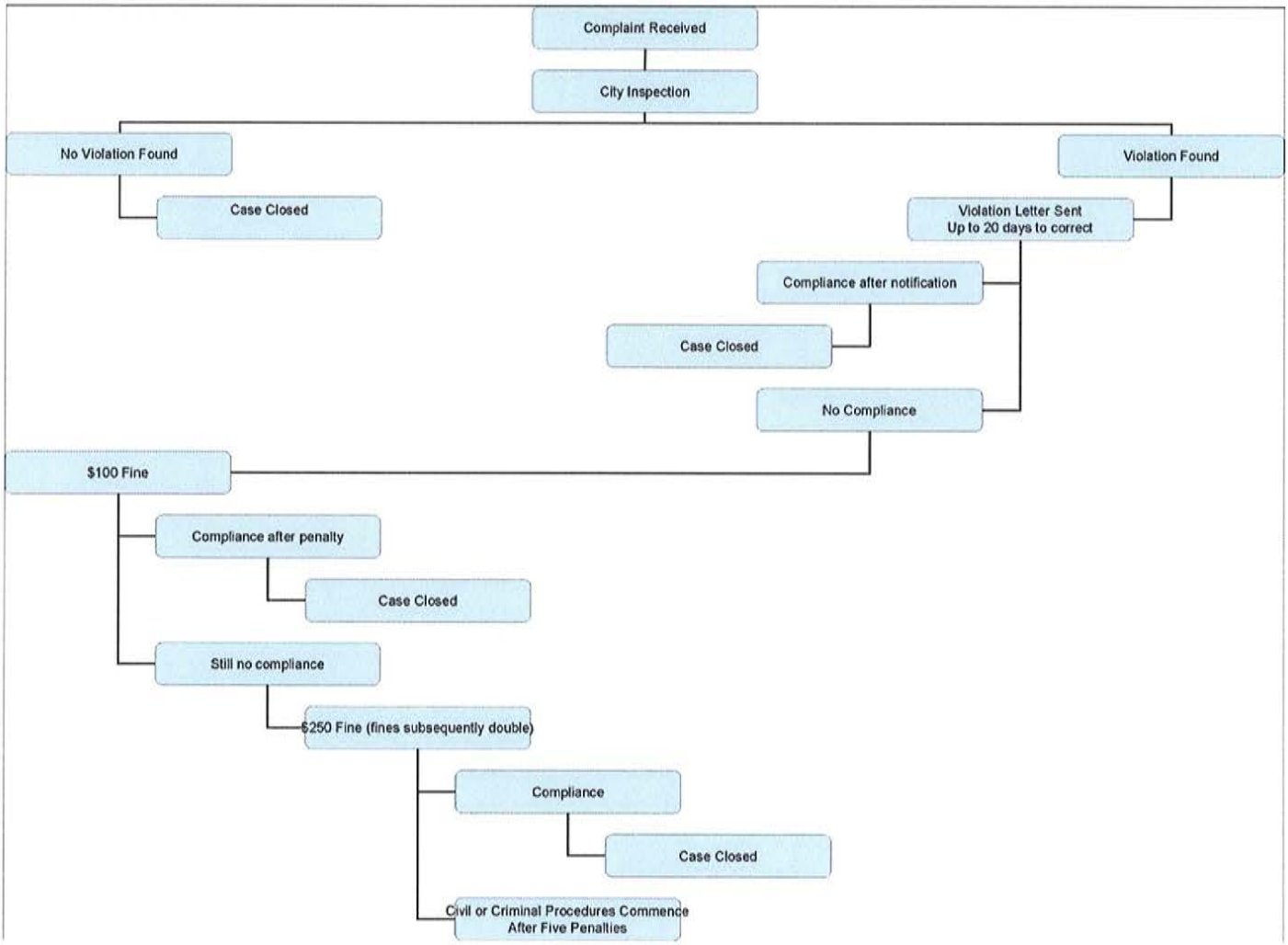
abatement appeal hearing provision currently found in the City Code. The hearing officer may either dismiss the charges or confirm the charges. If the charges are confirmed, the violator must pay the fine plus a fee for holding the hearing.

If the City cannot gain compliance through this method, then the City may choose to either give the violator a criminal citation or initiate civil proceedings. The cost of these procedures would be generally covered by the fines.

RECOMMENDED ACTION

If the City Council finds that a program such as this may be of assistance in enforcing code regulations, then it is recommended that the City Council approve this ordinance. If the ordinance is approved, a new Code Enforcement Policy will be drafted prior to the effective date of this ordinance.

Generalized code enforcement procedure utilizing administrative penalties:



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

ORDINANCE 174, SECOND SERIES

AN ORDINANCE ADOPTING CHAPTER 9 OF THE CITY CODE REGARDING THE ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Amended. That Section 2-11of the City Code entitled shall hereby be added to read as follows:

ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS

2-11-1: PURPOSE AND INTENT. The administrative enforcement procedures established within this Chapter are intended to provide the City of St. Francis with an informal, cost-effective and more efficient supplement or alternative to criminal prosecution or civil litigation for certain violations of the adopted City Code. The City of St. Francis retains the right, at its sole discretion, to enforce provisions of this Code by bringing criminal charges or commencing civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that that such a process is a legitimate and necessary alternative method of enforcing Code violations.

2-11-2: GENERAL PROVISIONS.

A. Administrative Offenses. Any violation of any section or chapter of the City Code, and any violation of the terms and/or conditions of any license, permit, or other approval issued pursuant to the City Code, is an administrative offense that may be subject to an administrative citation and administrative fines.

B. Continuing Violations. Each day a violation exists constitutes a separate and distinct offense for which a separate penalty can be imposed. The City Administrator can exercise discretion in imposing an administrative fine for more than one day of a continuing offense.

C. Schedule of Fines. The city council shall adopt by ordinance, as part of the fee schedule, a schedule of administrative fines for offenses for which an administrative citation is issued. A current fee schedule shall be kept on file at City Hall.

D. No Limitation on Remedies. Nothing herein is intended or shall require the city to utilize the administrative citation process or otherwise pursue the remedies outlined in this section. The city retains the right to pursue any and all other remedies authorized by law to enforce the City Code or penalize violations of city ordinances, including, but not limited to, issuance of a stop work order, abatement, criminal prosecution, and/or application for civil penalties or injunctive relief.

E. Code Compliance Officer. The Code Compliance Officer shall be any person so appointed to carry out such duties so assigned by the City Administrator including but not limited to the Building Official, Zoning Administrator, Public Works Director, City Clerk, Fire Chief, and any member of the Police Department.

2-11-3: PROCEDURE.

A. Administrative Notice. A Code Compliance Officer may issue, either in person or by United States first class mail, an Administrative Notice to a person suspected, alleged or known to have committed a Code Offense and/or to be the owner of property upon which a Code Offense is being committed. The Administrative Notice shall identify the Code Offense, the location upon which the Code Offense is alleged to have occurred or is occurring, and the corrective action for the Code Offense. The Administrative Notice may also state that the alleged violator has, at the discretion of the Code Compliance Officer, no more than twenty (20) days to correct or abate the Code Offense. Immediate compliance may be required upon the existence of a public health or safety condition. If the alleged violator and/or owner of property upon which a Code Offense is being committed is unable to correct or abate the Code Offense within the prescribed time, that person may request in writing an extension of no more than thirty (30) additional days from the Code Compliance Officer. Any extension granted by the Code Compliance Officer shall be in writing and shall specifically state the date of expiration, which shall be determined at the discretion of the Code Compliance Officer. If the Code Offense is not corrected or abated, as outlined in the Administrative Notice, within the prescribed time or any extension thereto, the Code Compliance Officer may issue a citation, as provided in Section 2-11-3-C.

B. Exceptions to Administrative Notice. For violations of any of the following sections, the City shall not be required to issues an Administrative Notice or compliance letter and may proceed directly to an administrative citation as provided for in Section 2-11-3-C:

1. Repeat Offenders. If the same owner or person commits a subsequent violation within 12 months of after an administrative notice or citation has been issued for the same or similar offense, no compliance letter or administrative notice shall be required for the new violation.

2. License Violations. For any license violations, including not having a license, no compliance letter or administrative notice shall be required.

C. Citation. Upon receiving no response or continued noncompliance following issuance of the Administrative Notice or Code Compliance letter as stated in Section 2-11-3-A, the Code Compliance Officer may issue a citation. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the alleged violation has occurred, either by personal service or by United States first class mail. Said citation shall state the nature of the Code Offense, the time and date said alleged Code Offense occurred, the civil penalty applicable to that Code Offense as set forth in a schedule of civil penalties which shall be adopted by Resolution of the City Council from time to time, and the manner for paying the civil penalty or requesting a hearing before a Hearing Officer to contest the citation.

D. Responding to a Citation. Once a citation is issued, the alleged violator and/or the owner of the property upon which the alleged violation has occurred shall, within ten (10) days of the time of issuance of the citation, either pay the civil penalty set forth in the citation or request a hearing in writing according to the procedure set forth in Section 2-11-4-A. The civil penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within said prescribed ~~ten (10)~~ fourteen (14) days. Payment of the civil penalty shall be deemed to be an admission of the Code Offense.

E. Payment of Penalty.

1. Payment of a Penalty and Correction of Violation. If the owner pays the administrative civil penalty and corrects the City Code violation, no further action will be taken against the owner or the owner's real property for that same violation.

2. Payment of Penalty without Correction of Violation. If the owner pays the administrative civil penalty but fails to correct the City Code violation, the City may issue subsequent administrative citations, initiate criminal proceedings, or initiate any other proceeding or remedies available in order to enforce correction of the City Code violation.

3. No Payment of Penalty and No Correction of Violation. If the owner fails to pay the administrative civil penalty but fails to correct the City Code violation, the City may do any of the following, or any combination thereof:

   a. Assess the administrative civil penalty against the property pursuant to Minnesota Statutes Chapter 429.

   b. Issue a subsequent administrative citation, thereby commencing a new administrative penalties process.

   c. Initiate criminal proceedings.

   d. Initiate any other enforcement action authorized by law.

2-11-4: APPEAL & HEARING.

A. Requesting a Hearing. Any person receiving an administrative citation may contest the alleged violation and the amount of the administrative civil penalty. In order to contest any part of the administrative citation, the owner or individual contesting the citation must notify the City Clerk in writing within ten (10) calendar days after the citation is mailed or otherwise delivered. The written request shall state the name of the individual, indicate whether they are contesting the alleged violation, the amount of the penalty, or both and must also specify the reason and facts upon which the individual is contesting the citation.

B. Hearing Officer. The hearing officer shall be a neutral third party appointed by the City Council and shall preside over the hearing and make any judgment as authorized by Section 2-11-4-D.

C. Conduct at Hearing. A hearing officer shall conduct an informal hearing to determine if a violation has occurred. The hearing officer shall consider the record and any additional evidence presented at the hearing and accepted into the record by the hearing officer before making a determination. The officer shall receive and give weight to evidence, including hearsay evidence that possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs. The City will have the burden of proving the existence of a violation and the reasonableness of any required corrective action by a preponderance of the evidence. The determination of the enforcement officer will be given substantial weight by the hearing officer in determining the reasonableness of any required corrective action.

D. Authority of Hearing Officer. The independent hearing officer has the authority to do any of the following, or a combination thereof:

   1. Make a finding that a violation has occurred;

2. Reduce, stay, or waive a scheduled administrative civil penalty either unconditionally or upon compliance with reasonable conditions;

3. Require compliance with the City Code within a specified timeframe;

4. Make a finding that no violation has occurred and dismiss the administrative citation.

F. Owner/Individual Found in Violation. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed plus an additional Administrative Hearing Fee as prescribed by the City's Fee Schedule to cover the cost of the hearing within ~~ten (10)~~ fourteen (14) days of the date of the decision.

G. Failure to Appear. Failure to appear at the hearing shall result in a default judgment against the party who fails to appear. If the owner fails to appear, the administrative citation shall be sustained. If the City fails to appear, the administrative citation shall be dismissed.

2-11-5: JUDICIAL REVIEW. The Hearing Officer's decision is final without any further right of administrative appeal. Further appeal shall be to the Minnesota Court of Appeals under the Minnesota Rules of Civil Procedure.

2-11-6: VIOLATION A MISDEMEANOR. The following are misdemeanors, punishable in accordance with state law:

A. Failure to pay an administrative fine imposed by administrative citation within ~~ten (10)~~ fourteen (14) days after it has been imposed unless the matter is appealed to the City as provided herein.

B. Failure to pay an administrative fine within ~~ten (10)~~ fourteen (14) days after it has been imposed by the hearing officer, or such other time as may be established by the hearing officer, unless the matter is appealed to district court as provided herein. If the final determination in the administrative penalty process is a finding that no violation occurred, then the City may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the City from pursuing a criminal prosecution for a violation for the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

Section 2. Code Amended. That the City's Fee Schedule shall hereby be amended to include the following fees:

Administrative Enforcement Penalties:
1st Offense: $100
2nd Offense: $250
3rd Offense: $500
4th Offense: $1000
5th Offense and beyond: $2000

Administrative Hearing Fee: $100

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 20th DAY OF AUGUST, 2012.

APPROVED:

_____
Jerry Tveit
Mayor of St. Francis

ATTEST:

_____
Barbara I. Held
City Clerk

(seal)

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

RESOLUTION 2012-28

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 174 ADDING SECTION 2-11 OF THE CITY CODE REGARDING THE ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS

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. 174 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. 174 is approved for publication:

CITY OF ST. FRANCIS
ST. FRANCIS, MINNESOTA

ORDINANCE 174, SECOND SERIES

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

The City of St. Francis added Section 2-11 of the City Code regarding the Administrative Enforcement of Code Regulations providing the City an informal, cost-effective, and more efficient supplement or alternative to criminal prosecution or civil litigation for certain violations. The administrative process will allow for the City to issue penalties to offenders of the City Code in order to gain compliance with code provisions and establishes the process the City must follow in order to do so. The ordinance includes an appeal hearing process. Fines are adopted as part of the City's fee schedule.

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 XX and was duly seconded by Councilmember XX and upon vote being taken thereon, the following voted in favor:

Councilmember XX

Councilmember XX
Councilmember XX
Councilmember XX
Councilmember XX

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 20th DAY OF AUGUST, 2012.

APPROVED

_____
Jerry Tveit
Mayor of St. Francis

Attest:

_____
Barbara I. Held
City Clerk

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

ORDINANCE 175, SECOND SERIES

AN ORDINANCE AMENDING SECTION 6-5-3. GAMBLING PROCEEDS

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Adopted. That Section 6-5-3 entitled "Gambling Proceeds" shall hereby be amended to read as follows:

6-5-3: Gambling Regulations.

A. Premises. If the organization owns or leases property for organizational activities, which may or may not include lawful gambling activities, a majority in value of such real property shall be situated within the City. If the organization owns or leases no real property except that it leases space on real property for lawful gambling activities only, such premises shall be licensed under City Code, Chapter 5 for on-sale of liquor. If the organization carries on lawful gambling upon leased premises, such lease shall be in writing and for a term of at least one (1) year, and the rental payments shall not be based upon a percentage of receipts or profits from such gambling.

B. Contribution Toward City Fund. Ten percent (10%) of the net profits from lawful gambling within the City by the organization must be paid on a monthly basis to a fund administered and regulated by the City. Net profits are defined in Minn. Stat. Sec. 349.213, Subd. 1(e).

~~B.~~ C Expenditures ~~Expenditure of Profits~~. All (100%) of gross profits from the premises of each licensed organization conducting lawful gambling within St. Francis must be expended for lawful purposes conducted with the City's trade area. The City's trade area shall be defined as the City of St. Francis and each City and Township contiguous to St. Francis. ~~shall be expended for a lawful purpose as required by law, and a majority of all such profits shall be expended for (1) persons who are resident of the City, or (2) organizations which carry on all their activities within the City, or (3) supplementing the services of the government of the City, or (4) improving, expanding, maintaining, repairing or acquiring real property located within the City.~~

~~C~~ D. Limitations on Licenses. No organizations shall hold more than one license from the Board which authorizes lawful gambling at more than one location, whether such location be within or without the City.

~~D~~ E. Special Bingo Regulations. Bingo shall only be conducted by an organization which has been in existence for at least three (3) years, has at least thirty (30) active members, and on premises which it owns.

Section 2. 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_____ , 2012.

APPROVED:

_____
Jerry Tveit
Mayor of St. Francis

ATTEST:

_____
Barbara I. Held
City Clerk

572880-v1

AGENDA REPORT

TO: Mayor & City Council

FROM: Matt Hylen, City Administrator

SUBJECT: **2013 Budget Cut Proposal**

DATE: August 16, 2012

INTRODUCTION

Due to decreasing state aid, a slow economy, zero percent levy adjustments for two years, increased costs to complete essential services and constant increases in unfunded mandates from the State of Minnesota, our city is forced to consider substantial cutback to maintain financial solvency.

BACKGROUND

During the 2013 Budget Workshop held on August 5, 2012, the Mayor, City Council and Management Team met to discuss community/city priorities in order to balance the 2013 Budget. Discussed in this session were ideas to reduce or eliminate services, delay or eliminate purchases, increase taxes, and/or reduction of city employees. Based on this lengthy dialog with our elected officials, direction was given to the management team to come back with the best recommendations to have the least amount of negative impact to city services.

RECOMMENDATION

In order to reduce expenses/increase revenues to balance the 2013 Budget, the following reduction ideas are proposed:

1. $30,000 – Street Maintenance and Repair
2. $25,000 - Tuition Reimbursement Program Elimination
3. $18,000 – Misc. Contracted Services – Tree Trimming, Etc.
4. $20,000 – Contracted Planner Consultant Fees
5. $56,000 – Elimination of Assistant Public Works Director Position
6. $40,000 – Lower the Transfer to Debt Service
7. $4,000 – In Progress/Undetermined at this time

Increasing the levy by 5% which would be an increase of revenue by $140,000
Decreasing the Fund Balance by approximately $61,000 would leave our reserve at 46.6%

NOTE: Pioneer Days is not funded in this proposal

The final decision will not be completed on these recommendations until the levy is set and the 2013 Budget is officially approved in December of this year. However, I would recommend the staffing reduction be approved in order for realized financial saving to occur in 2013 (accrual payout and unemployment benefits). A motion would be needed for the staffing reduction.

BUDGET IMPACT

Keeps the City solvent for 2013.

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Attachments:
1. NONE