

**CHAPTER 2**  
**ADMINISTRATION**

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## SECTION 1

### AUTHORITY AND VIOLATION

SECTION:

- 2-1-1: Authority and Purpose
- 2-1-2: Violation a Misdemeanor

**2-1-1: AUTHORITY AND PURPOSE.** Pursuant to authority granted by Charter, this Chapter of the City Code is enacted so as to set down for enforcement the government and good order of the City by and through the Council.

**2-1-2: VIOLATION A MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter, when he 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 2**  
**CITY COUNCIL**

**SECTION:**

- 2-2-1: Council Meetings – Time and Place
- 2-2-2: Special Meetings
- 2-2-3: Council Procedure at Regular Meetings
- 2-2-4: Interim Emergency Succession
- 2-2-5: Salaries of Mayor and Council Members
- 2-2-6: Per Diem Payments and Expense Reimbursement for Mayor and City Members

**2-2-1: COUNCIL MEETINGS – TIME AND PLACE.** Regular meetings of the Council shall be held in the Council Chambers on the first and third Mondays of each month at 6:00 PM. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on the next business day at the same time. The place of such meeting shall be in the Council Chambers in the City Hall unless otherwise designated by action of the Council. (Ord 87, SS, 3-7-2005; Ord 61, SS, 2-22-2000)

**2-2-2: SPECIAL MEETINGS.** Special meetings of the Council may be called by the Mayor or by any two other members of the Council by writing filed with the City Clerk/Treasurer stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the City Clerk/Treasurer to each member of the Council by mailing a copy of such filing to all members who did not sign or issue the call at least four (4) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the Council when all Council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Clerk/Treasurer prior to the beginning of the meeting. Any special meeting attended by all Council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the Council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute.

### **2-2-3: COUNCIL PROCEDURE AT REGULAR MEETINGS.**

- A. This Council procedure at regular meetings will apply to the extent that the Council does not provide for a different procedure by resolution. The City Council is authorized to establish different procedure by resolution. (Ord 139, SS, 8-17-2009)
- B. The City Clerk shall prepare the following items: (1) an agenda for the forthcoming meeting; (2) a compiled list of all claimants who have filed verified accounts claiming payment for goods or services rendered the City since the last regular meeting of the Council, such list to be called the "Claim Report" and bearing headings "Claimant" and "Amount"; (3) a copy of all minutes to be considered; and, (4) copies of such other proposals, communications, or other documents as the City Clerk deems necessary or proper for advance consideration by the Council. The City Clerk shall forthwith cause to be mailed or delivered to each member of the Council copies of all said documents. Roberts' Rule of Order (Newly Revised) shall govern all Council meetings as to procedural matters not set forth in the Charter or City Code. At the appointed time for the regular meeting of the City Council, the meeting shall be called to order by the Mayor and in the Mayor's absence, by the Mayor Pro Tempore. If a quorum is present, the City Council shall then proceed with the business in the following order: (Ord 139, SS, 8-17-2009)
1. Call to Order.
  2. Roll Call.
  3. Adopt Agenda.
  4. Consent Agenda, including but not limited to Approval of Minutes; Reports from Boards and Commissions; Payment of Claims; and Approval for payment of Claims and Appropriations. (All items falling under "Consent Agenda" are considered to be routine and non-controversial by the Council and will be approved by one motion. There will not be separate discussion of these items unless a member of the council or a citizen so requests, in which case the items will be removed from the Consent Agenda. Items removed from Consent Agenda approval will be taken up as the next order of business.
  5. Meeting Opened Persons Requesting to Appear Before Council. Persons who wish to appear before the Council must submit a written request to the City Clerk prior to the commencement of the meeting, which lists their name and address, and states their business (or identifies on behalf of whom they wish to speak). Persons requesting to appear before the Council will be recognized during the meeting in the order in which they submitted the written request. The presiding officer may advise any

person appearing as to the amount of time allowed prior to his speaking, or later limit such time. Persons speaking shall give their name, address, and state their business for identify on behalf of whom they are speaking. (Ord 139, SS, 8-17-2009)

6. Petitions, Requests, Applications.
  7. Ordinances and Resolutions.
  8. Reports of Staff Members.
  9. Reports of Council members.
  10. Report from Mayor.
  11. Old Business.
  12. New Business.
  13. Adjournment.
- C. Matters inappropriate for consideration at a meeting, or not in the order specified, shall not be considered except (1) with the unanimous consent of the members of the Council, or (2) scheduled public hearings or bid lettings at the time stated in the notice. All claims for payment must be filed at or before 12:00 Noon on the Wednesday preceding the regular Council meeting at which it is to be considered.
- D. Varying Order. The order of business may be varied by the Mayor, but all public hearings shall be held at the time specified in the notice of the hearing. (Ord 139, SS, 8-17-2009)

(Ord 68, SS, 02-04-2002)

#### **2-2-4: INTERIM EMERGENCY SUCCESSION.**

- A. Purpose. Due to the existing possibility of a nuclear attack or natural disaster requiring a declaration of a state of emergency, it is found urgent and necessary to insure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.
- B. Succession to Local Offices. In the event of a nuclear attack upon the United States or a natural disaster affecting the vicinity of the City, the Mayor, Council

City Administrator and City Clerk/Treasurer shall be forthwith notified by any one of said persons and by any means available to gather at the city Hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows: (Ord 97, SS, 1-3-2006)

1. By majority vote of those persons present, regardless of number, they shall elect a Chairman and Secretary to preside and keep minutes, respectively.
  2. They shall review and record the specific facts relating to the nuclear attack or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.
  3. They may, based on such facts, declare a state of emergency.
  4. By majority vote of those persons present, regardless of number, they shall fill all positions of the Council, (including the office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.
  5. Such interim successors shall serve until such time as the duly elected official is again available and returns to his position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.
- C. Duties of the Interim Emergency Council. The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

**2-2-5: SALARIES OF MAYOR AND COUNCIL MEMBERS.** Salaries of the Mayor and Council Members are hereby fixed as follows, which amounts are deemed reasonable:

- A. The monthly salary of the Mayor shall be \$450.00 in 2015 and \$500.00 in 2016.
- B. The monthly salary of each Council Member shall be \$375.00 in 2015 and \$400.00 in 2016.
- C. The salaries provide for herein shall be effective January 1, 2015.

(Ord 20-C, 1-1-1989; Ord 50, SS, 8-4-1997; Ord 70, SS, 9-3-2002; Ord 124, SS, 10-6-2008; Ord. 199, SS, 8-18-14, Effective 9-21-14)

**2-2-6: PER DIEM PAYMENTS AND EXPENSE REIMBURSEMENT FOR MAYOR AND CITY MEMBERS.** In addition to the salary, the Mayor and each member of the Council shall receive a per diem for substantially attending any board, commission, or committee meeting; meetings where the Mayor or Council member's attendance is required or necessary or when attending to official business or travel, but only when such attendance or activity is a formal appointment or has been specifically approved by action of the Council. The per diem shall be \$35.00 for one-half (1/2) day of four hours or less and \$70.00 for a day of more than four hours. Each member of the Council shall at least on a quarterly calendar year basis certify his or her attendance or approved activity prior to receiving payment. No per diem shall be paid for attendance or activity occurring more than four months prior to certification. In addition to the per diem, each member shall receive reimbursement for authorized travel expenses on the same basis as regular full-time City administrative personnel. The per diems provided for in this section are deemed reasonable and are based upon per diems paid to other Anoka County elected public officials with similar duties and responsibilities. (Ord 105, SS, 12-4-2006)



## SECTION 3

### GENERAL GOVERNMENT PROCEDURES

#### SECTION:

- 2-3-1: City Seal
- 2-3-2: Facsimile Signatures

**2-3-1: CITY SEAL.** All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the City Clerk/Treasurer and affixed by him/her. The official City Seal shall be a circular disc having engraved thereupon "CITY OF ST. FRANCIS" and such other words, figures or emblems as the Council may, by resolution, designate.

**2-3-2: FACSIMILE SIGNATURES.** The Mayor and City Clerk/Treasurer are hereby authorized to request a depository of City funds to honor an order for payment when such instrument bears a facsimile of his/her signature, and to charge the same to the account designated thereon or upon which it is drawn, as effectively as though it were his manually written signature. Such authority is granted only for the purpose of permitting such officers an economy of time and effort.



## SECTION 4

### BOARDS AND COMMISSIONS

#### SECTION:

- 2-4-1: Boards and Commissions Generally
- 2-4-2: Planning and Zoning Commission
- 2-4-3: Park Commission
- 2-4-4: Heritage Preservation Commission
- 2-4-5: Board of Adjustment
- 2-4-6: Absentee Ballot Counting Board

**2-4-1: BOARDS AND COMMISSIONS GENERALLY.** Unless otherwise provided by other provisions of the City Code, all Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor or the Council, as the case may be, prior to the expiration of an existing term. The term of each appointee shall be established and stated at the time of his/her appointment, and terms of present Board and Commission members may be reestablished and changed so as to give effect to this Section. New appointees shall assume office on the first day of the first month following their appointment and qualification, or on the first day of the first month following the expiration of the prior term and qualification, whichever shall occur last. Provided, however, that all appointees to Board and Commissions shall hold office until their successor is appointed and qualified. Individuals appointed to the various Boards and Commissions shall be limited to serving a maximum of two consecutive full terms on that Board or Commission. If there are no applicants for an outgoing Board or Commission member's position, the council can, on four-fifths (4/5) vote, reappoint the Board member to a third term. Individuals currently serving on a Board or Commission shall also be prohibited from serving on any other Board or Commission simultaneously. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be only for the unexpired term. No appointed Board and Commission member shall be an employee of the City, but an ex officio member may be so employed. The Chairman and Secretary shall be chosen from and by the Board or Commission membership annually to serve for one year. Provided, however, that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Any Board and Commission shall hold its regular meeting at a time established and approved by the Council. A member of the Council shall be an ex officio member of all Boards and Commissions; provided, that if he/she is unable to attend a meeting or act in the capacity of such membership, he/she may be represented by his/her assistant or some person duly authorized by him/her. (Ord 10, SS, 12-16-1991; Ord 51, SS, 4-20-1998)

**2-4-2: PLANNING AND ZONING COMMISSION.**

- A. Establishment. The Planning and Zoning Commission is hereby maintained and shall be the planning agency for the City.
- B. Composition. The Planning and Zoning Commission shall consist of seven (7) voting members who shall be appointed by the Council and may be removed by a four-fifths (4/5) vote of the Council. The Council shall appoint a liaison to the Commission who shall serve as staff to the Commission, and the City Attorney and the City Engineer will be consulted as needed.
- C. Term. Members shall serve three (3) year terms with one-third (1/3) being appointed each year. Members shall be residents of the City throughout their term of office.
- D. Organization. The Commission shall elect a Chairman from among its members for a one (1) year term on January 1 of each year. The Commission shall hold a regular meeting at least once a month. The Commission shall also meet to hold public hearings, conduct special projects, or research issues as requested by the Council, as may be needed. A simple majority of the appointed members is required to constitute a quorum. (Ord 38-F, 9-15-1984)
- E. Powers and Duties. The Commission shall be the planning agency and shall exercise the duties conferred upon it by this and other provisions of the City Code, and shall advise the Council pursuant to Section 2-2-1 of the City Code. Any power granted to the Commission under this Chapter shall be subject to the City Charter. The Council shall itself be and perform the duties and exercise the powers of such Boards and Commissions provided for by Minnesota Statutes, Sections 462.351-462.364. (Ord 38-P, 12-11-1989)

**2-4-3: PARK COMMISSION.**

- A. Establishment and Composition. A Park Commission is hereby established. The Commission shall be composed of seven (7) members who shall serve staggered three (3) year terms. In addition, the Council may appoint a liaison to serve as needed to the Commission.
- B. Powers and Duties. The Commission shall study and make recommendations concerning park improvements, and shall assist with park maintenance, upkeep and operation. The Commission shall develop plans for community recreation by assessing the needs of the people of the community and by considering their wishes. The Commission shall explore ways of providing as many recreational opportunities as possible. This may include but shall not be limited to working with neighboring communities, applying for grants, and organizing fund raisers. Fees and deposits shall be reviewed by the Commission on an annual basis and

recommendations made to the Council. The Commission shall submit to the Council an annual budget for park improvements and recreation.

**2-4-4: HERITAGE PRESERVATION COMMISSION.**

- A. Policy and Purpose. The Council finds that the historical, architectural, archeological, engineering, and cultural heritage of the City is among its most important assets. Therefore, this Section is adopted to engage in a comprehensive program of historic preservation, and to promote the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of the citizens of the City.
  
- B. Establishment and Composition. A Heritage Preservation Commission is hereby established. The Commission shall be composed of five (5) members appointed for two (2) year terms. Commission members shall be persons with demonstrated interest and expertise in historic preservation, at least two (2) of whom shall be members of the St. Francis Community Historical Society, and, if available, one shall be a member of the Anoka County Historical Society.
  
- C. Powers and Duties. The Commission shall study and recommend to the Council, the following:
  - 1. The survey and designation of districts, sites, buildings, structures, and objects that are of historical, architectural, archeological, engineering, or cultural significance.
  
  - 2. The enactment of rules governing construction, alteration, demolition, and use, including the review of building permits, and the adoption of other measures appropriate for the preservation, protection and perpetuation of designated properties and areas.
  
  - 3. The acquisition by purchase, gift, or bequest, of a fee or lesser interest, including preservation restrictions, in designated properties, and adjacent or associated lands which are important for the preservation and use of the designated properties.
  
  - 4. Requests to the Council to use its power of eminent domain to maintain or preserve designated properties and adjacent or associated lands.
  
  - 5. The sale or lease of air rights.
  
  - 6. The granting of use variations to a zoning ordinance.
  
  - 7. Participation in the conduct of land use, urban renewal, and other planning processes undertaken by the City.

8. The removal of blighting influences, including signs, unsightly structures, and debris, incompatible with the physical well-being of designated properties or areas.
9. Communication with the State Historic Preservation Officer. Proposed state designations and design guidelines must be sent to the State Historic Preservation Officer at the Minnesota Historical Society, who shall review and comment on the proposal within sixty (60) days. By October 31 of each year, the Commission shall submit an annual report to the State Historic Preservation Officer. The report must summarize the Commission's activities, including designations, reviews, and other activities during the previous twelve (12) months.

**2-4-5: BOARD OF ADJUSTMENT.** (CODIFIER'S NOTE: The Board of Adjustment is provided for in Chapter 10 of the City Code – see Section 10-3.)

Source: City Code

Effective Date: 06-01-1990

**2-4-6: ABSENTEE BALLOT COUNTING BOARD.** The Council hereby authorizes an Absentee Ballot Counting Board and further authorizes the election judges of such Board to receive, examine, and validate absentee ballots. The further duties of such Board shall be those provided by statute.

## SECTION 5

### DEPARTMENTS

#### SECTION:

- 2-5-1: Departments Generally
- 2-5-2: City Clerk
- 2-5-3: Police Department
- 2-5-4: Fire Department
- 2-5-5: Public Works Department
- 2-5-6: Legal Department
- 2-5-7: Streets, Parks and Recycling Department
- 2-5-8: City Administration
- 2-5-9: Finance
- 2-5-10: Community/Economic Development

#### **2-5-1: DEPARTMENTS GENERALLY.**

- A. Control. All Departments of the City are under the overall control of the Mayor/Council. Heads of all Departments are responsible to the Mayor/Council and subject to its supervision and direction, except as otherwise provided herein.
- B. Appointment. All Department Heads and employees shall be hired by the Council for an indeterminate term and subject to any applicable Civil Service Regulations in effect in the City.
- C. Compensation. All wages and salaries shall be fixed and determined by Council resolution.

#### **2-5-2: CITY CLERK.**

- A. Pursuant to the authority granted by Laws of the State of Minnesota, the Department of City Clerk is hereby recognized as currently in existence and continued. (Ord. 155, SS, 7-5-2011)
- B. Beginning with the year in which this ordinance becomes effective and each year thereafter, there shall be an audit of the City's financial affairs by the Public Examiner or a Public Accountant in accordance with minimum auditing procedures prescribed by the Public Examiner.

Source: Ordinance No. 26, Effective Date: 04-04-1971

**2-5-3: POLICE DEPARTMENT.** A Police Department is hereby established. The Head of this Department shall be known as the Chief of Police, and the number of additional members and employees of the Police Department shall be determined by the Council which may be changed from time-to-time. The Mayor shall have, without

the approval of the Council, authority to appoint additional members of the Police Department for temporary duty when in his judgment an emergency exists for the preservation of life or property. The City may establish a Police Reserve to assist in law enforcement. Police reserve officers shall be under the control and supervision of the Chief of Police but shall not be deemed employees of the City and shall be covered as a City employee under the City's worker's compensation insurance policy. The Chief of Police and all members of the Police Department shall have the powers and authority of police officers generally and shall perform such duties as are required of them by the Council or by law. The Chief of Police shall have overall supervision and management of the Police Department and custody of all property used and maintained for purposes of said Department. The Chief of Police shall make and file such reports as may be required by the Council or City Administrator. (Ord 97, SS, 1-3-2006)

**2-5-4: FIRE DEPARTMENT.** A Volunteer Fire Department under the control of the Council is hereby established. The size, composition and remuneration shall all be established by resolution of the Council, which may be changed from time-to-time by subsequent resolution. The Council shall also establish written rules and regulations of the Department, a copy of which shall be distributed to each of its members. The members of the Department shall elect their own Chief, Assistant Chief, and other officers subject to confirmation and approval by the Council. The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of said Department. He shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the City relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. He shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the Chief. The Fire Marshall shall have the authority to issue citations for violations of Sections 7-4-2.G and 7-4-2.P of this Code. The Chief of the Fire Department shall make and file such reports as may be requested by the Council or City Administrator. (Ord 69, SS, 5-6-2002; Ord 97, SS, 1-3-2006)

**2-5-5: PUBLIC WORKS DEPARTMENT.** A Public Works Department is hereby established. The Head of such Department shall be the Public Works Superintendent. The City water and sewerage systems shall be under the direct supervision of the Public Works Superintendent and he/she shall be responsible for and have custody of all property of such Department. The Public Works Superintendent shall make and file such reports as may be requested by the Council or City Administrator. (Ord 44, SS, 5-20-1996); Ord 97, SS, 1-3-2006)

**2-5-6: LEGAL DEPARTMENT.** A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be Head of the Legal Department,

together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him by law or referred to him by the Council or City Administrator. It shall be the official duty of the City Attorney to act as "Revisor of Ordinances". (Ord 97, SS, 1-3-2006)

Source: City Code

Effective Date: 06-01-1990

**2-5-7: STREETS, PARKS AND RECYCLING DEPARTMENT.** A Streets, Parks and Recycling Department is hereby established. The Head of such Department shall be the Streets and Parks Superintendent/Recycling Coordinator. The City streets, parks and recycling shall be under the direct supervision of the Streets and Parks Superintendent/Recycling Coordinator and he/she shall also be responsible for the routine repair and maintenance of all City Buildings and Properties. The Streets and Parks Superintendent/Recycling Coordinator shall make and file such reports as may be requested by the Council or City Administrator. (Ord 97, SS, 1-3-2006)

**2-5-8: CITY ADMINISTRATION.** An Administration Department is hereby established. The Council shall appoint a City Administrator, who shall be Head of the Administration Department. The City Administrator will perform ministerial duties as follows: (Ord 97, SS, 1-3-2006)

- A. Subject to City Council regulations and applicable laws, the City Administrator shall control and direct the administration of municipal affairs.
- B. The City Administrator shall see that all laws, ordinances and resolutions of the City are enforced.
- C. The City Administrator shall supervise the activities of all municipal department heads and personnel of the City in the administration of the municipal policy with authority to effectively recommend their employment and/or removal.
- D. The City Administrator shall attend and participate in all meetings of the City Council. The City Administrator shall be responsible for the preparation of the City Council Agenda and recommend to the City Council such measures as he or she may deem necessary for the welfare of the citizens and the efficient administration of the City. The City Administrator may attend, at his or her discretion or at the direction of the City Council, other committee and commission meetings.
- E. The City Administrator shall prepare an annual fiscal budget and capital improvement plan for the City Council. The City Administrator shall maintain financial guidelines for the City within the scope of the approved budget and capital program. The City Administrator shall submit reports to the City Council on the financial condition of municipal accounts and make sure the annual financial statement is prepared in accordance with Minnesota Statutes.

- F. The City Administrator shall handle all personnel matters for the City in conjunction with policy established by the City Council. The City Administrator shall negotiate or delegate the negotiation of terms and conditions of employee labor contracts for presentation to the City Council.
- G. The City Administrator shall represent the City at official functions as directed by the City Council and maintain good public relations with the citizens of the community.
- H. The City Administrator shall act as purchasing agent for the City and be responsible in making all purchases in accordance with the approved municipal budget. The City Administrator shall have the authority to sign purchase orders for routine services, equipment and supplies as per Purchasing Policy. All claims resulting from orders placed by the City Administrator shall be audited for payment by the City Council. The City Administrator shall negotiate contracts for any kind of merchandise, materials, equipment or construction work for presentation to the City Council.
- I. The City Administrator shall coordinate municipal programs and activities as directed by the City Council. The City Administrator shall monitor all consultant and contract work performed for the City. He shall coordinate the activities of the City Attorney.
- J. The City Administrator shall be informed regarding federal, state and county programs which affect the municipality. He or she shall consult with officials of both public and private agencies as may be required.
- K. The City Administrator shall inform the City Council on matters dealing with the administration of the City and prepare and submit to the City Council for adoption an administrative code encompassing the details of administrative procedure.
- L. The City Administrator shall perform such other duties as may be prescribed by law or required of him or her by ordinance or resolutions as adopted by the City Council.

**2-5-9: FINANCE.** A Finance Department is hereby recognized as currently in existence and continued. This department shall perform the duties of the City Treasurer as established in Statute. The head of the Finance Department shall be the Finance Director. (Ord. 155, SS, 7-5-2011)

**2-5-10: COMMUNITY/ECONOMIC DEVELOPMENT.** A Community/Economic Development Department is hereby established. This department performs supervisory and responsible professional work managing comprehensive planning, land-use, zoning, and economic development; oversees building inspection services

and performs related duties as assigned. The Head of the Community/Economic Development Department shall be the Community/Economic Development Director.

(Ord.205,SS 10/26/15)



## SECTION 6

### PERSONNEL

#### SECTION:

- 2-6-1: Personnel, Rules and Regulations
- 2-6-2: Worker's Compensation
- 2-6-3: Criminal History Background Investigations

**2-6-1: PERSONNEL RULES AND REGULATIONS.** The Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. Such rules may from time-to-time be amended.

**2-6-2: WORKER'S COMPENSATION.** The City shall not enter into any contract for doing public work before receiving from all other contracting parties acceptable evidence of compliance with the worker's compensation insurance coverage requirement of Minnesota Statutes.

Source: City Code

Effective Date: 06-01-1990

#### **2-6-3: CRIMINAL HISTORY BACKGROUND INVESTIGATIONS.**

- A. Authority. This ordinance is intended to comply with the guidelines for local access of CCH for non-criminal justice purposes. Minnesota Statutes, Section 13.87 authorizes city police departments to conduct criminal history background investigations on applicants for City positions and for purposes of screening potential tenants of real property using Minnesota Computerized History data. Access for these purposes will be limited to Minnesota Computerized Criminal History public data only.
- B. Applications for Employment. This section applies only to applicants who are finalists for regular, temporary and volunteer status positions. Before the investigation is undertaken, the applicant must authorize the Police Department in writing with a signed consent to undertake the investigation and to release the information to the City Council, City Administrator and/or other City staff as appropriate.
- C. Rejection of Applications for Employment. Except in the case of exceptions set forth in Minnesota Statutes Sections 364.09, as may be amended from time to time, if the City rejects an application for employment due partly or solely to the

applicant's prior conviction of a crime which relates directly to the position sought, the City will notify the applicant in writing of the following:

1. The grounds and reasons for denial;
2. The applicant complaint and grievance procedure set forth in Minnesota Statute Section 364.06, as may be amended from time to time;
3. The earliest date the applicant may reapply for employment or a volunteer position; and
4. That all competent evidence of rehabilitation will be considered upon reapplication.

Only public conviction information related directly to the position sought will be considered in denying employment. The City acknowledges that questioned identity situations may occur and fingerprint verifications will be allowed in cases where it is not clear if a record based on a name and date of birth search actually belongs to the person.

Source: Ordinance 94, SS  
Effective Date: 11-21-2005

**2-6-4: SCREENING OF POTENTIAL TENANTS OF REAL PROPERTY:**  
For the protection of local residents, property owners, tenants and the overall public safety of the community, the Police Department is hereby authorized to conduct Minnesota criminal history checks for the purpose of screening potential tenants of real property, subject to the following conditions:

- A. a request is made by the property owner/landlord in writing;
- B. a signed consent form that complies with all applicable laws from the subject of the check is received by the Police Department;
- C. authorization is received from the subject of the check to release said information to the property owner/landlord;
- D. the purpose and use of said information is solely for assisting in the screening of potential tenants.

Source: Ordinance 147, SS  
Effective Date: June 20, 2010

## SECTION 7

### SPECIAL ASSESSMENTS

#### SECTION:

- 2-7-1: Special Assessment Policy
- 2-7-2: Deferment of Special Assessments
- 2-7-3: Partial Prepayment of Special Assessments
- 2-7-4: Current Services – Special Assessment
- 2-7-5: Special Assessment for Cost Recovery

**2-7-1: SPECIAL ASSESSMENT POLICY.** The City of St. Francis will follow the requirements and procedures outlined in Minn. Statute, Section 429 for local improvements and special assessments initiated under this Section of the City Charter or initiated pursuant to state law. The City may also follow an assessment policy created by resolution that provides for additional provisions and procedures consistent with Minn. Statute, Section 429 and Chapter 8 of the City Charter. (Ord 67, SS, 6-18-2001; Ord 90, SS, 5-16-2005)

#### **2-7-2: DEFERMENT OF SPECIAL ASSESSMENTS.**

- A. The Council may defer the payment of any special assessment on homestead property owned by a person who is sixty-five (65) years of age or older, or who is retired by virtue of permanent and total disability, and the City Clerk/Treasurer is hereby authorized to record the deferment of special assessments where the following conditions are met:
1. The applicant must apply for the deferment not later than ninety (90) days after the assessment is adopted by the Council.
  2. The applicant must be sixty-five (65) years of age, or older, or retired by virtue of permanent or total disability.
  3. The applicant must be the owner of the property.
  4. The applicant must occupy the property as his principal place of residence.
  5. The applicant's income from all sources shall not exceed the low income limit as established by the Department of Housing and Urban Development as used in determining the eligibility for Section VIII housing.

- B. The deferment shall be granted for as long as a period of time as the hardship exists and the conditions as aforementioned have been met. However, it shall be the duty of the applicant to notify the City Clerk/Treasurer of any change in his status that would affect eligibility for deferment.
- C. The entire amount deferred special assessments shall be due within sixty (60) days after loss of eligibility of the applicant. If the special assessment is not paid within sixty (60) days, the City Clerk/Treasurer shall add thereto interest at eight (8) percent per annum from the due date through December 31 of the following year and the total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year. Should the applicant plead and prove, to the satisfaction of the Council, that full repayment of the deferred special assessment would cause the applicant particular undue financial hardship, the Council may order that the applicant pay within sixty (60) days a sum equal to the number of installments of deferred special assessments outstanding and unpaid to date (including principal and interest) with the balance thereafter paid according to the terms and conditions of the original special assessment.
- D. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following:
  - 1. The death of the owner where there is no spouse who is eligible for deferment.
  - 2. The sale, transfer or subdivision of all or any part of the property.
  - 3. Loss of homestead status on the property.
  - 4. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment.

**2-7-3: PARTIAL PREPAYMENT OF SPECIAL ASSESSMENTS.**

- A. Partial Prepayment of Assessments Permitted. After the adoption of an assessment roll pursuant to Minnesota Statutes, Chapter 429, as amended, and before certification of said assessment roll to the County Auditor, the City Clerk/Treasurer, or other authorized official, is authorized and directed to accept partial prepayment of said assessment, and reduce the amount certified to the County Auditor accordingly. As provided by law, such partial prepayment may be accepted only during the thirty-day period following approval of the assessment roll.

- B. Scope. This Section shall apply to all assessment rolls which, on the effective date hereof, have been adopted by the Council but not yet certified to the County Auditor, and to all assessment rolls subsequently adopted by the Council.

**2-7-4: CURRENT SERVICES – SPECIAL ASSESSMENT.**

- A. Definition. “Current Service”, as used in this Section, means one or more of the following: (1) removal of snow, ice, dirt, and refuse from sidewalks, (2) eliminate weeds and cut grass on private property and on non-traveled portions of abutting streets, (3) remove or eliminate public health or safety hazards from private property, (4) repair abutting sidewalks, (5) street sprinkling, street flushing, light street oiling, or other dust treatment of streets, (6) trimming and care of trees and removal of unsound trees from public streets or private property, and (7) the operation of a street lighting system.
- B. Responsibility of Owner or Occupant. It is the primary responsibility of all owners and occupants of private property to (1) remove snow, ice, dirt and refuse from adjacent sidewalks, (2) eliminate weeds and cut grass thereon and on non-traveled portions of abutting streets, (3) remove or eliminate public health or safety hazards there from, and (4) repair abutting sidewalks.
- C. Ice, Snow, Dirt and Refuse on Sidewalks. All ice and snow within twenty-four (24) hours after it ceases to be deposited thereon, and all dirt and refuse deposited thereon, shall be removed by the owner or occupant of abutting private property. If ice, snow, dirt or refuse is not so removed the City may do so and keep a record of the cost attributable to each property.
- D. Weeds and Grass. On or before June 1 of each year and at such other times as may be ordered by the Council, the City may publish notice in the official newspaper to cut and remove all weeds whether noxious or not, and cut all grass, on private property having attained a height of six (6) inches and on non-traveled portions of abutting streets, within seven (7) days after such notice. If weeds are not so cut and removed, or if grass is not so cut, the City may do so and keep a record of the cost attributable to each property.
- E. Public Health and Safety Hazards.
  - 1. Any condition, whether or not unlawful, permitted or maintained on private property and reported to the City Clerk/Treasurer shall be referred by him to a member of the City staff or department he deems appropriate for investigation. If it is found that such condition is a hazard to the public health or safety, a written report of the findings shall be prepared and presented to the Council at its meeting next following the preparation of such report. The Council shall consider such report and may call a hearing thereon upon at least twenty (20) days written notice mailed to the

owner and occupant of the subject premises, which notice shall include a copy of such findings. This Section does not relate to hazardous buildings.

2. If, at the time of the hearing, the City Clerk/Treasurer shall report that the hazard has been eliminated, hearing shall not be held, and the matter closed. If at such time the hazard has not been eliminated, the hearing shall proceed and be handled as an administrative appeal under this Chapter.
3. Upon the evidence adduced at the hearing the Council shall make findings which shall be forthwith served upon the owner and occupant of the premises. If it is found that a public health or safety hazard exists on such premises, a notice shall accompany such findings, which notice shall state that the owner and occupant have ten (10) days to eliminate such hazard or the City will do so under the authority of this Section.
4. If the owner and occupant do not so eliminate such hazard, or commence and do not proceed with such elimination, the City may do so and keep a record of the cost thereof.

F. Street Sprinkling, Street Flushing, and Tree Care.

1. The Council may each year determine what streets shall be sprinkled or flushed, oiled, or given other dust treatment during the year and the kind of work to be done on each. The council may also determine from time to time the streets on which trees (other than diseased trees) shall be trimmed and cared for, the kind of work to be done, and what unsound trees shall be removed. The City Clerk/Treasurer shall, under the Council's direction, publish notice that the Council will meet to consider such projects. Such notice shall be published in the official newspaper at least once no less than two weeks prior to such meeting of the Council and shall state the date, time and place of such meeting, the streets affected and the particular projects proposed and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise.
2. At such hearing the Council shall hear property owners with reference to the scope and desirability of the proposed projects. The Council shall thereupon adopt a resolution confirming the original projects with such modifications as it considers desirable and shall provide for doing the work by day labor or by contract. The City shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street.

- G. Personal Liability. The owner of property on or adjacent to which a current service has been performed shall be personally liable for the cost of such service. When the service has been completed and the cost determined, the City may prepare a bill and mail to the owner and the amount shall then be due and payable.
- H. Assessment. Charges for any current services unpaid after billing, and after notice and hearing, may be certified to the County Auditor and collected as any other special assessment.

**2-7-5: SPECIAL ASSESSMENT FOR COST RECOVERY.** (Ord 134, SS, 3-2-2009)

- A. Enforcement of Charges. Any property owner or agent thereof that willfully engages the City in an application, services, or other such activity shall bear full responsibility for refunding to the City the costs incurred to the City for the required review, analysis, notifications, processing, enactment, and other obligations.
- B. Assessment. Charges for any services unpaid after billing for at least ninety (90) days, and after notice and hearing, may be certified to the County Auditor and collected as any other special assessment.
- C. Administrative Fees. Any associated administrative costs related to the assessment may be included in the assessment.
- D. Right of Action. Any charges, levied by and pursuant to this section, and which have not been properly billed to the owner or occupant of any premises served, and not paid, may be recovered in a civil action by the City in any court of competent jurisdiction.



**SECTION 8**  
**FRANCHISES**

SECTION:

2-8-1: Franchises

**2-8-1: FRANCHISES.**

- A. Definition. The term “franchise” as used in this Section shall be construed to mean any special privileges granted to any person, in, over, upon or under any of the streets or public places of the City, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.
- B. Franchise Ordinances. The Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public spaces. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public’s right in such places, or desiring the privilege of placing in, over, upon or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas, or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.
- C. Power or Regulation Reserved. The City shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether such franchise has been heretofore granted by it or by the State of Minnesota.
- D. Conditions in Every Franchise. All conditions specified in this Section shall be a part of every franchise even though they may not be expressly contained in the Franchise:
  - 1. That the grantee shall be subject to and will perform on its part all the terms of this Section and will comply with all pertinent provisions of the City Charter and City Code, as the same may from time to time be amended.
  - 2. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges,

shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by agency of the State of Minnesota, in the manner following:

- a. A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, and fair return upon all money invested.
  - b. If possible, maximum rates and charges shall be arrived at by direct negotiation with the Council.
  - c. If direct negotiations fail to produce agreement, the Council shall, not less than thirty (30) days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferable an expert, and the three of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.
3. That the Council shall have the right to require reasonable extension of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.
  4. That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceeding brought by the City to acquire the public utility exercising of such franchise, any return on account of the franchise or its value.
  5. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed with the City in instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.
  6. That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the Council

may at any time deem necessary particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all facilities or whatsoever purpose used.

7. Every franchise shall contain a provision granting the City the right to acquire the same in accordance with statute.
  8. That the franchisee may be obligated by the City to pay the City fees to raise revenue or defray increased costs accruing as a result of utility operations or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the City.
- E. Further Provisions of Franchises. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this Section limit any right or power possessed by the City over existing franchises.



## SECTION 9

### FEE SCHEDULE

(Ord. 196, SS, 7-21-14, Effective 8-24-14)  
(Ord. 201, SS, 6-05-15, Effective 7-06-15)

#### SECTION:

2-9-1: Fee Schedule

#### 2-9-1: FEE SCHEDULE.

##### A. Administrative Penalties.

1. Administrative Enforcement Penalties:
  - a. 1<sup>st</sup> Offense \$100
  - b. 2<sup>nd</sup> Offense \$200
  - c. 3<sup>rd</sup> Offense \$500
  - d. 4<sup>th</sup> Offense \$1,000
  - e. 5<sup>th</sup> Offense and Beyond \$2,000
2. Administrative Hearing Fee \$100

##### B. Animal Impound Fees.

1. Administrative Fee \$50/day
2. Pick Up Service Fee:
  - a. 8 AM to 6 PM \$60/hour
  - b. 6 PM to 8 AM \$80/hour
3. Boarding Fee \$25/day

##### C. Animal License:

1. Dog License (May to April)  
\$10/1-2 year vaccinations  
\$15/3 year vaccination
2. Kennel:
  - a. First 10 Dogs \$100/year
  - b. Each Additional Dog \$10/year

##### D. Amusement and Recreation.

1. Amusement Machine \$15/location + \$15/machine
2. Dance:
  - a. Annual \$100/year
  - b. Per Event \$10/event

E. Business and Service License.

1.	Investigation Fee	\$25
2.	Adult Entertainment Use	\$2,000/year
3.	Sauna/Massage Parlors	\$2,000/year
4.	Fireworks – Retail/Tent	\$50/occurrence
5.	Fireworks – Pyrotechnic Display	\$50/occurrence
6.	Pawnbroker	\$1,000/year
7.	Refuse Hauler	\$200/year + \$50/truck
8.	Massage Therapist	\$200/year
9.	Taxicab Driver License Fee	\$150/year
10.	Taxicab Operator License Fee	\$150/year
11.	Towing/Impound	\$150/year
12.	Finger Printing	\$15 and customer provides fingerprint card
13.	Transient Merchant/Peddler:	
	a. Week	\$50
	b. Month	\$150
	c. Year	\$300
14.	Excavations/Mining:	
	a. Active Area Fee	\$50/acre
	b. Inactive Area Fee	\$25/acre
	c. Restoration Credit	\$25/acre

F. Liquor License.

1.	3.2% Malt – Off Sale	\$50/year
2.	3.2% Malt – Off Sale – Special Event	\$25/event
3.	3.2% Malt – On Sale	\$200/year
4.	Club License	\$200/year
5.	Wine License	\$200/year
6.	Intoxicating Liquor – On Sale	\$4,000/year
7.	Intoxicating Liquor – Sunday Sales	\$200/year
8.	Investigation Fee:	
	a. Single Application	\$200
	b. Partnership	\$300
	c. Corporation	\$400
9.	Brewery taproom	\$200
10.	Microdistillery cocktail room	\$200
11.	Brewpub license	\$200
12.	Small brewer & Brewpub Off-Sale License	\$200
13.	Small brewer & Brewpub Sunday Off-Sale License	\$200

G. Tobacco License. \$150/year

H. Street Disruption.

- |    |  |  |
|----|--|--|
| 1. | Road Right-of-Way – Registration       | \$35 + \$2,000 escrow                      |
| 2. | Road Right-of-Way – Permit Application | \$150 + Consultant Fees                    |
| 3. | Street Opening                         | \$50 + Bond or Deposit and Consultant Fees |

I. Document Services.

- |    |   |                                |
|----|---|--------------------------------|
| 1. | Accident, Police and Fire Reports                     | \$.25/page; over 100 pages TBD |
| 2. | Copies  | \$.25/page copied              |
| a. | CDs   | \$15                           |
| b. | Colored Copies of Photos                              | \$3/page                       |
| c. | Certificate of Survey (non-homeowner)                 | \$2                            |
| d. | City Council Agenda & Minutes (mailed):               |                                |
| 1) | Resident  | \$25/year                      |
| 2) | Non-Resident  | \$25/year + postage            |
| e. | Planning/Park Commission Agenda and Minutes (mailed): |                                |
| 1) | Resident  | \$12/year                      |
| 2) | Non-Resident  | \$12/year + postage            |

J. General and Miscellaneous.

- |     |   |                                      |
|-----|---|--------------------------------------|
| 1.  | Lockouts  | \$25                                 |
| 2.  | Mileage Reimbursement for Personal Vehicle                | Current IRS Rate                     |
| 3.  | Notary  | \$2/document                         |
| 4.  | Public Nuisance Violation Administration Fee (assessable) | \$75/occurrence                      |
| 5.  | Certify Delinquent Invoices (except utilities)            | Lesser of 10% of delinquency or \$75 |
| 6.  | Certify Delinquent Invoices                               | 10% of delinquency                   |
| 7.  | Fire Department Charges                                   | See Ordinance 138                    |
| 8.  | Returned Checks   | \$30/check                           |
| 9.  | Snowmobile Permit   | \$15                                 |
| 10. | Special Assessment Administrative Fee                     | \$100                                |
| 11. | Special Assessment Search                                 | \$20/each                            |

K. Equipment and Staff Use.

- |    |                         |           |
|----|-------------------------|-----------|
| 1. | One Ton Truck with Plow | \$55/hour |
| 2. | Belos with Attachment   | \$55/hour |
| 3. | Crane Truck             | \$45/hour |
| 4. | Electric Generator      | \$60/hour |

- |     |   |                                     |
|-----|---|-------------------------------------|
| 5.  | Grader  | \$90/hour                           |
| 6.  | Kubota/Attachments Mower  | \$50/hour                           |
| 7.  | Pick Up Truck   | \$40/hour                           |
| 8.  | Single Axle Truck   | \$65/hour                           |
| 9.  | Single Axle Truck with Plow   | \$85/hour                           |
| 10. | Tool Cat/Skid Steer w/Attachments   | \$60/hour                           |
| 11. | Tractor with Loader or Attachments  | \$60/hour                           |
| 12. | Pay Loader  | \$90/hour                           |
| *   | <i>Hourly equipment rates DO NOT include the cost of the operator or cost of fuel and gas</i> |                                     |
| 13. | Staff Time  | Two Times Step 8 of Their Pay Grade |

L. Council / Commission Pay.

- |    |   |   |
|----|---|---|
| 1. | City Council Per Diems Per Day                            | \$35 for four hours or less;<br>\$70 for more than four hours                       |
| a. | Special Council Meetings                                  |   |
| b. | Council Retreats/Work Sessions                            |   |
| c. | Economic Development Authority Meeting (EDA)              |   |
| d. | League of MN Cities Functions                             | Prior Approval Required   |
| e. | Labor Negotiations  | Prior Approval Required   |
| f. | Employee Interviews                                       | Prior Approval Required   |
| g. | Mayor Only:   |   |
|    | 1) School/County Liaison                                  | Mayor may appoint Council members to fulfill his obligations and approve attendance |
|    | 2) MN Mayors Association                                  |   |
|    | 3) Speaking Engagements at Other Civic Org.               |   |
|    | 4) Closing of Property Acquisition                        |   |
|    | 5) Fire District Study Group                              |   |
| 2. | Planning Commission:                                      |   |
| a. | Chairman  | \$25/meeting paid annually  |
| b. | Member  | \$20/meeting paid annually  |
| 3. | Park Commission:  |   |
| a. | Chairman  | \$25/meeting paid annually  |
| b. | Member  | \$20/meeting paid annually  |
| 4. | Economic Development Authority                            | \$20/meeting paid annually  |
| 5. | Upper Rum River Watershed – Resident Appointed by Council | \$20/meeting paid annually  |

M. Parks and Recreation.

- |   | <u>Resident</u>        | <u>Non-Resident</u>    |
|---|------------------------|------------------------|
| 1. Concession                           | \$25                   | \$50                   |
| 2. Ball Park Use – Outside Organization | \$100/night for season | \$200/night for Season |
| 3. Clean Up Deposit                     | \$50 - refundable      | \$75 - refundable      |

4.	Key Replacement	\$50	\$50
5.	Football Field	\$25/each	\$35/each
6.	Football Youth Program	\$43/week per team	
7.	Gazebo Rental	\$50	\$100
8.	Rink Rental for Reserved Time	\$25/hour for after hours rental	\$50/hour for after hours rental
9.	Shelter	\$25	\$50
10.	Soccer	\$34/week per team	
11.	Soccer Field	\$25/each	\$35/each
12.	Warming House	\$50	\$100

- *St. Francis City Council has the authority to charge an annual fee of \$100 for non-profits.*
- *St. Francis City Council has the authority to waive any fees for non-profits.*

N. Community Center.

1.	Resident	\$30/event
2.	Non-Resident	\$55/event
3.	Damage Deposit	\$100
4.	Late Key Return	\$25 if not returned within 2 business days of event
5.	City Purposes	Free
6.	City Benefit:	
	a. St. Francis Lions/Lioness	Fees will be waived for these uses unless the Council specifically determines that the fees should be imposed
	b. St. Francis Senior Citizens Group	
	c. St. Francis Area Jaycees	
	d. St. Francis Youth Association (4-H, Scouts, Hockey, etc.)	
	e. St. Francis Ambassador Program	
	f. St. Francis Area Chamber of Commerce	
	g. Other Governmental Agencies	
	h. Local Church Organizations	
	i. Local Business/Non-Profit Organizations	Donations will be accepted for use of facility unless Council specifically determines that the fees should be imposed
7.	Priority for Use in Event of Conflict:	
	a. City of St. Francis	Based on earliest request if more than one applicant of the same class seeks conflicting dates
	b. Non-Profit located within City limits	
	c. Residents (individuals or groups)	
	d. Non-Profit located outside City limits	
	e. Non-Residents (individuals or groups)	



O. Division and Use of Property.

	<u>Fee</u>	<u>Escrow</u>
1. Administrative Subdivision	\$200	\$250
2. Annexation	\$250	\$300
3. Appeal	\$200	\$250
4. Comprehensive Plan Amendment	\$450	\$650
5. Conditional Use Permit	\$350	\$650
6. Dock Permit	\$50	\$100
7. Driveway Permit	\$50	\$200 (may be waived by staff)
8. Environmental Review	\$350	\$650
9. Excavation/Fill Permit (Admin)	\$100	\$250
10. Excavation/Fill Permit (IUP)	\$350	\$650
11. Fence-Under Six Feet in Height	\$50	
12. Home Occupation (IUP)	\$350	\$650
13. Interim Use	\$350	\$650
14. Minor Subdivision	\$350	\$400
15. Ordinance Amendment	\$350	\$650
16. Planned Unit Development	\$350	\$650
17. Rental Housing Licensing:		
a. License	\$150	
b. License Renewal	\$100	
c. License Renewal Multiple Family	\$75	
18. Sign Permit Zoning Review (Admin)	\$75	
19. Sign Permit Zoning Review (Full)	\$250	\$350
20. Sign Permit Zoning Review (Temporary)	\$25	
21. Rezoning	\$350	\$650
22. Site and Building Plan Review (Admin)	\$100	\$250
23. Site and Building Plan Review (Regular)	\$350	\$450
24. Street/Utility Easement Vacation	\$350	\$650
25. Subdivision:		
a. Sketch Plan	\$300	\$500
b. Preliminary Plat (Rural)	\$400	\$400 + \$125/lot
c. Preliminary Plat (Urban)	\$400	\$425 + \$175/lot
d. Final Plat	\$350	\$650
26. Temporary Habitation Permit	\$200	\$5,000
27. Temporary Outdoor Sales Permit/ License	\$50	
28. Wetland Replacement Plan Review With Plat	\$350	\$650
29. Wetland Replacement Plan and Excavation	\$350	\$650

- |  |             |         |
|--|-------------|---------|
| 30. Vacant Building Registration Fee;  |             |         |
| a. First Year                          | \$125       |         |
| b. Second Year Renewal                 | \$175       |         |
| c. Third Year Renewal                  | \$250       |         |
| d. Fourth Year Renewal                 | \$350       |         |
| e. Fifty Year Renewal and Beyond       | \$500       |         |
| 31. Vacant Building Administration Fee | \$100       |         |
| 32. Variance Application               | \$350       | \$650   |
| 33. Park Dedication                    | \$2,500/lot |         |
| 34. TIF Application                    | \$2,500     | \$2,500 |
| 35. Landscaping Escrow Admin Fee       | \$100       |         |
- Applicants are responsible for all costs incurred by the City for consultant fees.

P. Building Permits.

	<u>Fee</u>	<u>Escrow</u>
1. Basement Finishes Permit	\$140	**See Below
2. Building Demolition	\$95	**See Below
3. Building Demolition – Commercial	By Valuation	
4. Contractor Verification Fee	\$10	
5. Fence – Residential	\$40	
a. Over Six Feet in Height	By Valuation	
b. Commercial	By Valuation	
6. Fireplace	\$95	**See Below
7. Fuel Tank Removal	\$95	**See Below
8. Engineer’s Grading Review of Building Permit	\$130	
9. Water Heater	\$75	**See Below
10. HVAC – Heating Installations	\$95/each	**See Below
HVAC – Air Conditioning	\$55/each	**See Below
11. Inspections – After Hours	\$70/hour, minimum 2 hours	
12. Investigation Fee	Not to exceed permit fee	
13. Irrigation	\$50 back flow preventer	**See Below
14. Mobile Home Setup	By Valuation	
15. On-Site Septic:		
a. Type I – IV	\$275	**See Below
b. Type V	By cost incurred	
c. Operating Permit	\$125/year	**See Below
16. Plumbing	\$95	
17. Pools	\$75	**See Below
• Letter must be submitted annually stating that an above ground pool will be placed in the same location each year as per the initial site plan.		
18. Pools – In Ground	By Valuation	
19. Re-inspection Fee	Not to exceed \$75/trip	
20. Roofing:		
a. Residential	\$95	**See Below
b. Commercial	By Valuation	

- |     |   |                       |             |
|-----|---|-----------------------|-------------|
| 21. | Septic System Pumping Verification                            | \$20                  |             |
| 22. | Siding:   |                       |             |
|     | a. Residential  | \$95                  | **See Below |
|     | b. Commercial   | By Valuation          |             |
| 23. | Signs   | By Valuation          |             |
| 24. | Water Softener Permit:  |                       |             |
|     | a. Residential  | \$15 by State Statute | **See Below |
|     | b. Commercial   | By Valuation          |             |
| 25. | Windows/Exterior Doors  | \$95                  | **See Below |
| 26. | Commercial Buildings (Plumbing, Mechanical, Fire Alarm, etc.) | By Valuation          |             |
- *Anything not listed above will be based on valuation + plan review + State surcharge.*
  - *Permits over 180 days of inactivity are null and void with no refund.*
  - *Permit extension not to exceed ½ permit fee and Building Inspector makes determination.*
  - *No refund on plan review fees; maximum refund is 75% of total fee for permit fees; no refund for State surcharges.*
- \*\* STATE SURCHARGE collected in accordance with MN Statutes 326B.148 which is currently \$5 per permit.**

Q. Escrow Deposits.

- |    |                             |                 |
|----|-----------------------------|-----------------|
| 1. | Urban:                      |                 |
|    | a. Curb Box and Meter       | \$1,500         |
|    | b. Final Grading            | \$500 - \$1,000 |
|    | c. Litter/Debris Cleanup    | \$100 - \$300   |
|    | d. 2" Caliper Tree (new)    | \$300           |
|    | e. Sod                      | \$2,000         |
|    | f. Seeding/Sprinkler        | \$2,000         |
|    | g. 3" Black Dirt            | \$500           |
|    | h. Erosion Control in Place | \$300           |
|    | i. Street Cleaned           | \$200           |
|    | j. Driveway Installed       | \$1,500         |
| 2. | Rural:                      |                 |
|    | a. Final Grading            | \$500 - \$1,000 |
|    | b. Litter/Debris Cleanup    | \$100 - \$300   |
|    | c. 2" Caliper Tree (new)    | \$300           |
|    | d. Sod/Seeding              | \$300 - \$2,000 |
|    | e. Erosion Control in Place | \$300           |
|    | f. Culvert                  | \$1,500         |
|    | g. Driveway Installed       | \$1,500         |

- R. Utility Fees.
1. Access Charge:
    - a. Sewer Equivalent Connection \$4,284
    - b. Water Equivalent Connection \$3,060
  2. Trunk Line Charge:
    - a. Water Trunk Line Availability \$2,956
    - b. Sanitary Sewer Trunk Line Availability \$4,150
  3. Tapping and Connection Permits:
    - a. Tapping and Water Connection \$125
    - b. Tapping and Sewer Connection \$125
    - c. Water Connection \$50
    - d. Sewer Connection \$50
  4. Meter Deposit:
    - a.  $\frac{3}{4}$ " Cost
    - b. 1" and larger Cost + 10%
  5. Water Shutoff (7:00 am - 3:30 pm) \$35
  6. Water Reconnect (7:00 am - 3:30 pm) \$35
    - The disconnect and reconnect fee for water shall be waived if a resident leaves for two consecutive months during the time from October to March. This is to promote the idea of shutting off these snowbird residences to reduce the chance for freeze ups and bursting of pipes.
  7. Meter Repair (not removal or Installation)
 

	Time and materials with \$50 minimum
--	--------------------------------------
  8. Curb Stop Locate:
    - a. Summer \$25 minimum
    - b. Winter \$50 minimum
  9. Curb Stop Driveway Cover Cost
  10. Curb Stop Repair Time and materials with \$50 minimum
  11. Curb Stop Box Cost
  12. Hydrant and Gate Valve Repair Time and materials with \$50 minimum
  13. Hydrant Meter Deposit \$800
  14. Non-Response to Tagging Notice \$250/month until resolved
  15. Unmetered Use of City Water \$200

S. Water Rates. \*11/1/15 /\*12/1/16 Effective Date

- |    |  |                                |
|----|--|--------------------------------|
| 1. | Monthly Base Fee   | \$16.50 /\$19.80               |
| a. | State Test Fee   | \$.53                          |
| 2. | Charge per 1,000 Gallons Used per Equivalent Connection: |                                |
| a. | 0 – 14,999   | \$5.10 /\$6.12 equivalent conn |
| b. | 15,000 – 29,999  | \$5.34 /\$6.42 equivalent conn |
| c. | 30,000 – 44,999  | \$6.18 /\$7.42 equivalent conn |
| d. | 45,000+  | \$7.38 /\$8.86 equivalent conn |
| 3. | Bulk Water:  |                                |
| a. | System Access Charge                                     | \$50                           |
| b. | Charge per 1,000 Gallons Used                            | \$6.16                         |

T. Sewer Rates.

- |    |                               |  |
|----|-------------------------------|--|
| 1. | Monthly Base Fee              | \$17.50 /\$24.50                             |
| 2. | Charge per 1,000 Gallons Used | \$6.86/\$9.60 equivalent                     |
| 3. | Sewer Users Only              | Sewer Base Rate + 6,000 Gallons @ Water Rate |

- Winter residential sewer rates (November through April billings) are based on actual water consumption used for the month billed.
- Summer residential sewer rate (May through October billings) are based on the average of water consumption used for the January, February, and March billings. If the winter water usage average is 3,000 gallons or less, the consumption billed will be the actual usage up to a maximum of 3,000 gallons. Any average usage greater than the 3,000 gallons will be billed actual usage up to the minimum average calculated.
- Note: Consumption amounts are not billed greater than actual usage.

STARTING IN 01/01/2016

Storm Water Rates \$5.00/month/parcel



## SECTION 10

### APPEALS

#### SECTION:

- 2-10-1: Right to Administrative Appeal
- 2-10-2: Rules of Procedures for Appeals and Other Hearings

**2-10-1: RIGHT TO ADMINISTRATIVE APPEAL.** If any person shall be aggrieved by any administrative decision of the City Clerk/Treasurer or any other City official, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the Council upon serving a written request therefore upon the Mayor and City Clerk/Treasurer at least five (5) days prior to any regular Council meeting. Such request shall contain a general statement setting forth the administrative decision to be challenged by the appellant. At such hearing the appellant may present any evidence he/she deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or comply with time requirements and on his own motion or the motion of the appellant, the City Clerk/Treasurer, or member of the Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

**2-10-2: RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS.** The Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.



## SECTION 11

### ADMINISTRATIVE ENFORCEMENT OF CODE REGULATIONS

(Ord 174, SS, 9-24-12)

#### SECTION:

- 2-11-1: Purpose and Intent
- 2-11-2: General Provisions
- 2-11-3: Procedure
- 2-11-4: Appeal and Hearing
- 2-11-5: Judicial Review
- 2-11-6: Violation A Misdemeanor

**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 twelve (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 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 AND 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 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 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 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.