

CITY OF SPRING LAKE PARK
1301 81ST AVENUE N.E.
AGENDA
DECEMBER 7, 2015 @7:00 P.M.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. ADDITIONS OR CORRECTIONS TO AGENDA
5. **CONSENT AGENDA:**
 - A. Approval of Minutes – November 16, 2015
 - B. Fourth Quarter Billing for Payable 2017 Property Tax Assessment – Ken Tolzmann
 - C. Public Right of Way Application - CenterPoint Energy
 - D. Approval of Resolution No. 15-30 Establishing Water, Sewer and Water Treatment Plant Rates
 - E. Licenses:
 1. Contractor’s Licenses
 2. Dance Licenses
 3. Use Car Licenses
 4. Tobacco Licenses
 5. Pawn Shop License
 6. Massage Enterprise License
 7. Massage Therapist – Individual License
 - F. Sign Permit Application
 - G. Correspondence
6. DISCUSSION FROM THE FLOOR
7. PUBLIC WORKS REPORT
8. CODE ENFORCEMENT REPORT
9. PUBLIC HEARING
 - A. 2016 Truth in Taxation Hearing
10. ORDINANCES AND RESOLUTIONS
 - A. Resolution No. 15-29 Adopting CenturyLink Franchise and Authorizing Summary Publication of Ordinance No. 418
 - B. Ordinance No. 419 Adopting New Zoning Ordinance
 - C. Resolution No. 15-31 Authorizing Summary Publication of Ordinance No. 419
 - D. Ordinance No. 420 Adopting an Ordinance Regulating Land Use by Establishing a Floodplain Management District
 - E. Resolution No. 15-32 Authorizing Summary Publication of Ordinance No. 420
 - F. Ordinance No. 421 Adopting An Ordinance Adopting a Fee Schedule for the City of Spring Lake Park
 - G. Resolution No. 15-33 Authorizing Summary Publication of Ordinance No. 421
11. NEW BUSINESS
 - A. Authorize Bids Sewer Sliplining Project
 - B. Authorize Bids for Seal Coat Project
12. ENGINEER’S REPORT
13. ATTORNEY’S REPORT
14. REPORTS
15. OTHER
 - A. Administrator Reports
 - B. Close Meeting to Discuss Labor Negotiation Strategies
16. ADJOURN

**SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND
DISCUSSION FROM THE FLOOR**

RULES FOR PUBLIC HEARINGS AND DISCUSSION FROM THE FLOOR

DISCUSSION FROM THE FLOOR

**Limited to 5 minutes per person to state their concern.

**Action: Council direction to staff for resolution or take this matter under advisement for action at the next regularly scheduled meeting.

PUBLIC HEARINGS

Advise audience that the purpose of the public hearing is to receive citizen input on the proposal to (name of project). (This is not a time to debate the issue.)

The following format will be used to conduct the hearing:

** The presenter will have a maximum of 10 minutes to explain the project as proposed.

** Councilmembers will have an opportunity to ask questions or comment on the proposal.

** Citizens will then have an opportunity to ask questions and/or comment on the project. Those wishing to comment are asked to limit their comments to 3 minutes, except in cases where there is a spokesperson representing a group wishing to have their collective opinions voiced. The spokesperson should identify the audience group her/she is representing and may have a maximum of 10 minutes to express the views of the group.

**People wishing to comment are asked to state any new facts they may have within the 3 minutes allotted. Please be specific and to the point.

** Everyone will be given the opportunity to express their agreement or disagreement even if they have no new points to make. (This is not a time to debate the issue.)

** People wishing to speak twice will be given 2 minutes to comment on any new facts brought forward since the last time they spoke.

Following public input, the Council will have a second opportunity to ask questions of the presenter and/or citizens.

The public hearing will then be adjourned with the Council taking the matter under advisement until the next regularly scheduled Council meeting. At the next regular meeting, the Council will debate the issue, if necessary, state their positions and make a decision. NO further public input will be received at that time.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on November 16, 2015 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

Mayor Hansen called the meeting to order at 7:00 P.M.

2. Roll Call

Members Present: Councilmembers Mason, Nash, Wendling and Mayor Hansen

Members Absent: Councilmember Nelson

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Building Official Brainard; Attorney Carson; Engineer Gravel; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Brad Sanford, 11826 Palisade Street NE, Blaine
Mike Bradley, 1976 Wooddale Drive, Woodbury
Tyler Middleton, CenturyLink
Faamati Winey, Dellwood, MN

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Buchholtz reported that an update to Resolution 15-26, Certifying Delinquent Accounts – Anoka County, has been provided to the Council. He stated the update reflected payments received since the Council packet has been distributed.

Mayor Hansen asked that Item I, City Administrator Performance Evaluation Statement, be pulled for discussion. Mayor Hansen offered her praise to Administrator Buchholtz for a job well done and that he greatly exceeded the job requirements of the position.

5. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – October 5, 2015
- B. Disbursements
 - 1. General Fund Disbursement Claim No. 15-19 -- \$747,756.82
 - 2. Liquor Fund Disbursement Claim No. 15-20 -- \$219,856.31
- C. Budget to Date/Statement of Fund Balance
- D. Resolution 15-28, Making Selection Not to Waive the Statutory Tort Limits for Liability Insurance Purposes
- E. Approval of Contract with Xcel Energy for Collection of Fluorescent Lamps
- F. Approval of Park Dedication Study
- G. Contractor's Request for Payment No. 2 – North Valley Paving Inc.
- H. Contractor's Request for Payment No. 1 – Visu Sewer

- I. City Administrator Performance Evaluation Statement
- J. Contractor's Licenses
- K. Correspondence

MOTION BY MAYOR HANSEN APPROVING THE CONSENT AGENDA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

6. Discussion From The Floor

Brad Sanford, 11826 Palisade Street NE Blaine, introduced himself to the City Council and provided his personal background along with the organizations that he participates in. He stated that he is running for State Senator in District 37 and asked for an endorsement from the City Council and the residents of Spring Lake Park.

7. Police Report

Police Chief Ebeltoft reviewed the October 2015 department statistics.

Chief Ebeltoft stated that the Police Department responded to three hundred sixty-seven calls for service in 2015 compared to four hundred twenty nine calls for service in October 2014. He stated that the Police Department issued one hundred sixty nine citations in October. He noted that the police department for the month of September 2015 has deployed the speed trailer four times at different locations around the City to help those driving on our local streets to monitor their speeds.

Chief Ebeltoft reported, in addition to addressing the day to day operations of the Department, he attended numerous meetings including; a Department Head meeting; a meeting of the Anoka County Chiefs of Police; a meeting of the Anoka County Public Safety Data System Governance Committee; a meeting with Computer Integration Technologies, Inc. for exploring IT services for the Police Department; a meeting with AT&T Representative regarding the transition from Sprint to AT&T for cellular service for the City of Spring Lake Park; a meeting with the National Child Safety Council Representative and Officer Fiske; a meeting of the "Beyond the Yellow Ribbon Committee; a meeting for the "Anoka County Joint Law Enforcement Council"; and concluded the month at the International Association of Chief of Police Conference in Chicago, Illinois.

8. Parks and Recreation Report

Parks and Recreation Director Rygwall reviewed the October 2015 department statistics.

Ms. Rygwall reported the Parks and Recreation Department held many programs in October and the classes were well attended. She stated that staff presented the 2016 travel show to over 60 participants and encouraged residents to check the website for more information on upcoming trips.

Ms. Rygwall stated that she attended an Aquatic Species meeting in October; continued to research food vendors for the 2016 Tower Days celebration and obtained the aeration permit for Spring Lake from the Department of Natural Resources.

9. Public HearingA. CenturyLink Franchise Application

Mayor Hansen opened the public hearing at 7:15 P.M.

Administrator Buchholtz reported that the City is one of seven member cities in the North Metro Telecommunications Commission (NMTC). He stated that NMTC has negotiated a cable television franchise with CenturyLink and has adopted a Findings of Fact and Recommendation recommending approval of the negotiated cable television franchise with CenturyLink by each member city.

Attorney Mike Bradley, Representative for NMTC, provided the Council with a brief overview of the franchise components. He explained that the franchise will have a five year build out statute with development within the City and CenturyLink will hold quarterly meetings with the City or with the NMTC designee to show CenturyLink's progress to residents and to the City. He stated that starting on January 1, 2016, CenturyLink Build-Out Commitment will increase if its penetration rate is at least 27.5% in the areas that it is offering service and additional build-out commitment continues until all households are served.

Mr. Bradley stated that CenturyLink will provide 12 HD Access Channels which is a greater number of access channels than Comcast. He reported that CenturyLink will provide an electronic programming guide and will offer an opportunity for the City to air PSA on non-Access channels during periods of unsold/unused air time.

Tyler Middleton, CenturyLink VP of Operations of MN, informed the Council that CenturyLink employees have been preparing to serve the City for over three and half years. He stated that the CenturyLink franchise is already serving Minneapolis and more than five other local cities with much success.

Councilmember Wendling inquired if existing wiring and resources can be utilized in the City or if new lines will need to be installed. Mr. Middleton stated that some of the existing assets and connections are already being used but there are some areas that the speed of the equipment is not up to date so new installation is required in those locations.

Councilmember Mason inquired if residents will be notified when the service is available. Mr. Middleton stated that there will a direct mailing campaign that will be sent out to residents along with other promotional events in 2016.

Hearing no further comments, Mayor Hansen closed the public hearing at 7:37 P.M.

Administrator Buchholtz informed the Council that the ordinance to adopt the CenturyLink Franchise will be presented at the December 7, 2015 Council meeting.

10. Ordinances and ResolutionsA. Resolution 15-26 Resolution Certifying Delinquent Accounts – Anoka County

Administrator Buchholtz presented the list of properties that will be certified to the County Assessors Offices for collection with their 2016 property taxes. He stated the delinquent amounts are a combination of delinquent utilities, service or citation fees and administrative fees.

MOTION MADE BY COUNCILMEMBER MASON TO APPROVE RESOLUTION 15-26 CERTIFYING DELINQUENT ACCOUNTS – ANOKA COUNTY. ROLL CALL VOTE. ALL AYES. MOTION CARRIED.

B. Resolution 15-27 Resolution Certifying Delinquent Accounts – Ramsey County

MOTION MADE BY COUNCILMEMBER NASH TO APPROVE 15-27 CERTIFYING DELINQUENT ACCOUNTS – RAMSEY COUNTY. ROLL CALL VOTE. ALL AYES. MOTION CARRIED.

11. New Business

A. 2016 Public Utilities Budget

Administrator Buchholtz presented the proposed balanced Public Utilities budget to the Council. He reported that the proposed 2016 budget is 3.6%, or \$49,324 higher than the 2015 budget. He stated that significant cost driver is from the Metropolitan Council Environmental Services, which raised the cost of treating the City's wastewater by 8.1%. He reported that other cost drivers include salaries and benefits, insurance and repairs and maintenance.

Administrator Buchholtz stated that additional revenue is needed to address the increase in the 2016 budget. He reported the proposed budget calls for water rates to raise by 5.5% and the water treatment plant rate will remain unchanged for 2016.

Administrator Buchholtz reviewed the water rates and the increase for each Tier. He stated that the last time the Administrative Base Rate and Tiers 1-3 were changed was in 2010 and Tiers 4-6 were last increased in 2013.

Administrator Buchholtz presented the new sewer rates and informed the Council the last sewer rate increase was in 2013. He stated for the single family home that uses 18,000 gallons of water per quarter (6,000 gallons per month) the impact of the rate increase is \$4.81/quarter, or just over 1.60/month.

Administrator Buchholtz stated the proposed rate for a typical single family home is still below the 2015 median water and sewer bill, according the 2015 AE2S North Central Utility Rate Survey. He reported that median water/sewer bill in 2015 was \$43.72/month, or \$131.16/quarter. He stated the water/sewer bill for this same home under the new rate structure will be \$118.22/quarter, or approximately \$39.41/month.

Mayor Hansen commented that a majority of the rate increase is due to the Metropolitan Council Environmental Services rate increase for wastewater treatment.

MOTION MADE BY COUNCILMEMBER MASON TO APPROVE 2016 PUBLIC UTILITIES BUDGET. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. Engineer's Report

Engineer Gravel reported that the contractor for the 2015 Sanitary Sewer Lining Project has started construction and door hanger notices will be given to property owners. He stated that the Council has authorized the contract award to Meyer Contracting in the amount of \$650,060 for the Lift Station No. 1 Reconstruction project.

13. Attorney's Report

Attorney Carson reported that contract negotiations with SunShare Community Solar Garden are continuing and an updated contract should be available at the next Council meeting for approval.

14. Other

Councilmember Wendling reported that the Sweet Shop will be holding their grand opening on November 18, 2015 from 11 AM – 6 PM.

A. Administrator Report

Administrator Buchholtz reported that the Planning and Zoning Commission will hold a Public Hearing on Monday, November 23, 2015 to present the updated Zoning Code to the public. He stated the code has seen a significant update since 1976. He stated another Public Hearing will be held that evening to adopt a flood plain ordinance since a small parcel of city owned land is located in a flood zone.

Administrator Buchholtz reported that there are openings on the Planning and Zoning Commission as well as the Parks and Recreation Commission. He encouraged residents to apply and stated the application is available on the City's website.

Administrator Buchholtz stated that the Truth in Taxation Hearing will take place on Monday, December 7, 2015 at the City Council meeting. He stated the 2016 Proposed Budget will also be presented.

14. Adjourn

MOTION BY COUNCILMEMBER MASON TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting was adjourned at 7:54 P.M.

Cindy Hansen, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

Kenneth A. Tolzmann, SAMA
Spring Lake Park City Assessor

November 27, 2015

City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, Mn 55432
Attn: Mr. Daniel Bucholtz, Admin.

Re: Fourth Quarter Billing for Payable 2017 Property Tax Assessment.

Dear Mr. Bucholtz,

The annual cost for assessment services in accordance with our contract is as follows:

1972 Residential improved parcels @ \$9.00 per parcel -----	\$17,748.00
312 Commercial/Industrial parcels @ \$55.00 per parcel -----	17,160.00
40 Unimproved land parcels @ \$ 2.50 per parcel -----	<u>100.00</u>

Total Cost for year 2016 assessment payable in 2017: \$35,008.00

Fourth Quarter Amt. Due: \$ 8,752.00

The above figures are in accordance with our contract for services dated July 18,2011.

If you have any questions, please give me a call at 464-4862.

Sincerely,



Kenneth A. Tolzmann, SAMA#1939
Spring Lake Park City Assessor
24738 Hamlet Ave. N.
Forest Lake, Mn 55025



CITY OF SPRING LAKE PARK
1301 Eighty-First Avenue N.E.
Spring Lake Park, MN 55432
Ph: 763-784-6491 Fax: 763-792-7257

PUBLIC RIGHT-OF-WAY APPLICATION

Mgc# 48887

NAME/COMPANY: CenterPoint Energy

Order# 7620.5681

GOPHER 1-CALL REG. NO.: 0029

ADDRESS: 700 Linden Av We, Box 1165 Mpls, MN 55440

Please waive permit
fees per franchise
agreement

PHONE: 612-321-5532 FAX: 612-321-5480

E-MAIL ADDRESS: jodell.cox@centerpointenergy.com

NAME OF REPRESENTATIVE: Jody Cox

REPRESENTATIVE PHONE NO'S.: 612-321-5532

DESCRIPTION OF PROPOSED WORK: including a start date and completion date:

installing a new 5/8" plastic gas service
line to 8316 Westwood Rd NE

START DATE: 11/30/15

COMPLETION DATE: 6/30/16

The City of Spring Lake Park reserves the right to modify the schedule as necessary in the issuance of the permit. Therefore, the dates stated on this application may not necessarily match actual approved dates.

EXPLANATION OF RESTORATION: as needed

Jody Cox
Authorized Representative Signature

11/20/15
Date

FOR OFFICE USE ONLY

- ☐ PROOF OF CERTIFICATE OF INSURANCE:
☐ SCALED DRAWING SHOWING LOCATION
☐ COPY OF INSURANCE POLICIES
(If Corporation; from Secretary of State)

VERIFICATION DATE: _____

- ☐ LETTER OF CREDIT OR CONST. BOND
☐ COPY OF CERTIFICATE OF AUTHORITY
(From M.P.U.C., State, or Federal Agency)

PERMIT FEES: ☐ Excavation Hole - \$150.00
☐ Trench - \$70.00/100'+Hole fee

☐ Emergency Hole - \$55.00
☐ Obstruction Fee - \$50.00+.05/Ft.

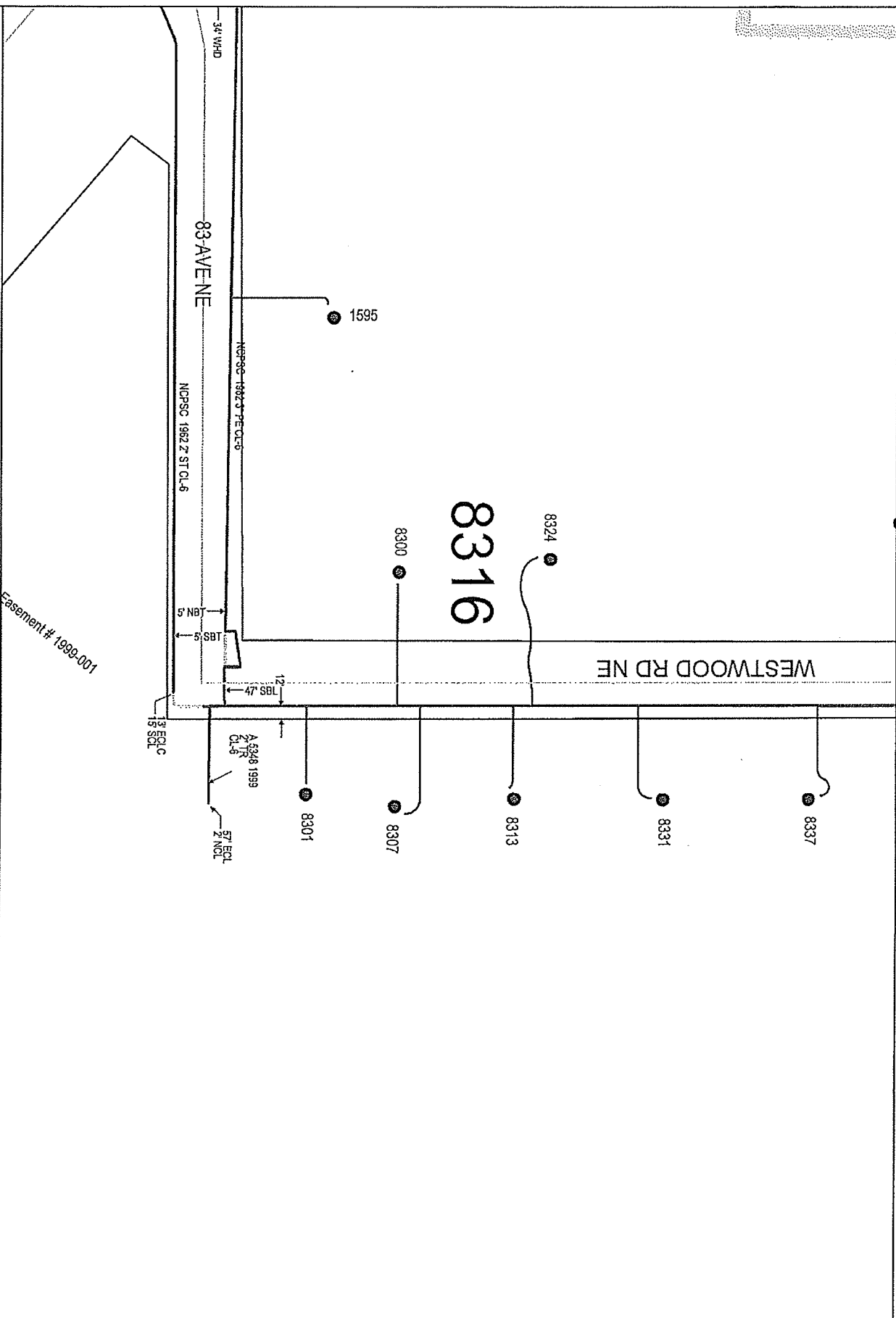
Receipt No.:

Date:

Initials:

APPLICANT MUST CONTACT THE SPRING LAKE PARK PUBLIC WORKS DIRECTOR AT 763-792-7227
48 HOURS PRIOR TO COMMENCING WORK

GENERAL LOCATION ONLY. DO NOT USE TO LOCATE FOR EXCAVATION. CALL 1-800-252-1166 FOR ONSITE LOCATIONS AND STAKING.



Plotted by: j210976

Plot Date: 11/18/2015

8316 WESTWOOD RD NE
SPRING LAKE PARK

Scale: 1" = 100'



MEMORANDUM

TO: MAYOR HANSEN AND MEMBERS OF THE CITY COUNCIL
FROM: DANIEL R. BUCHHOLTZ, CITY ADMINISTRATOR
SUBJECT: WATER, SANITARY SEWER AND TREATMENT PLANT RATES
DATE: NOVEMBER 25, 2015

At its November 16 meeting, the City Council approved the 2016 Public Utilities Budget. The budget, to address a shortfall of approximately \$49,000 due primarily to increases in the wastewater treatment rate by Metropolitan Council Environmental Services, envisioned increases in water and sanitary sewer rates.

Resolution 15-30 establishes the water, sanitary sewer and water treatment plant rates for 2016. Water rates are proposed to increase by 4%. Sanitary sewer rates are proposed to increase by 5.5%. There is no change proposed for the 2016 water treatment plant rate.

Sanitary sewer rates were last increased in 2013. For water rates, the administrative base Rate and tiers 1-3 (of which the vast majority of residents fall) were last increased in 2010, while tiers 4-6 were last increased in 2013.

The City's proposed rates are still below the 2015 median water and sewer bill, according to the 2015 AE2S North Central Utility Rate Survey for the Twin Cities Metro Area. The City's water/sewer bill under the new rate schedule would be \$118.22/quarter while the median water/sewer bill is \$131.16/quarter.

Information about the new rates will be published in the City newsletter in January.

Staff recommends approval of the proposed rates. If you have any questions, please don't hesitate to contact me at 763-784-6491.

RESOLUTION NO. 15-30

A RESOLUTION ESTABLISHING WATER, SEWER AND WATER TREATMENT PLANT RATES

WHEREAS, a recent study of the water and sewer rates concludes that the current user rates in effect will not produce sufficient revenue to operate the City's water and sewer departments in 2016; and

WHEREAS, the City Council has decided to adjust water rates to provide sufficient revenue to fund the needs of the water utility; and

WHEREAS, due to an significant increase in metro waste control charges, the City Council has decided to increase both the residential and commercial sewer rates to cover the increased cost.

NOW, THEREFORE, BE IT RESOLVED that commencing January 1, 2015, the following water, sewer and treatment plant rates will be in effect:

WATER CONSERVATION RATES – ALL PROPERTIES:

All User Classifications (per unit):

Administrative Base Rate: \$7.87/quarter

Tier 1: \$1.74/1,000 gallons for 0-9,000 gallons/quarter

Tier 2: \$1.96/1,000 gallons for 9,001-18,000 gallons/quarter

Tier 3: \$2.22/1,000 gallons for 18,001-27,000 gallons/quarter

Tier 4: \$2.60/1,000 gallons for 27,001-36,000 gallons/quarter

Tier 5: \$2.88/1,000 gallons for 36,001-45,000 gallons/quarter

Tier 6: \$3.20/1,000 gallons for 45,001+ gallons/quarter

SEWER RATES – ALL PROPERTIES:

Single Family, Duplex, Townhouse
& Similar Residential

\$62.28/unit/quarter

Apartment, Mobile Home,
Institutional, Commercial
& Industrial

Min. \$62.28/quarter for 18,000 gallons
and \$3.40/1,000 gallons for all usage
over 18,000 gallons

TREATMENT PLANT DEBT SERVICE:

All user classifications

Min. \$14.77/quarter for 18,000 gallons
and \$0.82/1,000 gallons for all usage
over 18,000 gallons

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 7th day of December, 2015.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Contractor's Licenses

December 7, 2015

Concrete Contractor

B & M Hazelwood Masonary

Mechanical Contractor

M & D Plumbing and Heating, Inc.

Plumbing Contractor

All Ways Drains

Dave Wagner Plumbing

Ike's Plumbing & Drain Cleaning, Inc.

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Dance License

December 7, 2015

2016 Dance Application

Biff's Sports Bar

7777 Hwy 65 NE

Monte's Sports Bar

8299 University Ave

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Used Car Licenses

December 7, 2015

Rent N Travel

970 Cty Hwy 10

Reinking Automotive DBA King Korner Auto Sales

1638 Cty Hwy 10

Enterprise Leasing Company of MN, LLC

7800 Hwy 65 NE

Perfect 10 Auto

926 Cty Hwy 10

Northtown Auto Sales & Services, Inc.

8325 University Ave.

Carmotive, Inc.

7700 Hwy 65 NE

Central Bargain Used Cars

7890 Hwy 65 NE

Spring Lake Park Auto, Inc.

8035 Spring Lake Park Rd

Fridley Motor Co. DBA Friendly Chevrolet

1115 Osborne Road NE

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Tobacco License

December 7, 2015

2015 Tobacco License

Spring Lake Tobacco Plus, Inc.

8189 University Ave

2016 Tobacco License

Spring Lake Tobacco Plus, Inc.

8189 University Ave

Central Park Liquor

8101 Hwy 65 NE

Super America #4871

7701 Hwy 65 NE

Holiday Stationstore

8101 University Ave

Dick's Vape Shop

7777 Hwy 65 NE

Discount Tobacco and Grocery

315 Osborne Rd

Monte's Sports Bar

8299 University Ave

Little Biffy's LLC.

7777 Hwy 65 NE

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Pawn Broker License

December 7, 2015

Lincoln Pawn & Jewelry

8480 Hwy 65 NE

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Massage Therapy License

December 7, 2015

Massage Enterprise License

Hair By Hughes - Carleen Bayer

913 Manor Drive

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Massage Therapy License

December 7, 2015

Massage Enterprise License

Hair By Hughes - Carleen Bayer

913 Manor Drive

Massage Therapist Individual License

Joanne Talbot

Hair By Hughes

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Sign Permit

December 7, 2015

St. Croix Coffee and Four Paws

1625 Cty Hwy 10 NE

CITY OF SPRING LAKE PARK
1301 81ST AVENUE N E
SPRING LAKE PARK, MN 55432

SIGN PERMIT APPLICATION

DATE: 11-19-15
NAME OF APPLICANT: MARK LAZARCHIC
ADDRESS OF APPLICANT: 11625 City Hwy 10 Spring Lake Park
TELEPHONE NUMBER OF APPLICANT: 612-840-3240

NAME OF BUSINESS AND LOCATION of building structure, or lot to which or upon which the sign is
to be attached or erected 4 paws

St. Croix Coffee & 4 paws
New Construction: X Remodel: _____ Word Change Only: _____

Attach a drawing or sketch showing the position of the sign in relation to the nearest building, structures,
public streets, right-of-way and property lines. Said drawing to be prepared to scale.

Attach two (2) blueprints or ink drawings of the plans and specifications and method of construction or
attachment to the building or in the ground, including all dimensions. Show location of all light sources,
wattage, type and color of lights and details of light shields or shades.

Attach a copy of stress sheets and calculations showing the structure is designed for dead load and wind
velocity in the amount required by this and all other Ordinances of the City, if requested by the Building
Inspection Department.

Name of person, firm or corporation erecting the structure: Signminerals

Address: 1400 Quince St NE Mpls MN 55413

Is an Electrical Permit required? NO

I, the undersigned applicant, do further make the following agreement with the City of Spring Lake Park
Mn:

- 1) To authorize and direct the City of Spring Lake Park to remove and dispose of any signs and sign structures on which a Permit has been issued but which was not renewed, if the owner does not remove the same within thirty (30) days following the expiration of the Permit.
- 2) To authorize and direct the City of Spring Lake Park to remove said sign and sign structure, at the expense of the applicant, where maintenance is not furnished, but only after a hearing and after notice of sixty (60) days, specifying the maintenance required by the City.
- 3) To provide any other additional information which may be required by the Building Inspection Department.


SIGNATURE OF APPLICANT

FOR OFFICE USE ONLY: *****

FEE: \$180.00 RECEIPT NUMBER: _____

DATE OF APPROVAL: _____ DATE OF ISSUE: _____

REASON FOR DENIAL: _____

ADDITIONAL REQUIREMENTS FOR SIGN PERMIT:

SQUARE FOOTAGE OF FRONT OF BUILDING: 2100

SQUARE FOOTAGE OF ALL EXISTING SIGNS: ~~232~~ (Soda & fireworks)

SQUARE FOOTAGE OF PROPOSED SIGN OR SIGNS: ~~32~~ + ~~32~~ + ~~14~~ = ~~78~~

INCLUDE A DRAWING SHOWING LOCATION AND MESSAGE ON SIGN.

IF YOU ARE NOT THE OWNER OF THE PROPERTY, INCLUDE A SIGNED LETTER FROM THE OWNER GIVING PERMISSION TO ERECT THE SIGN.

NOTE: ALL APPLICATIONS ARE DUE BY NOON ON THE THURSDAY PRECEEDING THE COUNCIL MEETING.

DRAWING:

proposed
1 Paws Building
32' - \$60.00

St. Croix Coffee Building
32' - \$60.00

One side of pylon
14' \$60.00

\$180.00

630' - 30%
232' Existing
78' proposed

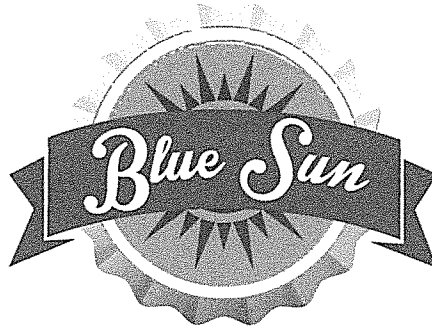
330' Remaining

Existing
Building Soda 32'
Fireworks 32'

Pylon Fireworks 14x2 = 28'
Soda 65x2 = 130'

124"

76"



Soda & Sweets Shop

Over 1,000 flavors of soda! Nostalgic candies!

34"

ST. CROIX COFFEE

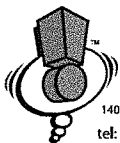
14 1/2

Renaissance
FIREWORKS
INCORPORATED

58.5"

*only on one side of
pylon*

THIS DESIGN IS PROPERTY OF SIGNMINDS



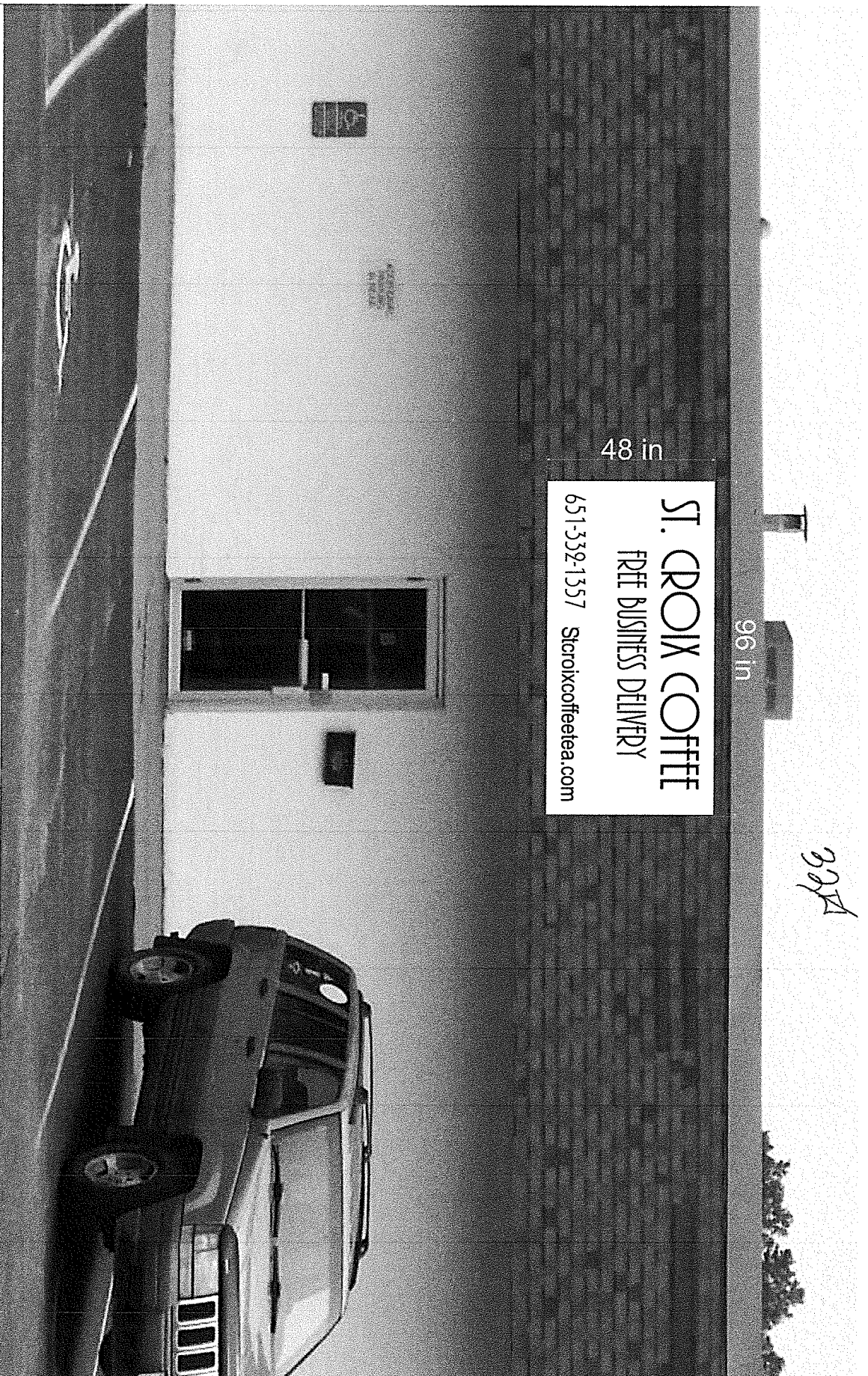
SIGNMINDS™
THINK OUTLOUD

1400 Quincy Street NE, Minneapolis, MN 55413
tel: 612.767.6340 | fax: 612.767.6343

PROOF

AUTHORIZED SIGNATURE

DATE

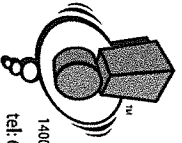


THIS DESIGN IS PROPERTY OF SIGNMINDS

PROOF

AUTHORIZED SIGNATURE

DATE

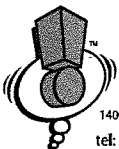


1400 Quincy Street NE, Minneapolis, MN 55413
tel: 612.767.6340 | fax: 612.767.6343

32A



THIS DESIGN IS PROPERTY OF SIGNMINDS



SIGNMINDS™
THINK OUTLOUD

1400 Quincy Street NE, Minneapolis, MN 55413
tel: 612.767.6340 | fax: 612.767.6343

PROOF

AUTHORIZED SIGNATURE

DATE



City of Spring lake Park
Code Enforcement Division
1301 Eighty First Avenue Northeast
Spring Lake Park, Minnesota 55432
(763) 783-6491 Fax: (763) 792-7257

REPORT

TO: Spring Lake Park City Council
FROM: Barry L. Brainard, Code Enforcement Director
RE: Code Enforcement Monthly Report for November 2015
DATE: November 25, 2015

The Spring Lake Park Code Enforcement department is delegate the duties of enforcement for all building, mechanical, plumbing, fire, rental, property, nuisance, and zoning codes within Spring Lake Park.

In November 2015, a total of 28 building, 0 fire, 1 sign, 3 zoning, 7 mechanical, and 5 plumbing permits were issued compared to a total of 11 in November 2014. Please find the Code Enforcement Permits Issued and Fees Report for the month of November with my report for your information and review. I conducted 113 inspections in the month of November including 75 building, 10 mechanical, 8 plumbing, 5 nuisance, 3 c.o., 7 rental, 2 fire, and 3 zoning inspections.

Also attached with this report, please find the November 2015 Spring Lake Park vacancies listings. The listings include both residential and commercial properties indicating vacant and foreclosure properties as well as upcoming Sheriff Sales. November 2015 vacancy listing summarizes the following:

- 20 vacant/foreclosed residential properties currently posted by the Code enforcement department and/or soon to be posted. Remains the same from last month.
- 3 vacant/foreclosed commercial properties currently posted by the Code Enforcement department and/or soon to be posted. Remains the same from last month.
- 16 residential properties currently occupied and ready for Sheriff Sale's redemption. Remains the same from last month.

I did post one abandoned property late in the month of October, but conducted three certificate of occupancy inspection. One for the Wedding Fireworks retail and Soda Pop/Candy retail at 1625 County Highway 10. Also in the month of November, I issued four administrative offense tickets as well as five violation notices.

My time allotted for Code Enforcement in November is as follows:

Building/Mechanical/Plumbing/Zoning Inspections:	84%
Vacant and Foreclosed Inspections:	0%
Rental and Certificate of Occupancy Inspections:	9%
Fire Inspections:	2%
Nuisance Inspections:	5%

In November of 2015, I also attended the following appointments:

- City Council meetings on November 1st and 16th.
- Department Head Meeting November 3rd and 17th.
- North Suburban Code Official's meeting at Coon Rapids City Hall on November 11th.
- Evaluations for Facility Assessment & Space Needs on November 17th.
- P&Z Commission meeting on November 23rd.
- Fire Chiefs walk-through of Substance Church on November 24th.
- North Suburban Building Official's meeting at Columbia Heights City Hall on November 24th.

This time of the year, I start to receive calls regarding the use of Christmas trees in public locations. The State Fire Marshal Division has printed a fact sheet relating to such regulations and requirements. As you can see by the information on the fact sheet, the greatest concerns are Christmas trees with open flames, or candles on them and the blocking and/or obstruction of emergency exits.

This concludes the Code Enforcement Department monthly report for November 2015, I would be happy to answer any questions or concerns in regards.

City of Spring Lake Park
Permits Issued & Fees Report - Detail by Permit#

Issued Date From: 11/1/2015 To: 11/25/2015
 Permit Type: All Property Type: All Construction Type: All
 Include YTD: Yes Status: Not Voided

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: BUILDING												
	Permit Kind:	COMMERCIAL ALTERATION										
	Permit Kind:	COMMERCIAL DEMOLITION										
	Permit Kind:	COMMERCIAL DOOR REPLACEMENT										
	Permit Kind:	COMMERCIAL MASONRY WORK										
2015-00593	11/25/2015	1301 81ST AVENUE	0		11,377.00	0.00	0.00	5.69				5.69
2015-00594	11/25/2015	8101 HIGHWAY 65 NE	0		6,452.00	0.00	0.00	3.23				3.23
	Permit Kind:	COMMERCIAL ROOFING										
	Permit Kind:	COMMERCIAL SIDING										
	Permit Kind:	COMMERCIAL SOLAR ARRAY SYSTEM										
	Permit Kind:	COMMERCIAL WINDOW REPLACEMENT										
	Permit Kind:	MOBILE HOME ROOFING										
	Permit Kind:	MOBILE HOME SIDING										
	Permit Kind:	MOBILE HOME WINDOW REPLACEMENT										
	Permit Kind:	MULTI-FAMILY REMODEL										
	Permit Kind:	MULTI-FAMILY ROOFING										
	Permit Kind:	MULTI-FAMILY SIDING										
	Permit Kind:	PUBLIC ALTERATION										
	Permit Kind:	SINGLE FAMILY ADDITION										
	Permit Kind:	SINGLE FAMILY ALTERATION										
2015-00595	11/23/2015	8040 ABLE ST NE	0		500.00	31.00	20.15	0.25				51.40
	Permit Kind:	SINGLE FAMILY BASEMENT FINISH										
	Permit Kind:	SINGLE FAMILY DECK										

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: BUILDING												
Permit Kind: SINGLE FAMILY DEMOLITION												
Permit Kind: SINGLE FAMILY DOOR REPLACEMENT												
2015-00592	11/20/2015	8285 TAYLOR ST NE	0	0	6,054.00	145.67		3.03				148.70
Permit Kind: SINGLE FAMILY EGRESS WINDOW												
Permit Kind: SINGLE FAMILY GARAGE												
Permit Kind: SINGLE FAMILY GYPSUM BOARD												
Permit Kind: SINGLE FAMILY HVAC - RESIDENTIAL SINGLE												
Permit Kind: SINGLE FAMILY INSULATION												
2015-00578	11/13/2015	8001 WASHINGTON ST NE	0	0	3,100.00	97.40		1.55				98.95
Permit Kind: SINGLE FAMILY PLUMBING												
Permit Kind: SINGLE FAMILY REMODEL												
Permit Kind: SINGLE FAMILY REPAIR												
Permit Kind: SINGLE FAMILY ROOFING												
2015-00543	11/23/2015	628 MAPLE ST NE	0	0	11,153.00	228.98		5.58				234.56
2015-00555	11/02/2015	7740 JACKSON ST NE	0	0	8,550.20	186.47		4.28				190.75
2015-00556	11/02/2015	657 MANOR DR NE	0	0	4,500.00	120.27		2.25				122.52
2015-00557	11/02/2015	8132 FILLMORE ST NE	0	0	9,000.00	193.80		4.50				198.30
2015-00560	11/02/2015	408 BALLANTYNE LN NE	0	0	10,000.00	210.14		5.00				215.14
2015-00561	11/04/2015	8025 HAYES ST NE	0	0	12,600.00	252.63		6.30				258.93
2015-00563	11/05/2015	1131 80TH AVE NE	0	0	3,500.00	103.93		1.75				105.68
2015-00564	11/05/2015	8420 5TH ST NE	0	0	5,921.42	143.51		2.96				146.47
2015-00565	11/06/2015	7730 VAN BUREN ST NE	0	0	9,000.00	193.80		4.50				198.30
2015-00566	11/06/2015	657 84TH AVE NE	0	0	4,500.00	120.27		2.25				122.52
2015-00571	11/09/2015	8164 FILLMORE ST NE	0	0	9,300.00	198.71		4.65				203.36
2015-00572	11/12/2015	8190 TAYLOR ST NE	0	0	5,000.00	128.44		2.50				130.94
2015-00573	11/12/2015	733 HOLLAND LN NE	0	0	8,600.00	187.27		4.30				191.57
2015-00575	11/13/2015	800 84TH AVE NE	0	0	2,400.00	85.96		1.20				87.16
2015-00587	11/19/2015	8306 LAKEWOOD DR NE	0	0	12,000.00	242.82		6.00				248.82
2015-00589	11/19/2015	416 BALLANTYNE LN NE	0	0	9,116.52	195.72		4.56				200.28
2015-00590	11/20/2015	8040 ABLE ST NE	0	0	4,000.00	112.10		2.00				114.10
2015-00596	11/25/2015	946 82ND AVE NE	0	0	4,500.00	120.27		2.25				122.52
Permit Kind: SINGLE FAMILY SHED												

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: BUILDING												
Permit Kind: SINGLE FAMILY SIDING												
2015-00597	11/25/2015	542 IONE AVE NE	0		13,000.00	264.16		6.50				270.66
Permit Kind: SINGLE FAMILY TRUSS WORK												
Permit Kind: SINGLE FAMILY WINDOW REPLACEMENT												
2015-00570	11/06/2015	8361 5TH ST NE	0		2,845.00	93.23		1.42				94.65
2015-00579	11/16/2015	8016 JEFFERSON ST NE	0		2,203.00	82.74		1.10				83.84
2015-00591	11/20/2015	7798 JACKSON ST NE	0		4,625.00	122.32		2.31				124.63
2015-00599	11/25/2015	7909 VAN BUREN ST NE	0		943.00	48.68		0.47				49.15
Permit Type: BUILDING - Totals												
			Period	28	0	184,740.14	20.15	92.38				4,022.82
			YTD	381	0	9,392,319.55	30,798.70	3,566.03				140,190.21
Permit Type: FIRE ALARM												
Permit Kind: COMMERCIAL FIRE ALARM												
Permit Type: FIRE ALARM - Totals												
			Period	0								
			YTD	1	0	68.99	6.78					75.77
Permit Type: FIRE-SPECIAL EVENT												
Permit Kind: COMMERCIAL FIRE - SPECIAL EVENT												
Permit Kind: PUBLIC FIRE - SPECIAL EVENT												
Permit Type: FIRE-SPECIAL EVENT - Totals												
			Period	0								
			YTD	2	0							50.00
Permit Type: FIRE SUPPRESSION												
Permit Kind: COMMERCIAL FIRE SUPPRESSION												

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: FIRE SUPPRESSION												
Permit Kind: COMMERCIAL FIRE SUPPRESSION												
2015-00580	11/16/2015	7777 HIGHWAY 65 NE	0			23.26	8.24					31.50
Permit Kind: MULTI-FAMILY FIRE SUPPRESSION												
Permit Kind: PUBLIC FIRE SUPPRESSION												
Permit Type: FIRE SUPPRESSION - Totals												
	Period		1	0		23.26	8.24					31.50
	YTD		13	0		3,064.93	366.15	82.73				3,513.81
Permit Type: MECHANICAL												
Permit Kind: COMMERCIAL HEATING, VENT & AC												
Permit Kind: COMMERCIAL HVAC - COMMERCIAL MINIMUM												
Permit Kind: SINGLE FAMILY HEATING, VENT & AC												
2015-00538	11/17/2015	8040 ABLE ST NE	0			90.00		1.00				91.00
2015-00582	11/18/2015	7718 TAYLOR ST NE	0			50.00		1.00				51.00
Permit Kind: SINGLE FAMILY HVAC - RESIDENTIAL SINGLE												
2015-00559	11/02/2015	8333 PIERCE ST NE	0			40.00		1.00				41.00
2015-00562	11/03/2015	375 MAPLE ST NE	0			40.00		1.00				41.00
2015-00567	11/06/2015	889 MANOR DR NE	0			40.00		1.00				41.00
2015-00586	11/19/2015	359 79TH AVE NE	0			40.00		1.00				41.00
2015-00598	11/25/2015	7866 TAYLOR ST NE	0			40.00		1.00				41.00
Permit Type: MECHANICAL - Totals												
	Period		7	0		340.00		7.00				347.00
	YTD		80	0		12,027.40		429.62				12,457.02
Permit Type: PLUMBING												
Permit Kind: COMMERCIAL PLUMBING												
2015-00576	11/13/2015	7777 HIGHWAY 65 NE	0			85.00		1.00				86.00
Permit Kind: SINGLE FAMILY PLUMBING												
2015-00558	11/02/2015	8016 MONROE ST NE	0			45.00		1.00				46.00

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	Total Fees
Permit Type: PLUMBING												
Permit Kind: SINGLE FAMILY PLUMBING												
2015-00581	11/17/2015	8040 ABLE ST NE	0	0		45.00		1.00				46.00
2015-00583	11/18/2015	7899 TYLER ST NE	0	0		45.00		1.00				46.00
2015-00585	11/19/2015	8405 TERRACE RD NE	0	0		45.00		1.00				46.00
Permit Type: PLUMBING - Totals												
			Period	5	0	265.00		5.00				270.00
			YTD	57	0	3,748.00	5.00	185.00				3,933.00
Permit Type: SIGN												
Permit Kind: COMMERCIAL SIGN PERMANENT												
2015-00574	11/12/2015	8183 UNIVERSITY AVE NE	0	0		180.00						180.00
Permit Kind: COMMERCIAL SIGN TEMPORARY												
Permit Type: SIGN - Totals												
			Period	1	0	180.00						180.00
			YTD	14	0	2,279.00						2,279.00
Permit Type: ZONING												
Permit Kind: COMMERCIAL FENCE												
Permit Kind: SINGLE FAMILY ACCESSORY BUILDING												
Permit Kind: SINGLE FAMILY DRIVEWAY												
2015-00568	11/06/2015	602 BALLANTYNE LN NE	0	0		45.00						45.00
Permit Kind: SINGLE FAMILY FENCE												
2015-00569	11/09/2015	7829 MONROE ST NE	0	0		45.00						45.00
Permit Kind: SINGLE FAMILY SHED												
2015-00501	11/13/2015	350 SANBURNOLD DR NE	0	0		45.00						45.00
Permit Type: ZONING - Totals												
			Period	3	0	135.00						135.00
			YTD	31	0	1,400.00	5.00					1,400.00

8013 NE VAN BUREN ST	Prop clsd. 10-23, Buyers Lang Yang/John Thao	XX					XX		ON
8316 NE WESTWOOD RD	Closed 10-29, Buyer EKI Properties LLC	10/04/12	02/01/13	Paid 3/20/12	Paid 9-23-15	Paid 9-23-15	10/4/12	Paid 10-28-15	ON
SEPT CLOSINGS									
8040 NE ABLE Mowing paid	Buyer Brian Chandler, Your Home Com Inc	03/19/15	07/17/15	Paid 9-30-15			3/19/15	Paid 9-30-15	ON
8401 NE MONROE NE	Seller/TCF NAT'L Buyer Timothy Knudson	4/17/15	08/15/15	Paid 8-10-15			4/17/15	Paid 9-23-15	ON
JULY CLOSINGS									
598 NE 78TH AVE	Fatema Rabah, Prop clsd 7-9-15	5/6/15	09/03/15				5/6/15	Pd.\$150. 7-9-1	ON
8285 NE TAYLOR ST	Buyer - Dorothea Olson, closed 7-30 (Seller Estate of Fern Brown)								ON



Alcohol &
Gambling
Enforcement

Bureau of
Criminal
Apprehension

Capitol Security

Crime Victim
Services

Driver & Vehicle
Services

Emergency
Management /
Emergency
Response
Commission

State Fire
Marshal /
Pipeline Safety

State Patrol

Traffic Safety

State Fire Marshal Division

444 Cedar Street, Suite 145, St. Paul, Minnesota 55101-5145

Phone: 651/215-0500 FAX: 651/215-0525 TTY: 651/282/6555

Internet: <http://www.dps.state.mn.us>

Christmas Trees Fact Sheet

- The use and display of natural or resin-bearing Christmas trees is permitted in dwelling units of apartment buildings and in single-family dwellings.
- The use and display of natural or resin-bearing Christmas trees without the use of candles or electric lights is permitted in schools, churches, hotels and businesses as long as they do not obstruct exits or fire protection equipment.
- The use or display of flame-retardant artificial trees with listed electric light decorations is allowed in all occupancies as long as they do not obstruct access to exits or fire-protection equipment.

The following items are a reprint of the requirements relating to Christmas trees found in the 1998 Minnesota Uniform Fire Code:

1103.3.3.7.1 Christmas trees. The use and display of natural or resin-bearing Christmas trees is prohibited.

EXCEPTIONS:

1. The use and display of natural or resin-bearing Christmas trees or decorations inside individual dwelling units of Group R, Division 1 and 3 occupancies is permitted.
2. Natural or resin-bearing trees without open flames or electric lights are allowed in Group E occupancies, Group A occupancies used for worship purposes, Group R-1 occupancies used for hotels and congregate residences, and Group B and M occupancies.

1103.3.3.7.1 Use of artificial Christmas trees. The use or display of flame-retardant artificial trees with listed electric light decorations is allowed in all occupancies as long as they meet the requirements of Section 1103.3.3.7.2.

1103.3.3.7.2 Location. Christmas trees shall not block access to required exits or obstruct, impair or block access to any fire-protection device, appliance or equipment.

More information is available from the Minnesota State Fire Marshal Division at (651) 215-0500. You can also email questions to firecode@state.mn.us or visit our web page at www.dps.state.mn.us/fmarshal for the latest information on fire in Minnesota.





City of Spring Lake Park 2016 Truth in Taxation Hearing

Mayor

Cindy Hansen

Councilmembers

Jeanne Mason

Bill Nash

Bob Nelson

Ken Wendling

December 7, 2015

City of Spring Lake Park ■ 1301 81st Ave NE ■ Spring Lake Park, MN 55432

Purpose of TNT Hearing

- Required under M.S. 275.065
- Provide information on 2016 proposed budget and tax levy
- Provide opportunity for residents to share feedback on the proposed budget and tax levy
- This is not the time to discuss your estimated market value. That occurs during the Open Book Assessment process in April.

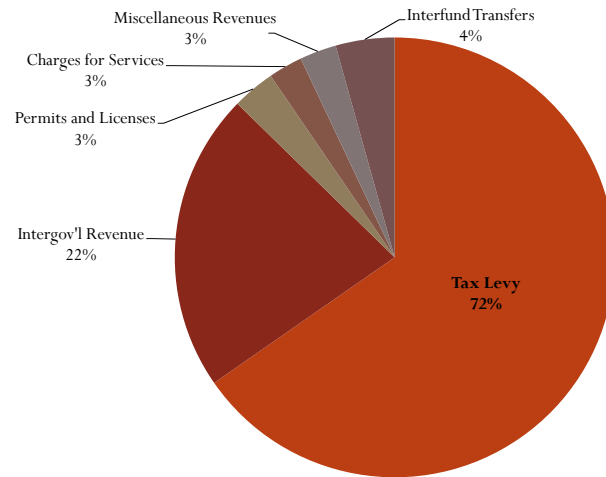
2016 Budget Process

- June 2015 Department Heads Draft
Departmental Budgets
- July 2015 Department Heads Present Budgets to
Administrator
- August 2015 Administrator Presents Proposed
Budget to City Council
- September 21, 2015 Council Approves Preliminary
Budget/Tax Levy
- December 7, 2015 TNT Hearing
- December 21, 2015 Council Approves Final Budget/Tax
Levy

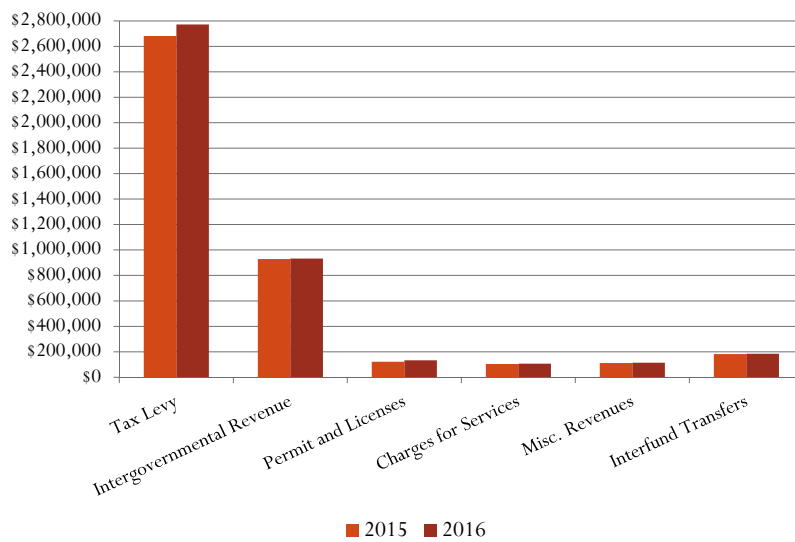
Why Your Property Tax Bill Varies From Year to Year

- Market Value Changes
- Budgets and Levies of Various Jurisdictions
- Special Assessments
- Change in Property Class
- Voter Approved Referendums
- Changes in Federal and State Mandates
- Changes in Aid and Revenue from State/Federal
Government
- State Legislative Changes

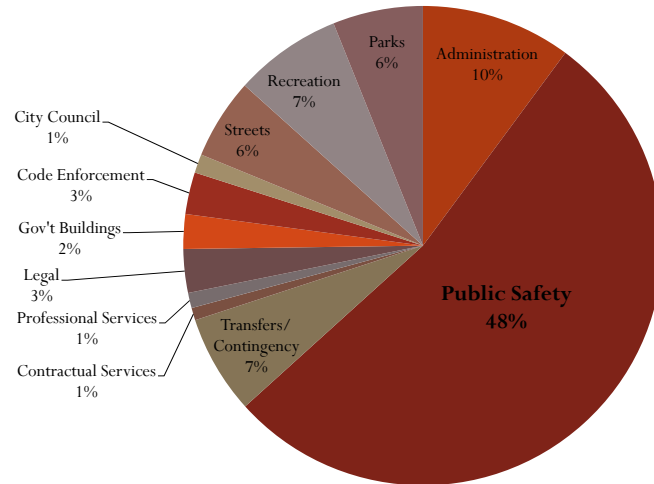
2016 General Fund Revenues



Revenue Comparison

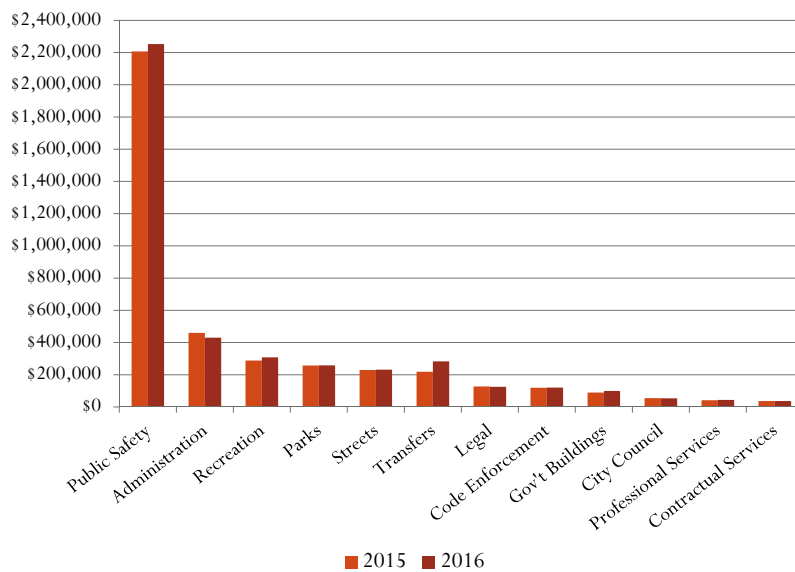


2016 General Fund Expenditures



Notes: Public Safety is Police, Fire, and Emergency Management; Contractual Services is Assessor, Forestry & Animal Control; Professional Services is Auditor, Engineering, I.T., and Planning & Zoning.

Expenditure Comparison



2016 Budget Highlights

- Proposed 2016 Levy is \$2,975,985, an increase of 5.31%
 - General Government levy increase is 3.36%
 - Debt service levy increase is 41.6%
 - Proposed 2015 levy is \$139,694 less than 2007 tax levy
- General Fund revenues are anticipated to increase by 2.74%
- Overall General Fund spending (minus transfers) is set to increase by 2.89%
- City's tax rate will increase slightly from 52.877% in 2015 to 54.56% in 2016
- General Fund staffing level in the 2016 budget is 26.41 FTEs, which is a decrease of 0.40 FTEs from 2015.

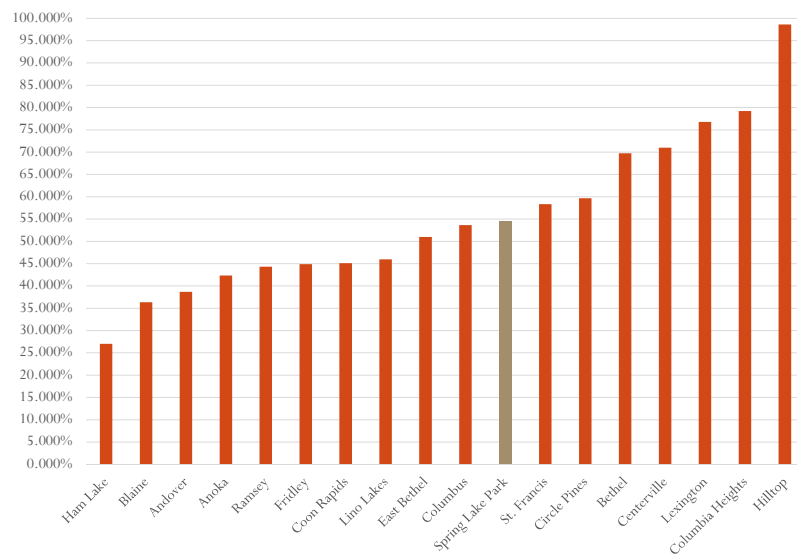
2016 Budget Highlights

- Local Government Aid
 - Legislature made significant reforms to Local Government Aid formula in 2013 and increased funding for the program to implement the reforms.
 - The City will receive Local Government Aid (LGA) for the 3rd straight year; only third time in 12 years City has received LGA.
 - Local Government Aid is being allocated as follows:
 - Fund general fund expenditures (\$125,312)
 - Buy down debt service levy (\$90,000)
 - Purchase capital equipment (\$64,911)
 - Fund State/Federal storm water mandates (\$25,000)
 - Special projects (\$35,000)

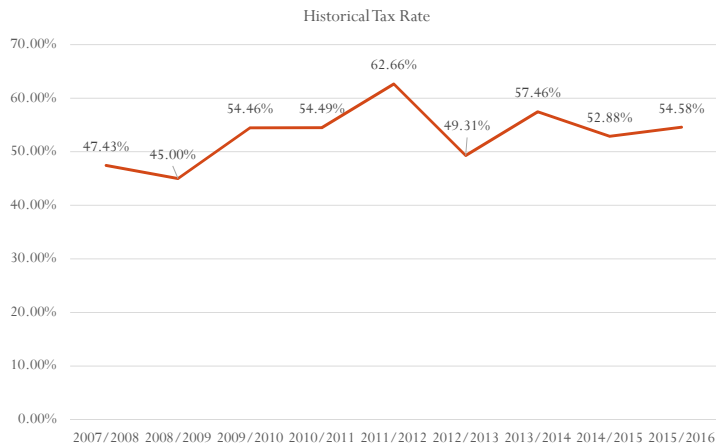
2015 Budget Highlights

- Cost drivers for 2016 budget included wages, increased contributions to PERA per Statute, increased fire protection costs, implementation of the Public Safety Data System, and increased utility costs

Proposed 2016 Tax Rates for Cities in Anoka Co.



Spring Lake Park Historical Tax Rate



Revenue Detail

Revenue by Category	2015 Budget	2016 Budget	% Chg.
Property Taxes	\$ 2,681,846.00	\$ 2,771,985.00	3.36%
Intergovernmental Revenue (LGA, PERA Aid, Court Fines)	\$ 928,796.00	\$ 932,523.00	0.04%
Permits and Licenses (Liquor, Sign, Bldg, Rental, etc)	\$ 121,252.00	\$ 133,452.00	10.01%
Charges for Current Services (Zoning Fees, Gambling Tax, Alarm Calls, Rental Housing)	\$ 103,870.00	\$ 106,884.00	2.90%
Miscellaneous Revenues (Ins. Dividends, Admin Fines, Liaison Officer Contract)	\$ 111,539.00	\$ 114,164.00	2.35%
Interfund Transfers (Liquor, Public Utilities, Recycling)	\$ 182,500.00	\$ 183,850.00	0.07%
TOTAL	\$ 4,129,803.00	\$ 4,242,858.00	2.74%

Expenditure Detail

Expenditure by Department	2015 Budget	2016 Budget	% Chg.
Council	\$ 54,627.00	\$ 53,701.00	(1.70%)
Administration	\$ 459,623.00	\$ 429,989.00	(6.45%)
Planning/Zoning	\$ 665.00	\$ 1,667.00	150.7%
Government Buildings	\$ 89,390.00	\$ 99,151.00	10.92%
Police Department	\$ 1,574,241.00	\$ 1,601,362.00	1.72%
Fire Protection	\$ 630,546.00	\$ 651,426.00	3.31%
Code Enforcement	\$ 119,406.00	\$ 119,956.00	0.46%
Emergency Management	\$ 2,405.00	\$ 0.00	(100%)
Streets	\$ 229,075.00	\$ 231,654.00	4.22%
Recreation	\$ 287,477.00	\$ 308,103.00	7.17%
Parks	\$ 256,704.00	\$ 258,419.00	0.67%
Forestry	\$ 1,586.00	\$ 1,591.00	0.30%
Miscellaneous (transfers, contingency)	\$ 218,650.00	\$ 283,434.00	29.63%
Contractual Services (assessor, animal control)	\$ 36,500.00	\$ 35,500.00	(2.74%)
Professional Services (auditor, legal, engineer, I.T.)	\$ 168,908.00	\$ 166,905.00	(1.18%)
TOTAL	\$ 4,129,803.00	\$ 4,242,858.00	2.74%

What Do You Get for Your Spring Lake Park Tax Dollar?

Recreation 7 Cents Public Safety / Code Enforcement 56 Cents PW & Grounds 14 Cents Transfers 7 Cents General Government 16 Cents



A \$150,000 home generates \$689 in annual property taxes: This comes to \$57.42 per month for 2015.

What could you purchase for \$57.42/month?

ONE OF THESE...

- ☒ One month of cable service
- ☐ Dinner for two
- ☐ Movie and snacks for a family of four
- ☐ One month at a gym
- ☐ Basic cell phone bill

ALL OF THESE...

- ☒ 24 hour Police Protection
- ☒ 24 hour Fire Protection
- ☒ Curbside Recycling
- ☒ Paved/Maintained City Streets
- ☒ Snow/Ice Removal
- ☒ Tree Trimming
- ☒ Animal Control
- ☒ Code Enforcement
- ☒ Zoning Service
- ☒ Recreation Programs
- ☒ Well Groomed Parks
- ☒ Street Lighting
- ☒ Elections
- ☒ And More...

Questions?



Thank You For Attending!

MEMORANDUM

TO: MAYOR HANSEN AND MEMBERS OF THE CITY COUNCIL
FROM: DANIEL R. BUCHHOLTZ, CITY ADMINISTRATOR
SUBJECT: CENTURYLINK FRANCHISE ADOPTION
DATE: NOVEMBER 25, 2015

CenturyLink has submitted an application for a cable TV franchise within the city limits of Spring Lake Park. The North Metro Telecommunications Commission conducted a public hearing on the franchise application and authorized the negotiation of a franchise agreement with CenturyLink. The franchise agreement has been negotiated and approved by the Commission.

The City Council held its own public hearing on the proposed franchise ordinance on November 16, 2015. Other than comments from a representative of CenturyLink in support of the franchise, no additional public feedback was received.

Resolution 15-29 will do the following:

1. Adopt findings of fact in support of granting a cable television franchise to CenturyLink.
2. Adopt Ordinance No. 418 which would grant a cable television franchise to CenturyLink.
3. Authorize summary publication of Ordinance No. 418. This summary publication is authorized under Minnesota Statute 412.191, subd. 4 and provides the City with a tool to publish lengthy ordinances in a cost-effective manner.

The North Metro Telecommunications Commission recommends approval of the cable television franchise with CenturyLink. Staff recommends approval of Resolution 15-29 to accomplish that action.

If you have any questions, please don't hesitate to contact me at 763-784-6491.

RESOLUTION NO. 15-29

A RESOLUTION ADOPTING FINDINGS OF FACT, ADOPTING ORDINANCE NO. 418, AN ORDINANCE GRANTING A FRANCHISE TO QWEST BROADBAND SERVICES, INC., D/B/A CENTURYLINK, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF SPRING LAKE PARK, MINNESOTA, FOR THE PURPOSE OF PROVIDING CABLE SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREIN, AND AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 418.

WHEREAS, the City of Spring Lake Park is a member of the North Metro Telecommunications Commission (NMTC); and

WHEREAS, following the submission of an application for a cable television franchise to each member city of the NMTC; the application came before the NMTC for a public hearing on February 18, 2015 at Spring Lake Park City Hall; which public hearing was held open through February 27, 2015 for the purpose of allowing additional written public comments; and

WHEREAS, upon the conclusion of the public hearing, the NMTC Executive Director prepared a detailed report entitled "Staff Report on CenturyLink Cable Franchise Application" for the NMTC, which filed the Staff Report and directed NMTC staff to negotiate a cable television franchise with CenturyLink; and

WHEREAS, following negotiation of the cable television franchise, the City Council, upon posting and publication of notice in accordance with State Law, held a public hearing on the cable television franchise on November 16, 2015; and

WHEREAS, the City Council, after careful deliberation of the Staff Report and the cable television franchise, has determined that adoption of a cable television franchise with CenturyLink is in the best interest of the City and its residents as the City Council believes that true and effective competition between cable service providers will increase the availability and quality of cable services, spur the development of new technologies, improve customer service, minimize rate increases and generally benefit consumers of the City; and

WHEREAS, Minn. Stat. § 412.191, subd. 4 authorizes a statutory city to publish a summary of a lengthy ordinance and the City Council determines that publication of the title and a summary of Ordinance 418, Cable Television Franchise Ordinance, would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Spring Lake Park City Council does hereby:

1. Adopt the written findings of fact as outlined in Exhibit A of the Resolution;
2. Adopt Ordinance No. 418, An Ordinance Granting a Franchise to Qwest Broadband Services, Inc., d/b/a CenturyLink, to Construct, Operate and Maintain a Cable System in the City of Spring Lake Park, Minnesota, for the Purpose of Providing Cable Service; Setting Forth Conditions Accompanying the Grant of the Franchise; Providing for Regulation and Use of the System and the Public Right-of-Way in Conjunction with the City's Right-of-Way Ordinance, if any; and Prescribing Penalties for the Violation of the Provisions Herein.
3. Authorize publication of title and summary of Ordinance No. 418 as contained in Exhibit C of the Resolution.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 7th day of December, 2015.

EXHIBIT A

FINDINGS OF FACT – CENTURYLINK CABLE FRANCHISE APPLICATION

CITY OF SPRING LAKE PARK, MINNESOTA

In Re: CenturyLink Cable Franchise
Application

FINDINGS OF FACT

The City is one of seven member cities of the North Metro Telecommunications Commission (the “NMTC”). Following the submission of an application for a cable television franchise for each member city of the NMTC, the above-entitled matter initially came before the NMTC for a public hearing on February 18, 2015, at Spring Lake Park City Hall, located at 1301 81st Avenue N.E., Spring Lake Park, MN 55432. Said public hearing was held open through February 27, 2015, for the purpose of allowing additional written public comments. Following the public hearing, the NMTC’s Executive Director prepared a detailed report entitled “Staff Report on CenturyLink Cable Franchise Application” (the “Staff Report”). The NMTC received and filed the Staff Report and directed NMTC staff to negotiate a cable television franchise with CenturyLink.

The City, in furtherance of its obligations as a steward on behalf of consumers in the City, desires to promote competition in the delivery of cable services and to encourage the deployment of state-of-the-art broadband networks in the hope that true and effective competition between cable service providers will increase the availability and quality of cable services, spur the development of new technologies, improve customer service, minimize rate increases and generally benefit consumers of the City.

The City also recognizes that any facilities based, second cable entrant is in a different position than the incumbent cable provider because the second entrant faces a significant, up front capital investment prior to having the opportunity to compete for its first customer. It is beneficial to attract and retain second entrants because of the investment made in the community

and the creation of new jobs, as well as the benefits to consumers by having a cable service competitor in the City. Adoption of this Franchise is, in the judgment of the City Council, in the best interests of the City and its residents.

Having held a public hearing (via the NMTC) on the cable franchise application and having reviewed the negotiated cable franchise with CenturyLink, the City now makes the following findings:

FINDINGS OF FACT

1. The City has the authority to grant cable television franchises to cable service providers, pursuant to applicable law. *See* Minn. Stat. § 238.08, Subd. 1(a); and Cable Office Report, § 4.
2. In January, 2015, the NMTC published a Notice of Intent to Franchise once a week for two successive weeks in a newspaper of general circulation of the City. *See* Staff Report, § 1.
3. CenturyLink submitted a cable franchise application (the “Application”) on February 12, 2015. *See* Staff Report, § 1.
4. The NMTC held a public hearing on the Application on February 18, 2015, and left the public hearing open until February 27, 2015, for the purpose of receiving additional written comments from the public. *See* Staff Report, Executive Summary and § 1.
5. Following the public hearing, the NMTC’s Executive Director prepared a “Staff Report on CenturyLink Cable Franchise Application” (the “Staff Report”) dated March 30, 2015. The Staff Report is incorporated herein by Reference.

6. The Staff Report was received and filed by the NMTC on or about April 15, 2015, and the NMTC directed NMTC staff to negotiate a cable television franchise with CenturyLink.
7. NMTC staff negotiated a cable television franchise with CenturyLink and presented it to the NMTC on October 21, 2015.
8. The NMTC adopted a Findings of Fact and Recommendation on October 21, 2015, which recommended approval of the negotiated cable television franchise with CenturyLink by each member city.
9. The City held a public hearing on the CenturyLink Cable Television Franchise Ordinance on November 16, 2015.
10. The impact of competition and the challenges to a new cable operator, like CenturyLink, are identified in the Staff Report. *See* Staff Report, § 2.
11. The applicable federal, state and local legal cable franchising requirements, including the application requirements, are identified in the Staff Report. *See* Staff Report, §§ 5 - 8.
12. The Staff Report identified the issues raised by the public, including the incumbent franchised cable operator, Comcast. *See* Staff Report, § 9.
13. The NMTC has substantially complied with the state and local cable franchise application requirements identified in the Staff Report.
14. CenturyLink's application substantially complied with state and local cable franchise application requirements identified in the Staff Report.
15. In the cable television franchise, CenturyLink agrees it has constructed a legacy communications system throughout the City that is capable of providing

telephone and internet services. CenturyLink represents that it desires to upgrade its existing legacy communications system and to install certain new facilities and equipment in the City and intends to operate a cable communications system in the City. *See* Staff Report, Exhibits 2 and 3.

16. CenturyLink further represents that upon completion of its cable service headend, it will be capable of providing cable communications service to a portion of the City over its existing facilities, but currently has no market penetration in the cable communications service market in the City. *See* Staff Report, Exhibits 2 and 3.
17. The NMTC reviewed CenturyLink’s franchise application, published a notice of intent to franchise and held a public hearing all in compliance with applicable law. *See* Staff Report, § 1.
18. Comcast of Minnesota, Inc. (“Comcast”), currently holds a non-exclusive franchise with the City, and, Comcast, through its predecessors in interest, has continuously held a franchise with the City since 1983. *See* Staff Report, § 3
19. CenturyLink will be the first facilities based franchised cable operator to compete against the incumbent provider in the City since the initial cable television franchise was granted in 1983. *See* Staff Report, § 3.
20. Section 621(a)(1) of the Cable Television Consumer Protection and Competition Act of 1992 was amended to provide that “. . .a franchising authority may not unreasonably refuse to award an additional competitive franchise.” In support of its mandate, the Conference Report noted that “[W]ithout the presence of another multichannel video programming distributor, a cable system faces no local

competition. The result is undue market power for the cable operator as compared to that of consumers” *See* H.R. Conf. Rep. No. 102-862, at 1231 (1992); and 621 Order at ¶ 8.

21. *In the Matter of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, Report and Order and Further Notice of Proposed Rulemaking, MB Docket No. 05-311 (Rel. March 5, 2007) (the “621 Order”), the FCC determined, based on Section 621(a)(1), that it is unlawful for a local franchising authority to refuse to grant a competitive franchise on the basis of unreasonable build-out mandates and that such mandates “can have the effect of granting de facto exclusive franchises, in direct contravention of Section 621(a)(1)’s prohibition of exclusive cable franchises.” *See* 621 Order, at ¶ 40; *see also*, Staff Report, § 7(E).
22. According to the FCC, “[b]ecause a second provider realistically cannot count on acquiring a share of the market similar to the incumbent’s share, the second entrant cannot justify a large initial deployment. Rather a new entrant must begin offering service within a smaller area to determine whether it can reasonably ensure a return on its investment before expanding.” *See* Staff Report, § 7(D).
23. In the 621 Order, the FCC found that “new cable competition reduced rates far more than competition from DBS [Direct Broadcast Satellite]. Specifically, the presence of a second cable operator in a market results in rates approximately 15 percent lower than in areas without competition.” *See also*, Staff Report, § 2.

24. The FCC also found that “competition for delivery of bundled services will benefit consumers by driving down prices and improving the quality of service offerings.” *See* Staff Report, § 2.
25. The FCC has concluded in the 621 Order that “broadband deployment and video entry are ‘inextricably linked’ and that broadband deployment is not profitable without the ability to compete with the bundled services that cable companies provide.” *See* 621 Order at ¶ 51; *see also*, Staff Report, §§ 2 and 7.
26. The City must, pursuant to the Federal Cable Act, “allow the applicant’s cable system a reasonable period of time to become capable of providing service to all households in the franchise area.” *See* Staff Report, § 7(A).
27. Minnesota Statutes, Chapter 238, among other things, requires a level playing field with the incumbent relating to area served (Minn. Stat. § 238.08, Subd. 1(b)) and a mandatory build out requirement within five years in initial cable franchises (Minn. Stat. § 238.084 Subd. 1(m)(3)). *See* Staff Report, § 8(A)-(B), and 11(c). CenturyLink has demonstrated a good faith basis for its position that applicable federal law preempts these provisions of Chapter 238 because they constitute an unreasonable barrier to entry. *See* Staff Report, § 11(c), and Exhibit 3 at ¶¶ 18-23.
28. CenturyLink claims the fact that these two provisions of the Minnesota Statutes constitute an unreasonable barrier to entry in the City is evidenced in part by the fact that there has been no facilities-based competitor since the initial cable communications franchise was granted. *See* Staff Report, Exhibit 3 at ¶¶ 18-23. CenturyLink has agreed to fully defend, indemnify and hold the City and the

NMTC harmless in the event this cable television franchise agreement is legally challenged. *See* Staff Report, § 11(c).

29. The cable television franchise ordinance is substantially similar to the Comcast cable television franchise, but also addresses a reasonable build-out of the City, and economic redlining.
30. The reasonable build-out provisions in the cable television franchise satisfy the state franchise requirement of requiring the cable system to be substantially complete within five (5) years and the federal franchise requirement of allowing a new cable service provider a reasonable period of time to become capable of providing cable service to all households in the franchise area. *See* Minn. Stat. § 238.084, Subd. 1(m); 47 U.S.C. § 541(a)(4)(A); and Staff Report, §§ 7(A), 7(D)-7(E), 8(B), and 11(c).
31. The 5-year cable television franchise requires CenturyLink to initially construct its system to serve fifteen percent (15%) of the City over 2 years. CenturyLink is required to make its best efforts to complete its initial deployment in less than 2 years and is required to equitably serve households throughout the City, including a significant number of households below the minimum income of the City. Quarterly meetings will allow the City and the NMTC to monitor CenturyLink's progress and compliance with the cable franchise and, if CenturyLink has market success, the cable television franchise has provisions to accelerate the construction of the cable communications system with the goal being complete coverage of the City by the end of the franchise term.

32. The state's cable franchising level playing field statute is satisfied because the cable television franchise requires (1) CenturyLink to pay the same franchise fee as Comcast; (2) the same area of coverage as Comcast; and (3) similar, and in some instances greater, public educational and governmental access requirements. *See* Minn. Stat. § 238.08, subd. 1(b); Staff Report, §§ 7(G), 8(A), and 11(d).
33. CenturyLink submitted an application that included a design for a state-of-the-art cable system that is capable or reliably providing a panoply of cable services to subscribers as required by the NMTC's Competitive Franchising Policies and Procedures. *See* Staff Report, § 10(3)(b).
34. The City has considered the financial, technical, and legal qualifications of CenturyLink. *See, e.g.,* Staff Report, § 10(3).
35. CenturyLink has the financial, technical, and legal qualifications to operate a cable communication system in the City.
36. A CenturyLink cable television franchise will provide a meaningful, distinct alternative to existing multichannel video programming distributors (including existing cable, direct broadcast satellite and other companies), will result in greater consumer choice, is in the public interest for economic development in the City. *See* Staff Report, Exhibits 2 and 3. CenturyLink has also promised to provide additional enhancements to PEG offerings to the City. For example, it has agreed in the franchise to provide every PEG channel in HD and to allow the City to share live programming with other cities in the Twin Cities by providing a Twin Cities Metro PEG Interconnect Network.

37. Consumers and residents of the City will also benefit from CenturyLink's competitive presence because it will drive broader deployment of higher broadband speeds. *See* Staff Report, Exhibits 2 and 3
38. CenturyLink has agreed to an initial deployment area, and it will serve additional areas based upon its market success, as defined in the franchise agreement, which the FCC has deemed to be a reasonable deployment model. *See* Staff Report, § 7(E)(b).
39. The City and its citizens will benefit from facilities based competition in the cable television market. *See* Staff Report, § 2.
40. All prior actions of the NMTC related to the CenturyLink Cable Franchise Application are hereby ratified and approved.

Therefore, based on the foregoing, the City Council has determined that it is in the best interests of the City and its residents to enter in to a cable television franchise ordinance/agreement with CenturyLink, in the form negotiated by the NMTC and that these Findings of Fact be incorporated therewith.

EXHIBIT B

ORDINANCE 418, CABLE TELEVISION FRANCHISE ORDINANCE

ORDINANCE NO. 418
CITY OF SPRING LAKE PARK, MINNESOTA

CABLE TELEVISION FRANCHISE ORDINANCE

Date: December 7, 2015

Prepared by:

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ORDINANCE NO.

AN ORDINANCE GRANTING A FRANCHISE TO QWEST BROADBAND SERVICES, INC., D/B/A CENTURYLINK, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF SPRING LAKE PARK, MINNESOTA, FOR THE PURPOSE OF PROVIDING CABLE SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREIN.

The City Council of the City of Spring Lake Park, Minnesota ordains:

STATEMENT OF INTENT AND PURPOSE

Qwest Broadband Services, Inc., d/b/a CenturyLink ("Grantee"), applied for a cable franchise to serve the City. The City will adopt separate findings related to the application and the decision to grant a cable franchise to Grantee, which shall be incorporated herewith by reference. The City intends, by the adoption of this Franchise, to bring about competition in the delivery of cable services in the City.

Adoption of this Franchise is, in the judgment of the Council, in the best interests of the City and its residents.

SECTION 1. SHORT TITLE AND DEFINITIONS

1.1 Short Title.

This Franchise Ordinance shall be known and cited as the "CenturyLink Cable Franchise Ordinance."

1.2 Definitions.

For purposes of this Franchise, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; words in the singular number include the plural; and the masculine gender includes the feminine gender. Unless otherwise expressly stated, words not defined herein or in the City Code shall be given the meaning set forth in applicable law and, if not defined therein, the words shall be given their common and ordinary meaning. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.

1.2.1 "Actual Cost" means the incremental cost to the Grantee of materials, capitalized labor and borrowing necessary to install and construct fiber-optic lines, coaxial cable and/or equipment.

- 1.2.2 “Affiliate”** means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with the Grantee.
- 1.2.3 “Basic Cable Service”** means the lowest priced tier of Cable Service that includes the lawful retransmission of local television broadcast signals and any public, educational and governmental access programming required by this Franchise to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. § 543(b)(7).
- 1.2.4 “Cable Service” or “Service”** means (1) the one-way transmission to Subscribers of (a) video programming or (b) other programming services; and (2) Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming services. Cable Service shall also include any video programming service for which a franchise from a local government is permitted under state law.
- 1.2.5 “Cable System” or “System”** means the facility of the Grantee consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service, which includes video programming and which is provided to multiple Subscribers within the City, but such term does not include: (1) a facility that only serves to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves Subscribers without using any Rights-of-Way; (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility shall be considered a System (other than for purposes of 47 U.S.C. § 541(c)) if such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (4) an open video system that complies with 47 U.S.C. § 573; (5) any facilities of any electric utility used solely for operating its electric utility system; or (6) a translator system which receives and rebroadcasts over-the-air signals. A reference to the System in this Franchise refers to any part of such System including, without limitation, Set Top Boxes. The foregoing definition of “System” shall not be deemed to circumscribe or limit the valid authority of the City to regulate or franchise the activities of any other communications system or provider of communications service to the full extent permitted by law. “Cable System” or “System” as defined herein shall not be inconsistent with the definitions set forth in applicable law. Any reference to “Cable System” or “System” herein, which system is owned or operated by a Person or governmental body other than the Grantee, shall be defined the same as this Section 1.2.5. This definition shall include any facility that is a “cable system” under federal law or a “cable communications system” under state law.
- 1.2.6 “City”** means the City of Spring Lake Park, Minnesota, a municipal corporation, in the State of Minnesota, acting by and through its City Council, or its lawfully appointed designee.

- 1.2.7 **“City Code”** means the Spring Lake Park City Code, as amended from time to time.
- 1.2.8 **“Commission”** means the North Metro Telecommunications Commission, a municipal joint powers consortium comprised of the municipalities of Blaine, Centerville, Circle Pines, Ham Lake, Lexington, Lino Lakes and Spring Lake Park, Minnesota. In the event the City lawfully withdraws from the Commission, any reference to the Commission in this Franchise shall thereafter be deemed a reference to the City, and the rights and obligations related thereto shall, where possible, accrue pro rata to the City, pursuant to a transition agreement to be negotiated at such time by and between the City, the Commission and the Grantee. The total burden of Grantee’s obligations under this Franchise and the Grantee’s Franchise with the other member cities of the Commission shall not be increased as a result of any such withdrawal.
- 1.2.9 **“CPI”** means the annual average of the Consumer Price Index for all Urban Consumers (CPI-U) for the Minneapolis-St. Paul CMSA, as published by the Bureau of Labor Statistics.
- 1.2.10 **“Drop”** means the cable that connects the ground block on the Subscriber’s residence or institution to the nearest feeder cable of the System.
- 1.2.11 **“Educational Access Channel”** or **“Educational Channel”** means any channel on the System set aside by the Grantee for Noncommercial educational use by educational institutions, as contemplated by applicable law.
- 1.2.12 **“FCC”** means the Federal Communications Commission, its designee, and any legally appointed, designated or elected agent or successor.
- 1.2.13 **“Franchise”** or **“Cable Franchise”** means this ordinance, as may be amended from time to time, any exhibits attached hereto and made a part hereof, and the regulatory and contractual relationship established hereby.
- 1.2.14 **“Governmental Access Channel”** or **“Governmental Channel”** means any channel on the System set aside by the Grantee for Noncommercial use by the City or its delegatee.
- 1.2.15 **“Grantee”** is Qwest Broadband Services, Inc., d/b/a CenturyLink, and its lawful successors, transferees or assignees.
- 1.2.16 **“Gross Revenues”** means any and all revenues arising from or attributable to, or in any way derived directly or indirectly by the Grantee or its Affiliates, subsidiaries, or parent, or by any other entity that is a cable operator of the System, from the operation of the Grantee’s System to provide Cable Services (including cash, credits, property or other consideration of any kind or nature). Gross Revenues include, by way of illustration and not limitation, monthly fees

charged to Subscribers for any basic, optional, premium, per-channel, or per-program service, or other Cable Service including, without limitation, Installation, disconnection, reconnection, and change-in-service fees; Lockout Device fees; Leased Access Channel fees; late fees and administrative fees; fees, payments or other consideration received from programmers for carriage of programming on the System and accounted for as revenue under GAAP; revenues from rentals or sales of Set Top Boxes or other equipment; fees related to commercial and institutional usage of the System; advertising revenues; interest; barter; revenues from program guides; franchise fees; and revenues to the System from home shopping, bank-at-home channels and other revenue sharing arrangements. Gross Revenues shall include revenues received by an entity other than the Grantee, an Affiliate or another entity that operates the System where necessary to prevent evasion or avoidance of the Grantee's obligation under this Franchise to pay the franchise fee. Gross Revenues shall not include: (i) to the extent consistent with generally accepted accounting principles, actual bad debt write-offs, provided, however, that all or part of any such actual bad debt that is written off but subsequently collected shall be included in Gross Revenues in the period collected; (ii) any taxes on services furnished by the Grantee imposed by any municipality, state or other governmental unit, provided that franchise fees shall not be regarded as such a tax; (iii) FCC regulatory fees; (iv) Subscriber credits, adjustments or refunds; (v) PEG Fees; or (vi) refundable Subscriber deposits.

- 1.2.17 “Household”** means a distinct address in the Qwest Corporation (“QC”) network database, whether a residence or small business, subscribing to or being offered cable service. Grantee represents and warrants that it has access to the QC network database and shall demonstrate to the City's reasonable satisfaction how the data required in Section 2 are calculated and reported using the QC network database.
- 1.2.18 “Installation”** means the connection of the System from feeder cable to the point of connection with the Subscriber Set Top Boxes or other terminal equipment.
- 1.2.19 “Leased Access Channel”** means channels on the System which are designated or dedicated for use by a Person unaffiliated with the Grantee pursuant to 47 U.S.C. § 532.
- 1.2.20 “Lockout Device”** means an optional mechanical or electrical accessory to a Subscriber's terminal, which inhibits the viewing of a certain program, certain channel or certain channels provided by way of the Cable System.
- 1.2.21 “Node”** means the transition point between optical light transmission (fiber-optic cable) and the transmission of video and data signals being delivered to and received from the Subscriber's home.
- 1.2.22 “Noncommercial”** means, in the context of PEG channels, that particular products and services are not promoted or sold. This term shall not be interpreted

to prohibit a PEG channel operator or programmer from soliciting and receiving voluntary financial support to produce and transmit video programming on a PEG channel, or from acknowledging a contribution.

- 1.2.23 “Normal Operating Conditions”** means those service conditions that are within the control of the Grantee. Conditions that are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the System . Conditions that are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions.
- 1.2.24 “North Metro Franchise Area”** means the geographic area consisting of the Minnesota cities of Blaine, Centerville, Circle Pines, Ham Lake, Lexington, Lino Lakes and Spring Lake Park.
- 1.2.25 “North Metro System”** means the Cable System operated pursuant to this Franchise and located in the member municipalities of the Commission.
- 1.2.26 “PEG”** means public, educational, religious and governmental.
- 1.2.27 “Person”** means any individual, partnership, association, joint stock company, joint venture, domestic or foreign corporation, stock or non-stock corporation, limited liability company, professional limited liability corporation, or other organization of any kind, or any lawful successor or transferee thereof, but such term does not include the City or the Commission.
- 1.2.28 “Public Access Channel(s)”** means any channels on the System set aside by the Grantee for Noncommercial use by the general public, as contemplated by applicable law.
- 1.2.29 “Right-of-Way” or “Rights-of-Way”** means the surface, air space above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, avenue, boulevard, drive, court, concourse, bridge, tunnel, park, parkway, skyway, waterway, dock, bulkhead, wharf, pier, easement or similar property or waters within the City owned by or under control of the City, or dedicated for general public use by the City, including, but not limited to, any riparian right, which, consistent with the purposes for which it was created, obtained or dedicated, may be used for the purpose of installing, operating and maintaining a System. No reference herein to a “Right-of-Way” shall be deemed to be a representation or guarantee by the City that its interest or other right to control or use such property is sufficient to permit its use for the purpose of installing, operating and maintaining the System.

1.2.30 “Right-of-Way Ordinance” means any ordinance of the City codifying requirements regarding regulation, management and use of Rights-of-Way in the City, including registration, fees, and permitting requirements.

1.2.31 “Set Top Box” means an electronic device (sometimes referred to as a receiver) which may serve as an interface between a System and a Subscriber’s television monitor, and which may convert signals to a frequency acceptable to a television monitor of a Subscriber and may, by an appropriate selector, permit a Subscriber to view all signals of a particular service.

1.2.32 “State” means the State of Minnesota, its agencies and departments.

1.2.33 “Subscriber” means any Person that lawfully receives service via the System with the Grantee’s express permission. In the case of multiple office buildings or multiple dwelling units, the term “Subscriber” means the lessee, tenant or occupant.

1.2.34 “System Upgrade” means the improvement or enhancement in the technology or service capabilities made by the Grantee to the System as more fully described in Section 4.

SECTION 2. GRANT OF AUTHORITY AND GENERAL PROVISIONS

2.1 Grant of Franchise.

This Franchise is granted pursuant to the terms and conditions contained herein and in applicable law. The Grantee, the City and the Commission shall comply with all provisions of this Franchise and applicable law, regulations and codes. Failure of the Grantee to construct, operate and maintain a System as described in this Franchise, or to meet obligations and comply with all provisions herein, may be deemed a violation of this Franchise.

2.1.1 Nothing in this Franchise shall be deemed to waive the lawful requirements of any generally applicable City ordinance existing as of the Effective Date.

2.1.2 Each and every term, provision or condition herein is subject to the provisions of state law, federal law, and local ordinances and regulations. The Municipal Code of the City, as the same may be amended from time to time, is hereby expressly incorporated into this Franchise as if fully set out herein by this reference. Notwithstanding the foregoing, the City may not unilaterally alter the material rights and obligations of Grantee under this Franchise.

2.1.3 This Franchise shall not be interpreted to prevent the City from imposing additional lawful conditions, including additional compensation conditions for use of the Rights-of-Way, should Grantee provide service other than cable service.

2.1.4 The parties acknowledge that Grantee intends that Qwest Corporation ("QC"), an affiliate of Grantee, will be primarily responsible for the construction and installation of the facilities in the Rights-of-Way, constituting the cable communications system, which will be utilized by Grantee to provide cable service. Grantee promises, as a condition of exercising the privileges granted by this Franchise, that any affiliate of the Grantee, including QC, directly or indirectly involved in the construction, management, or operation of the cable communications system will comply with all applicable federal, state and local laws, rules and regulations regarding the use of the City's rights of way. The City agrees that to the extent QC violates any applicable laws, rules and regulations, the City shall first seek compliance directly from QC. In the event, the City cannot resolve these violations or disputes with QC, or any other affiliate of Grantee, then the City may look to Grantee to ensure such compliance. Failure by Grantee to ensure QC's or any other affiliate's compliance with applicable laws, rules and regulations shall be deemed a material breach of this Franchise by Grantee. To the extent Grantee constructs and installs facilities in the rights-of-way, such installation will be subject to the terms and conditions contained herein.

2.1.5 No rights shall pass to Grantee by implication. Without limiting the foregoing, by way of example and not limitation, this Franchise shall not include or be a substitute for:

(1) Any other permit or authorization required for the privilege of transacting and carrying on a business within the City that may be required by the ordinances and laws of the City;

(2) Any permit, agreement, or authorization required by the City for Right-of-Way users in connection with operations on or in Rights-of-Way or public property including, by way of example and not limitation, street cut permits; or

(3) Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by this Franchise including, without limitation, permits and agreements for placing devices on poles, in conduits or in or on other structures.

2.1.6 This Franchise is intended to convey limited rights and interests only as to those Rights-of-Way in which the City has an actual interest. It is not a warranty of title or interest in any Right-of-Way; it does not provide the Grantee with any interest in any particular location within the Right-of-Way; and it does not confer rights other than as expressly provided in the grant hereof.

2.1.7 This Franchise does not authorize Grantee to provide telecommunications service, or to construct, operate or maintain telecommunications facilities. This Franchise is not a bar to imposition of any lawful conditions on Grantee with respect to telecommunications, whether similar, different or the same as the conditions specified herein. This Franchise does not relieve Grantee of any obligation it may have to obtain from the City an authorization to provide telecommunications services, or to construct,

operate or maintain telecommunications facilities, or relieve Grantee of its obligation to comply with any such authorizations that may be lawfully required.

2.2 Grant of Nonexclusive Authority.

- 2.2.1 Subject to the terms of this Franchise, the City hereby grants the Grantee the right to own, construct, operate and maintain a System in, along, among, upon, across, above, over, or under the Rights-of-Way. The grant of authority set forth in this Franchise applies only to the Grantee's provision of Cable Service; provided, however, that nothing herein shall limit the Grantee's ability to use the System for other purposes not inconsistent with applicable law or with the provision of Cable Service; and provided further, that any local, State and federal authorizations necessary for the Grantee's use of the System for other purposes are obtained by the Grantee. This Franchise does not confer any rights other than as expressly provided herein, or as provided by federal, State or local law. No privilege or power of eminent domain is bestowed by this Franchise or grant. The System constructed and maintained by Grantee or its agents pursuant to this Franchise shall not interfere with other uses of the Rights-of-Way. The Grantee shall make use of existing poles and other aerial and underground facilities available to the Grantee to the extent it is technically and economically feasible to do so.
- 2.2.2 Notwithstanding the above grant to use Rights-of-Way, no Right-of-Way shall be used by the Grantee if the City determines that such use is inconsistent with the terms, conditions, or provisions by which such Right-of-Way was created or dedicated, or with the present use of the Right-of-Way.
- 2.2.3 This Franchise and the right it grants to use and occupy the Rights-of-Way shall not be exclusive and this Franchise does not, explicitly or implicitly, preclude the issuance of other franchises or similar authorizations to operate Cable Systems within the City. Provided, however, that the City shall not authorize or permit itself or another Person or governmental body to construct, operate or maintain a Cable System on material terms and conditions which are, taken as a whole, more favorable or less burdensome than those applied to the Grantee.
- 2.2.4 This Franchise authorizes only the use of Rights-of-Way for the provision of Cable Service. Therefore, the grant of this Franchise and the payment of franchise fees hereunder shall not exempt the Grantee from the obligation to pay compensation or fees for the use of City property, both real and personal, other than the Rights-of-Way; provided, however, that such compensation or fees are required by City ordinance, regulation or policy and are nondiscriminatory.

2.3 Lease or Assignment Prohibited.

No Person or governmental body may lease Grantee's System for the purpose of providing Cable Service until and unless such Person shall have first obtained and shall currently hold a valid Franchise or other lawful authorization containing substantially similar burdens and obligations to this Franchise, including, without limitation, a requirement on such Person to pay franchise fees on such Person's or governmental body's use of the System to provide Cable Services, to the extent there would be such a

requirement under this Franchise if the Grantee itself were to use the System to provide such Cable Service. Any assignment of rights under this Franchise shall be subject to and in accordance with the requirements of Section 10.5.

2.4 Franchise Term.

This Franchise shall be in effect for a period of five (5) years, such term commencing on the Effective Date specified in Section 2.10, unless sooner renewed, extended, revoked or terminated as herein provided.

2.5 Compliance with Applicable Laws, Resolutions and Ordinances.

- 2.5.1 The terms of this Franchise shall define the contractual rights and obligations of the Grantee with respect to the provision of Cable Service and operation of the System in the City. However, the Grantee shall at all times during the term of this Franchise be subject to the lawful exercise of the police powers of the City, the City's right to adopt and enforce additional generally applicable ordinances and regulations, and lawful and applicable zoning, building, permitting and safety ordinances and regulations. The grant of this Franchise does not relieve the Grantee of its obligations to obtain any generally applicable licenses, permits or other authority as may be required by the City Code, as it may be amended, for the privilege of operating a business within the City or for performing work on City property or within the Rights-of-Way, to the extent not inconsistent with this Franchise. Except as provided below, any modification or amendment to this Franchise, or the rights or obligations contained herein, must be within the lawful exercise of the City's police powers, as enumerated above, in which case the provision(s) modified or amended herein shall be specifically referenced in an ordinance of the City authorizing such amendment or modification. This Franchise may also be modified or amended with the written consent of the Grantee as provided in Section 13.3 herein.
- 2.5.2 The Grantee shall comply with the terms of any City ordinance or regulation of general applicability which addresses usage of the Rights-of-Way within the City which may have the effect of superseding, modifying or amending the terms of Section 3 and/or Section 8.5.3 herein; except that the Grantee shall not, through application of such City ordinance or regulation of Rights-of-Way, be subject to additional burdens with respect to usage of Rights-of-Way that exceed burdens on similarly situated Right-of-Way users.
- 2.5.3 In the event of any conflict between Section 3 and/or Section 8.5.3 of this Franchise and any lawfully applicable City ordinance or regulation which addresses usage of the Rights-of-Way, the conflicting terms in Section 3 and/or Section 8.5.3 of this Franchise shall be superseded by such City ordinance or regulation; except that the Grantee shall not, through application of such City ordinance or regulation of Rights-of-Way, be subject to additional burdens with respect to usage of Public Rights-of-Way that exceed burdens on similarly situated Right-of-Way users.

- 2.5.4 In the event any lawfully applicable City ordinance or regulation which addresses usage of the Rights-of-Way adds to, modifies, amends, or otherwise differently addresses issues addressed in Section 3 and/or Section 8.5.3 of this Franchise, the Grantee shall comply with such ordinance or regulation of general applicability, regardless of which requirement was first adopted; except that the Grantee shall not, through application of such City ordinance or regulation of Rights-of-Way, be subject to additional burdens with respect to usage of Rights-of-Way that exceed burdens on similarly situated Rights-of-Way users.
- 2.5.5 In the event the Grantee cannot determine how to comply with any Right-of-Way requirement of the City, whether pursuant to this Franchise or other requirement, the Grantee shall immediately provide written notice of such question, including the Grantee's proposed interpretation, to the City. The City shall provide a written response within ten (10) business days of receipt indicating how the requirements cited by the Grantee apply. The Grantee may proceed in accordance with its proposed interpretation in the event a written response is not received within thirteen (13) business days of mailing or delivering such written question.

2.6 Rules of Grantee.

The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable said Grantee to exercise its rights and perform its obligations under this Franchise and applicable law, and to assure uninterrupted service to each and all of its Subscribers; provided that such rules, regulations, terms and conditions shall not be in conflict with provisions hereto, the rules of the FCC, the laws of the State of Minnesota, the City, or any other body having lawful jurisdiction.

2.7 Territorial Area Involved.

This Franchise is granted for the corporate boundaries of the City, as they exist from time to time.

2.7.1 Reasonable Build-Out of the Entire City. The Parties recognize that Grantee, or its affiliate, has constructed a legacy communications system throughout the City that is capable of providing voice grade service. The Parties further recognize that Grantee or its affiliate must expend a significant amount of capital to upgrade its existing legacy communications system and to construct new facilities to make it capable of providing cable service. Further, there is no promise of revenues from cable service to offset these capital costs. The Parties agree that the following is a reasonable build-out schedule taking into consideration Grantee's market success and the requirements of Minnesota state law.

- (i) Complete Equitable Build-Out. Grantee aspires to provide cable service to all households within the City by the end of the initial term of this Franchise. In

addition, Grantee commits that a significant portion of its investment will be targeted to areas below the median income in the City.

- (ii) Initial Minimum Build-Out Commitment. Grantee agrees to be capable of serving a minimum of fifteen percent (15%) of the City's households with cable service during the first two (2) years of the initial Franchise term, provided, however that Grantee will make its best efforts to complete such deployment within a shorter period of time. This initial minimum build-out commitment shall include deployment equitably throughout the City and to a significant number of households below the medium income in the City. Nothing in this Franchise shall restrict Grantee from serving additional households in the City with cable service;
- (iii) Quarterly Meetings. Commencing January 1, 2016, and continuing throughout the term of this Franchise, Grantee shall meet quarterly with the Executive Director of the Commission. At each quarterly meeting, Grantee shall present information acceptable to the City/Commission (to the reasonable satisfaction of the City/Commission) showing the number of Households Grantee is presently capable of serving with cable service and the number of Households that Grantee is actually serving with cable service. Grantee shall also present information acceptable to the City/Commission (to the reasonable satisfaction of the City/Commission) that Grantee is equitably serving all portions of the City in compliance with this subsection 2.8.1. In order to permit the City/Commission to monitor and enforce the provisions of this section and other provisions of this Franchise, the Grantee shall promptly, upon reasonable demand, show to the City/Commission (to the City/Commission's reasonable satisfaction) maps and provide other documentation showing exactly where within the City the Grantee is currently providing cable service;
- (iv) Additional Build-Out Based on Market Success. If, at any quarterly meeting, Grantee is actually serving twenty seven and one-half percent (27.5%) of the Households capable of receiving cable service, then Grantee agrees the minimum build-out commitment shall increase to include all of the Households then capable of receiving cable service plus an additional fifteen (15%) of the total households in the City, which Grantee agrees to serve within two (2) years from the quarterly meeting; provided, however, the Grantee shall make its best efforts to complete such deployment within a shorter period of time. For example, if, at a quarterly meeting with the Commission's Executive Director, Grantee shows that it is capable of serving sixty percent of the households in the City with cable service and is actually serving thirty percent of those Households with cable service, then Grantee will agree to serve an additional fifteen percent of the total households in the City no later than 2 years after that quarterly meeting (a total of 75% of the total households). This additional build-out based on market success shall continue until every household in the City is served;
- (v) Line Extension. Grantee shall not have a line extension obligation until the first date by which Grantee is providing Cable Service to more than fifty percent

(50%) of all subscribers receiving facilities based cable service from both the Grantee and any other provider(s) of cable service within the City. At that time, the City/Commission, in its reasonable discretion and after meeting with Grantee, shall determine the timeframe to complete deployment to the remaining households in the City, including a density requirement that is the same or similar to the requirement of the incumbent franchised cable operator.

2.8 Written Notice.

All notices, reports or demands required to be given in writing under this Franchise shall be deemed to be given when delivered personally to any officer of the Grantee or the City's designated Franchise administrator, or forty-eight (48) hours after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the party to whom notice is being given, as follows:

If to City:	City of Spring Lake Park 1301 81 st Avenue NE Spring Lake Park, Minnesota 55432 Attention: City Manager/Administrator
With copies to:	Executive Director North Metro Telecommunications Commission 12520 Polk Street N.E. Blaine, MN 55434
And to:	Michael R. Bradley Bradley Hagen & Gullikson, LLC 1976 Wooddale Drive, Suite 3A Woodbury, MN 55125
If to Grantee:	Qwest Broadband Services, Inc. d/b/a CenturyLink 1801 California St., 10 th Flr. Denver, CO 80202 Attn: Public Policy
With copies to:	Qwest Broadband Services Inc., d/b/a CenturyLink 200 S. 5 th Street, 21 st Flr. Minneapolis, MN 55402 Attn: Public Policy

Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

2.9 Effective Date.

This Franchise shall become effective after: (i) all conditions precedent to its effectiveness as an ordinance of the City have occurred; (ii) all conditions precedent to its execution are satisfied; (iii) it has been approved by the City Council in accordance with applicable law; and (iv) it has been accepted and signed by the Grantee and the City in accordance with Section 14 (the “Effective Date”).

SECTION 3. CONSTRUCTION STANDARDS

3.1 Registration, Permits and Construction Codes.

3.1.1 The Grantee shall strictly adhere to all State and local laws, regulations and policies adopted by the City Council applicable to the location, construction, installation, operation or maintenance of the System in the City. The City and/or its delegatee has the right to supervise all construction or installation work performed in the Rights-of-Way as it shall find necessary to ensure compliance with the terms of this Franchise and other applicable provisions of law and regulations.

3.1.2 Failure to obtain permits or to comply with permit requirements shall be grounds for revocation of this Franchise, or any lesser sanctions provided herein or in any other applicable law, code or regulation.

3.2 Restoration of Rights-of-Way and Property.

Any Rights-of-Way, or any sewer, gas or water main or pipe, drainage facility, electric, fire alarm, police communication or traffic control facility of the City, or any other public or private property, which is disturbed, damaged or destroyed during the construction, repair, replacement, relocation, operation, maintenance, expansion, extension or reconstruction of the System shall be promptly and fully restored, replaced, reconstructed or repaired by the Grantee, at its expense, to the same condition as that prevailing prior to the Grantee’s work, to the extent consistent with applicable statutes and rules. It is agreed that in the normal course, with respect to fire and police department facilities and equipment, and water and sewer facilities, and other essential utilities and services, as determined by the City, such restoration, reconstruction, replacement or repairs shall be commenced immediately after the damage, disturbance or destruction is incurred, and the Grantee shall take diligent steps to complete the same, unless an extension of time is obtained from the appropriate City agency or department. In all other cases, reconstruction, replacement, restoration or repairs shall be commenced within no more than three (3) days after the damage, disturbance or destruction is incurred, and shall be completed as soon as reasonably possible thereafter. If the Grantee shall fail to perform the repairs, replacement, reconstruction or restoration required herein, the City shall have the right to put the Rights-of-Way, public or private property back into good condition. In the event City determines that the Grantee is responsible for such disturbance or

damage, the Grantee shall be obligated to fully reimburse the City for required repairs, reconstruction and restoration.

3.3 Conditions on Right-of-Way Use.

- 3.3.1 Nothing in this Franchise shall be construed to prevent the City from constructing, maintaining, repairing or relocating sewers; grading, paving, maintaining, repairing, relocating and/or altering any Right-of-Way; constructing, laying down, repairing, maintaining or relocating any water mains; or constructing, maintaining, relocating or repairing any sidewalk or other public work.
- 3.3.2 All System transmission and distribution structures, lines and equipment erected by the Grantee within the City shall be located so as not to obstruct or interfere with the use of Rights-of-Way except for normal and reasonable obstruction and interference which might occur during construction and to cause minimum interference with the rights of property owners who abut any of said Rights-of-Way and not to interfere with existing public utility installations.
- 3.3.3 The Grantee shall, at its sole expense, by a reasonable time specified by the City, protect, support, temporarily disconnect, relocate or remove any of its property when required by the City by reason of traffic conditions; public safety; Rights-of-Way construction; street maintenance or repair (including resurfacing or widening); change in Right-of-Way grade; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks or any other type of government-owned communications or traffic control system, public work or improvement of government-owned utility; Right-of-Way vacation; or for any other purpose where the convenience of the City would be served thereby. If the Grantee fails, neglects or refuses to comply with the City's request, the City may protect, support, temporarily disconnect, relocate or remove the appropriate portions of the System at the Grantee's expense for any of the City's incremental costs incurred as a result of the Grantee's failure to comply. Except for the City's gross negligence, the City shall not be liable to the Grantee for damages resulting from the City's protection, support, disconnection, relocation or removal, as contemplated in the preceding sentence.
- 3.3.4 The Grantee shall not place poles, conduits or other fixtures of the System above or below ground where the same will interfere with any gas, electric, telephone, water or other utility fixtures and all such poles, conduits or other fixtures placed in any Right-of-Way shall be so placed as to comply with all lawful requirements of the City.
- 3.3.5 The Grantee shall, upon request of any Person holding a moving permit issued by the City, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same. The Grantee shall be given not less than ten (10) days' advance written notice to arrange for such temporary wire changes.

- 3.3.6 To the extent consistent with generally applicable City Code provisions, rules and regulations, the Grantee shall have the right to remove, cut, trim and keep clear of its System trees or other vegetation in and along or overhanging the Rights-of-Way. However, in the exercise of this right, the Grantee agrees not to cut or otherwise injure said trees to any greater extent than is reasonably necessary. All trimming shall be performed at no cost to the City, the Commission or a homeowner.
- 3.3.7 The Grantee shall use its best efforts to give prior notice to any adjacent private property owners who will be negatively affected or impacted by Grantee's work in the Rights-of-Way.
- 3.3.8 If any removal, relaying or relocation is required to accommodate the construction, operation or repair of the facilities of a Person that is authorized to use the Rights-of-Way, the Grantee shall, after thirty (30) days' advance written notice and payment of all costs by such Person, commence action to effect the necessary changes requested by the responsible entity. If multiple responsible parties are involved, the City may resolve disputes as to the responsibility for costs associated with the removal, relaying or relocation of facilities among entities authorized to install facilities in the Rights-of-Way if the parties are unable to do so themselves, and if the matter is not governed by a valid contract between the parties or any State or federal law or regulation.
- 3.3.9 In the event the System is contributing to an imminent danger to health, safety or property, as reasonably determined by the City, after providing actual notice to the Grantee, if it is reasonably feasible to do so, the City may remove or relocate any or all parts of the System at no expense to the City or the Commission other than the City's cost to act on such determination.

3.4 Use of Existing Poles and Undergrounding of Cable.

- 3.4.1 Where existing poles, underground conduits, ducts or wire holding structures are available for use by the Grantee, but it does not make arrangements for such use, the City may require, through the established permit, or any other applicable procedure, the Grantee to use such existing poles and wire holding structures if the City determines that the public convenience would be enhanced thereby and the terms available to the Grantee for the use of such poles and structures are just and reasonable.
- 3.4.2 The Grantee agrees to place its cables, wires or other like facilities underground, in the manner as may be required by the provisions of the City Code and City policies, procedures, rules and regulations, as amended from time to time, where all utility facilities are placed underground. The Grantee shall not place facilities, equipment or fixtures where they will interfere with any existing gas, electric, telephone, water, sewer or other utility facilities or with any existing installations

of the City, or obstruct or hinder in any manner the various existing utilities serving the residents of the City. To the extent consistent with the City Code, City policies, procedures, rules and regulations, System cable and facilities may be constructed overhead where poles exist and electric or telephone lines or both are now overhead. However, in no case may the Grantee install poles in areas of the City where underground facilities are generally used by the utilities already operating. If the City, at a future date, requires all electric and telephone lines to be placed underground in all or part of the City, the Grantee shall, within a reasonable time, similarly move its cables and lines. If the City reimburses or otherwise compensates any Person using the Rights-of-Way for the purpose of defraying the cost of any of the foregoing, the City shall also reimburse the Grantee in the same manner in which other Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the City shall not oppose or otherwise hinder any application for or receipt of such funds on behalf of the Grantee.

3.5 Installation of Facilities.

- 3.5.1 No poles, towers, conduits, amplifier boxes, pedestal mounted terminal boxes, similar structures or other wire-holding structures shall be erected or installed by the Grantee without obtaining any required permit or other authorization from the City.
- 3.5.2 No placement of any pole or wire holding structure of the Grantee is to be considered a vested fee interest in the Rights-of-Way or in City property. Whenever feasible, all transmission and distribution structures, lines, wires, cables, equipment and poles or other fixtures erected by the Grantee within the City are to be so located and installed as to cause minimum interference with the rights and convenience of property owners.

3.6 Safety Requirements.

- 3.6.1 All applicable safety practices required by law shall be used during construction, maintenance and repair of the System. The Grantee agrees, at all times, to employ ordinary and reasonable care and to install and maintain in use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage or injuries to the public or to property. All structures and all lines, equipment and connections in the Rights-of-Way shall at all times be kept and maintained in a safe condition, consistent with applicable safety codes.
- 3.6.2 The Grantee's construction, operation or maintenance of the System shall be conducted in such a manner as not to interfere with City communications technologies related to the health, safety and welfare of City residents.

- 3.6.3 The Grantee shall install and maintain such devices as will apprise or warn Persons and governmental entities using the Rights-of-Way of the existence of work being performed on the System in Rights-of-Way.
- 3.6.4 The Grantee shall be a member of the One Call Notification System (otherwise known as “Gopher State One Call”) or its successor, and shall field mark the locations of its underground facilities upon request. Throughout the term of this Franchise, the Grantee shall identify the location of its facilities for the City or the Commission at no charge to the City or the Commission.

3.7 Removal of Facilities at Expiration of Franchise.

At the expiration of the term for which this Franchise is granted, or upon the expiration of any renewal or extension period which may be granted, the City shall have the right to require the Grantee, at the Grantee’s sole expense: (i) to remove all portions of the System from all Rights-of-Way within the City; and (ii) to restore affected sites to their original condition, unless Grantee, or its affiliate, has a separate authorization from the City to occupy the City’s Rights-of-Way. Should the Grantee fail, refuse or neglect to comply with the City’s directive, all portions of the System, or any part thereof, may at the option of the City become the sole property of the City, at no expense to the City, or be removed, altered or relocated by the City at the cost of the Grantee. The City shall not be liable to the Grantee for damages resulting from such removal, alteration or relocation.

SECTION 4. DESIGN PROVISIONS

4.1 System Facilities and Equipment.

- 4.1.1 Grantee shall develop, construct and operate a state-of-the-art cable communications system, constructed in accordance with Section 2.8.1, which shall have at least the following characteristics:
 - 4.1.1.1 A modern design when built, utilizing an architecture that will permit additional improvements necessary for high-quality and reliable service throughout the Franchise term, and the capability to operate continuously on a twenty-four (24) hour a day basis without severe material degradation during operating conditions typical to the Minneapolis/St. Paul metropolitan area;
 - 4.1.1.2 Standby power generating capacity at the headend. The Grantee shall maintain standby power generators capable of powering all headend equipment for at least twenty-four (24) hours. The back-up power supplies serving the System shall be capable of providing power to the System for not less than three (3) hours per occurrence measured on an annual basis according to manufacturer specifications in the event of an electrical outage. The Grantee shall maintain sufficient portable generators to be deployed in the

event that the duration of a power disruption is expected to exceed three (3) hours;

- 4.1.1.3 Facilities of good and durable quality, generally used in high-quality, reliable systems of similar design;
- 4.1.1.4 A System that conforms to or exceeds all applicable FCC technical performance standards, as amended from time to time, which standards are incorporated herein by reference, and any other applicable technical performance standards. Upstream signals shall at all times meet or exceed manufacturers' specifications for successful operation of upstream equipment provided by the Grantee or approved for use by the Grantee at any Subscriber's premises. End of the line performance must meet or exceed FCC specifications at the end of the Subscriber Drop;
- 4.1.1.5 A System shall, at all times, comply with applicable federal, State and local rules, regulations, practices and guidelines pertaining to the construction, upgrade, operation, extension and maintenance of Cable Systems, including, by way of example (but not limitation):
 - (A) National Electrical Code, as amended from time to time; and
 - (B) National Electrical Safety Code (NESC), as amended from time to time;
- 4.1.1.6 Facilities and equipment sufficient to cure violations of FCC technical standards and to ensure that Grantee's System remains in compliance with the standards specified in subsection 4.1.1.5;
- 4.1.1.7 Such facilities and equipment as necessary to maintain, operate and evaluate the Grantee's System for compliance with FCC technical and customer service standards, as such standards may hereafter be amended;
- 4.1.1.8 Status monitoring equipment to alert the Grantee when and where back-up power supplies are being used, which capability shall be activated and used on or before the completion of the System Upgrade;
- 4.1.1.9 All facilities and equipment required to properly test the System and conduct an ongoing and active program of preventative and demand maintenance and quality control, and to be able to quickly respond to customer complaints and resolve System problems;

- 4.1.1.10 Antenna supporting structures designed in accordance with any applicable governmental building codes, as amended, and painted, lighted and erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration, the Federal Communications Commission and all other applicable codes and regulations;
 - 4.1.1.11 Facilities and equipment at the headend allowing the Grantee to transmit or cablecast signals in substantially the form received, without substantial alteration or deterioration;
 - 4.1.1.12 The Grantee shall provide adequate security provisions in its Subscriber site equipment to permit parental control over the use of Grantee's Cable Service. The Grantee, however, shall bear no responsibility for the exercise of parental controls and shall incur no liability for any Subscriber's or viewer's exercise or failure to exercise such controls;
 - 4.1.1.13 Facilities and equipment capable of operating within the temperature ranges typical to the climate of the North Metro Franchise Area over the calendar year;
 - 4.1.1.14 The System shall be so constructed and operated that there is no perceptible deterioration in the quality of Public, Educational, Governmental or religious Access Channel signals after delivery of such signals to the first interface point with Grantee's bi-directional fiber PEG transport line, Grantee's headend or the subscriber network, whichever is applicable, as compared with the quality of any other channel on the System. As used in this paragraph, "deterioration" refers to delivery that is within the control of the Grantee; and
 - 4.1.1.15 The Grantee must have TDD/TYY (or equivalent) equipment at the company office, and a publicly listed telephone number for such equipment, that will allow hearing impaired customers to contact the company.
- 4.1.2 Emergency Alert System. At all times during the term of this Franchise, Grantee shall provide and maintain an Emergency Alert System ("EAS"), consistent with applicable federal law and regulations including 47 C.F.R., Part 11, and any State of Minnesota Emergency Alert System Plan requirements. The EAS shall allow authorized officials to override the audio and video signals on all Channels to transmit and report emergency information. In the case of any sudden, unforeseen event that has the potential to cause significant damage, destruction, or loss of life, Grantee shall make the EAS available without charge and in a manner consistent with any State of Minnesota

Emergency Alert System Plan (“Plan”) for the duration of such sudden, unforeseen event. Grantee shall cooperate with designated state officials to test the emergency override system, for periods not to exceed one minute in duration and not more than once every six months, and upon request by the City, provide verification of compliance with any State Plan. The City may identify authorized emergency officials for activating Grantee’s EAS consistent with the State’s Plan, and the City may also develop a local plan containing methods of EAS message distribution, subject to applicable laws.

- 4.1.3 During construction activities related to the System, the Grantee shall attempt to identify and take into account the Cable Service interests of the business community within the City. The Grantee shall, in connection with System construction, install conduit adequately sized to address future System rebuilds or System additions, with the intent to obviate the need to reopen the Rights-of-Way for construction and installation work.
- 4.1.4. The City may request, as part of the System construction, that the Grantee remove from the Rights-of-Way, at its own expense, its existing equipment, plant and facilities that will not be used in the future, whether activated or not. If any unused or deactivated equipment remains in Rights-of-Way after such City request and the Grantee’s reasonable opportunity to remove, the City may remove such plant, facilities and equipment at the Grantee’s expense. The Grantee may appeal any request to remove existing equipment, plant and facilities to the City Council and thereby stay City action until a final decision is issued by the City Council. In the event existing facilities, plant and equipment are left underground in the Rights-of-Way, the City or the Commission may require the Grantee to provide accurate maps showing the location and the nature of the deactivated or unused facilities, plant and equipment, if such information has not already been provided to the City or the Commission.
- 4.1.5. The Grantee shall not assert or otherwise raise any claim before a court of competent jurisdiction or any administrative agency alleging that, as of the Effective Date of this Franchise, the System design and performance requirements set forth in this Franchise are unenforceable under or inconsistent with then current applicable laws or regulations, or any orders, rules or decisions of the FCC.

4.2 Periodic Progress Reporting.

Following commencement of construction, the Grantee shall, upon request of the Commission, meet with the Commission and provide an update on the progress of the construction.

- 4.2.1 Public Notification. Prior to the beginning of the System construction, and periodically during each phase of construction, the Grantee shall inform the public and its Subscribers, through various means, about: (i) the progress of

construction; (ii) areas where construction crews will be working; and (iii) any expected temporary interruptions to existing services which may occur.

4.3 System Maintenance.

- 4.3.1 The Grantee shall interrupt Cable Service only for good cause and for the shortest time possible. Such interruption shall occur during periods of minimum use of the System. The Grantee shall use its best efforts to provide the Commission with at least twenty-four (24) hours prior notice of a planned service interruption, except for a planned service interruption which will have a minimal impact on Subscribers, usually meaning affecting less than one hundred (100) Subscribers or less than a fifteen (15) minute interruption.
- 4.3.2 Maintenance of the System shall be performed in accordance with the applicable technical performance and operating standards established by FCC rules and regulations. Should the FCC choose to abandon this field and does not preempt the City's entry into this field, the City may adopt such technical performance and operating standards as its own, and the Grantee shall comply with them at all times.

4.4 System Tests and Inspections; Special Testing.

- 4.4.1 Grantee shall perform all tests necessary to demonstrate compliance with the requirements of the Franchise and other performance standards established by applicable law or regulation.
- 4.4.2 The City and the Commission shall have the right to inspect all construction or installation work performed pursuant to the provisions of the Franchise. In addition, the City and/or the Commission may require special testing of a location or locations within the System if there is a particular matter of controversy or unresolved complaints regarding System construction, operations or installation work pertaining to such location(s). Such tests shall be limited to the particular matter in controversy. The City and/or the Commission shall endeavor to so arrange its request for such special testing so as to minimize hardship or inconvenience to the Grantee or to the Subscribers of such testing.
- 4.4.3 Before ordering such tests, the Grantee shall be afforded thirty (30) days following receipt of written notice to investigate and, if necessary, correct problems or complaints upon which tests were ordered. The City and/or the Commission, as applicable, shall meet with the Grantee prior to requiring special tests to discuss the need for such and, if possible, visually inspect those locations which are the focus of concern. If, after such meetings and inspections, the City and/or the Commission wishes to commence special tests and the thirty (30) days have elapsed without correction of the matter in controversy or resolution of complaints, the tests shall be conducted at the Grantee's expense by a qualified

engineer selected by the City and/or the Commission, as applicable, and the Grantee shall cooperate in such testing.

4.4.4 Unless otherwise provided in this Franchise, tests shall be supervised by the Grantee's chief technical authority, or designee, who shall certify all records of tests provided to the City and the Commission.

4.4.5 The Grantee shall provide the City and the Commission with at least two (2) business days' prior written notice of, and opportunity to observe, any tests performed on the System as it specifically relates to cable service.

4.4.5.1 Test results shall be filed with the City and the Commission within fourteen (14) days of a written request by the City and/or the Commission.

4.4.5.2 If any test indicates that any part or component of the System fails to meet applicable requirements, the Grantee, without requirement of additional notice or request from the City or the Commission, shall take corrective action, retest the locations and advise the City and the Commission of the action taken and the results achieved by filing a written report certified by the Grantee's chief technical authority, or designee.

4.5 Drop Testing and Replacement.

The Grantee shall replace, at no separate charge to an individual Subscriber, all Drops and/or associated passive equipment incapable of passing the full System capacity at the time a Subscriber upgrades.

4.6 FCC Reports.

Unless otherwise required by the terms of this Franchise, the results of any tests required to be filed by Grantee with the FCC or in the Grantee's public file, as it relates to cable service pursuant to this Franchise, shall upon request of the City or the Commission also be filed with the City or the Commission, as applicable, within ten (10) days of the request.

4.7 Lockout Capability.

Upon the request of a Subscriber, the Grantee shall make lockout capability available at no additional charge, other than a charge for a Set Top Box.

4.8 Types of Service.

Any change in programs or services offered shall comply with all lawful conditions and procedures contained in this Franchise and in applicable law or regulations.

4.9 Uses of System.

The Grantee shall, upon request of the Commission, advise the Commission of all active uses of the System, for both entertainment and other purposes, and the Commission shall have the right to conduct unannounced audits of such usage.

4.10 Additional Capacity.

The Grantee shall notify the City and the Commission in writing, in advance of the installation of any fiber optic capacity not contemplated by the initial System design, so that additional fibers may be installed on an Actual Cost basis for government and institutional use. If the City wishes to request additional fiber, it may notify the Grantee within fifteen (15) days of receipt of the Grantee's notification; provided, however, Grantee shall not be required to violate its telecommunications federal or state tariff.

SECTION 5. SERVICE PROVISIONS

5.1 Customer Service Standards.

The Grantee shall at all times comply with FCC customer service standards. In addition, the Grantee shall at all times satisfy all additional or stricter customer service requirements included in this Franchise and any customer service requirements set forth in any ordinance or regulation lawfully enacted by the City, upon 90 days' notice.

5.2 Video Programming.

Except as otherwise provided in this Franchise or in applicable law, all programming decisions remain the discretion of the Grantee, provided that the Grantee notifies the City, the Commission and Subscribers in writing thirty (30) days prior to any channel additions, deletions or realignments unless otherwise permitted under applicable federal, State and local laws and regulations. Grantee shall cooperate with the City, and use best efforts to provide all Subscriber notices to the Commission prior to delivery to Subscribers. Location and relocation of the PEG channels shall be governed by Sections 6.1.3-6.1.4.

5.3 Regulation of Service Rates.

5.3.1 The City and/or its delegatee may regulate rates for the provision of Cable Service, equipment or any other communications service provided over the System to the extent allowed under federal or State law(s). The City reserves the right to regulate rates for any future services to the extent permitted by law.

5.3.2 The Grantee shall provide at least 30 days' prior written notice (or such longer period as may be specified in FCC regulations) to Subscribers and to the City of any changes in rates, regardless of whether or not the Grantee believes the affected rates are subject to regulation, except to the extent such notice

requirement is specifically waived by governing law. Bills must be clear, concise and understandable, with itemization of all charges.

5.4 Sales Procedures.

The Grantee shall not exercise deceptive sales procedures when marketing Services within the City. In its initial communication or contact with a Subscriber or a non-Subscriber, and in all general solicitation materials marketing the Grantee or its Services as a whole, the Grantee shall inform the non-Subscriber of all levels of Service available, including the lowest priced and free service tiers. The Grantee shall have the right to market door-to-door during reasonable hours consistent with local ordinances and regulations.

5.5 Subscriber Inquiry and Complaint Procedures.

5.5.1 The Grantee shall have a publicly listed toll-free telephone number which shall be operated so as to receive general public and Subscriber complaints, questions and requests on a twenty-four (24) hour-a-day, seven (7) days-a-week, 365 days-a-year basis. Trained representatives of the Grantee shall be available to respond by telephone to Subscriber and service inquiries.

5.5.2 The Grantee shall maintain adequate numbers of telephone lines and personnel to respond in a timely manner to schedule service calls and answer Subscriber complaints or inquiries in a manner consistent with regulations adopted by the FCC and the City where applicable and lawful. Under Normal Operating Conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a quarterly basis. Under Normal Operating Conditions, the customer will receive a busy signal less than three (3) percent of the time.

5.5.3 Subject to the Grantee's obligations pursuant to law regarding privacy of certain information, the Grantee shall prepare and maintain written records of all complaints received from the City and the Commission and the resolution of such complaints, including the date of such resolution. Such written records shall be on file at the office of the Grantee. The Grantee shall provide the City and/or the Commission with a written summary of such complaints, upon request. As to Subscriber complaints, Grantee shall comply with FCC record-keeping regulations, and make the results of such record-keeping available to the City and/or the Commission, upon request.

5.5.4 Excluding conditions beyond the control of the Grantee, the Grantee shall commence working on a service interruption within twenty-four (24) hours after the service interruption becomes known and pursue to conclusion all steps

reasonably necessary to correct the interruption. The Grantee must begin actions to correct other service problems the next business day after notification of the service problem, and pursue to conclusion all steps reasonably necessary to correct the problem.

5.5.5 The Grantee may schedule appointments for Installations and other service calls either at a specific time or, at a maximum, during a four-hour time block during the hours of 9:00 a.m. to 8:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. The Grantee may also schedule service calls outside such hours for the convenience of customers. The Grantee shall use its best efforts to not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. If the installer or technician is late and will not meet the specified appointment time, he/she must use his/her best efforts to contact the customer and reschedule the appointment at the sole convenience of the customer. Service call appointments must be met in a manner consistent with FCC standards.

5.5.6 The Grantee shall respond to written complaints from the City and the Commission in a timely manner, and provide a copy of each response to the City and the Commission within thirty (30) days. In addition, the Grantee shall respond to all written complaints from Subscribers within (30) days of receipt of the complaint.

5.6 Subscriber Contracts.

The Grantee shall file with the Commission any standard form Subscriber contract utilized by Grantee. If no such written contract exists, the Grantee shall file with the Commission a document completely and concisely stating the length and terms of the Subscriber contract offered to customers. The length and terms of any Subscriber contract(s) shall be available for public inspection during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

5.7 Service Credit.

5.7.1 In the event a Subscriber establishes or terminates service and receives less than a full month's service, Grantee shall prorate the monthly rate on the basis of the number of days in the period for which service was rendered to the number of days in the billing cycle.

5.7.2 If, for any reason, Service is interrupted for a total period of more than twenty-four (24) hours in any thirty (30) day period, Subscribers that had interrupted service shall, upon request, be credited pro rata for such interruption.

5.8 Refunds or Credits.

5.8.1 Any refund checks shall be issued promptly, but not later than either:

5.8.1.1 The Subscriber's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier; or

5.8.1.2 The return of the equipment supplied by the Grantee if Service is terminated.

5.8.2 Any credits for Service shall be issued no later than the Subscriber's next billing cycle following the determination that a credit is warranted.

5.9 Late Fees.

Fees for the late payment of bills shall not be assessed until after the Service has been fully provided. Late fee amounts on file with the Commission shall not be adjusted by the Grantee without the Commission's prior approval.

5.10 Notice to Subscribers.

5.10.1 The Grantee shall provide each Subscriber at the time Cable Service is installed, and at least every twelve (12) months thereafter, the following materials:

5.10.1.1 Instructions on how to use the Cable Service;

5.10.1.2 Billing and complaint procedures, and written instructions for placing a service call, filing a complaint or requesting an adjustment (including when a Subscriber is entitled to refunds for outages and how to obtain them);

5.10.1.3 A schedule of rates and charges, channel positions and a description of products and services offered;

5.10.1.4 Prices and options for programming services and conditions of subscription to programming and other services; and

5.10.1.5 A description of the Grantee's installation and service maintenance policies, Subscriber privacy rights, delinquent Subscriber disconnect and reconnect procedures and any other of its policies applicable to Subscribers.

5.10.2 Copies of materials specified in the preceding subsection shall be provided to the City and the Commission upon request.

5.10.3 All Grantee promotional materials, announcements and advertising of Cable Service to Subscribers and the general public, where price information is listed in any manner, shall be clear, concise, accurate and understandable.

5.11 Exclusive Contracts and Anticompetitive Acts Prohibited.

5.11.1 The Grantee may not require a residential Subscriber to enter into an exclusive contract as a condition of providing or continuing Cable Service.

5.11.2 The Grantee shall not engage in acts prohibited by federal or State law that have the purpose or effect of limiting competition for the provision of Cable Service in the City.

5.12 Office Availability and Payment Centers.

5.12.1 The Grantee shall install, maintain and operate, throughout the term of this Franchise, a single staffed payment center with regular business hours in the North Metro Franchise Area at a location agreed upon by the Commission and the Grantee. Additional payment centers may be installed at other locations. The purpose of the payment center(s) shall be to receive Subscriber payments. All subscriber remittances at a payment center shall be posted to Subscribers' accounts within forty-eight (48) hours of remittance. Subscribers shall not be charged a late fee or otherwise penalized for any failure by the Grantee to properly credit a Subscriber for a payment timely made.

5.12.2 The Grantee shall, at the request of and at no delivery or retrieval charge to a Subscriber, deliver or retrieve electronic equipment (*e.g.*, Set Top Boxes and remote controls).

5.12.3 After consultation with the Commission, the Grantee shall provide Subscribers with at least sixty (60) days' prior notice of any change in the location of the customer service center serving the North Metro System, which notice shall apprise Subscribers of the customer service center's new address, and the date the changeover will take place.

SECTION 6. ACCESS CHANNEL(S) PROVISIONS

6.1 Public, Educational and Government Access.

6.1.1 The Commission is hereby designated to operate, administer, promote, and manage PEG access programming on the Cable System.

6.1.2 Within one hundred twenty (120) days from the Effective Date, The Grantee shall provide twelve (12) channels (the "Access Channels") to be used for PEG access programming on the basic service tier. The City and Commission have the sole discretion to designate the use of each Access Channel. Grantee shall provide a technically reliable path for upstream and downstream transmission of the Access Channels, which will in no way degrade the technical quality of the Access Channels, from an agreed upon demarcation point at the Commission's Master Control Center at the Commission's office, and from any other designated Access

providers' locations, to Grantee's headend, on which all Access Channels shall be transported for distribution on Grantee's subscriber network. The Access Channels shall be delivered without degradation to subscribers in the technical format (e.g. HD or SD) as delivered by the Commission and any designated Access provider to Grantee at each demarcation point at the Commission Office and at the designated Access providers' locations.

- 6.1.2.1** All of the Access Channels will be made available through a multi-channel display (i.e. a picture in picture feed) on a single TV screen called a "mosaic" (the "North Metro Mosaic"), where a cable subscriber can access via an interactive video menu one of any of the 12 Access Channels. The North Metro Mosaic will be located on Channel 16. The 12 Access Channels will be located at Channels 8026-8037. The North Metro Mosaic will contain only Access Channels authorized by the Commission.
- 6.1.2.2** Grantee will make available to the Commission the ability to place detailed scheduled Access Channel programming information on the interactive channel guide by putting the Commission in contact with the electronic programming guide vendor ("EPG provider") that provides the guide service (currently Gracenote). Grantee will be responsible for providing the designations and instructions necessary to ensure the Access Channels will appear on the programming guide throughout the City and any necessary headend costs associated therewith. The Commission shall be responsible for providing programming information to the EPG provider.
- 6.1.2.3** For purposes of this Franchise, the term channel shall be as commonly understood and is not any specific bandwidth amount. The signal quality of the Access Channels shall be the same as the local broadcast channels, provided such signal quality is delivered to Grantee at the Access Channels' respective demarcation points.
- 6.1.2.4** Grantee will provide, at no cost to the Commission, air time on non-Access channels during periods in which ample unsold/unused air time on such channels exists for City public service announcements (PSAs). The Commission will provide a 30-second PSA prior to the start of each month on a mutually agreed-upon schedule.
- 6.1.2.5** In the event Grantee makes any change in the Cable System and related equipment and facilities or in its signal delivery technology, which requires the City or Commission to obtain new equipment in order to be compatible with such change for purposes of transport and delivery of the Access Channels to the Grantee's headend,

Grantee shall, at its own expense and free of charge to the City, the Commission, or its designated entities, purchase such equipment as may be necessary to facilitate the cablecasting of the Access Channels in accordance with the requirements of the Franchise.

6.1.2.6 Neither the Grantee nor the officers, directors, or employees of the Grantee is liable for any penalties or damages arising from programming content not originating from or produced by the Grantee and shown on any public access channel, education access channel, government access channel, leased access channel, or regional channel.

6.1.2.7 Within one hundred twenty (120) days of a written request from the Commission, Grantee shall make available as part of Basic Service to all Subscribers a PEG Access Video-on Demand (PEG-VOD) Service and maintain a PEG-VOD system. The PEG-VOD system shall be connected by the Grantee such that:

6.1.2.7.1 Twenty-five (25) hours of programming per member city of Commission, or such greater amount as may be mutually agreed to by the parties, as designated and supplied by the City, Commission, or its Designated Access Provider to the Grantee may be electronically transmitted and/or transferred and stored on the PEG-VOD system; and

6.1.2.7.2 A database of that programming may be efficiently searched and a program requested and viewed over the PEG-VOD system by any Subscriber in the City; and

6.1.2.7.3 Programming submitted for placement on the PEG-VOD system, shall be placed on and available for viewing from the PEG-VOD system within forty-eight (48) hours of receipt of said programming;

6.1.2.7.4 The hardware and software described in Subsection (8) below, shall be in all respects of the same or better technical quality as the hardware and software utilized by Grantee in the provision of any other video on demand services offered over the Cable System, and shall be upgraded at Grantee's cost, when new hardware or software is utilized on Grantee's Cable System for other video on demand services. Grantee shall provide reasonable technical assistance to allow for proper use and operation when encoding hardware or software is installed and/or upgraded at City's facilities.

6.1.2.8 To ensure compatibility and interoperability, the Grantee shall supply and maintain all necessary hardware and software to encode, transmit and/or transfer Government Access programming from the City to the PEG-VOD system. The City shall be responsible for all monitoring of any equipment provided under this Section, and notifying Grantee of any problems. Grantee shall provide all technical support and maintenance for the equipment provided to the City by Grantee under this Section. After notification of any equipment problems, Grantee shall diagnose and resolve the problem within forty eight (48) hours. Major repairs which cannot be repaired within the forty eight (48) hour timeframe shall be completed within seven (7) days of notice, unless, due to Force Majeure conditions, a longer time is required. "Major repairs" are those that require equipment to be specially obtained in order to facilitate the repairs. The quality of signal and the quality of service obtained by a Subscriber utilizing the PEG-VOD service shall meet or exceed the quality standards established for all other programming provided by the Grantee and as established elsewhere in this Franchise Agreement.

The Commission shall have the right to rename, reprogram or otherwise change the use of these channels at any time, in its sole discretion, provided such use is Noncommercial and public, educational, governmental or religious in nature. Nothing herein shall diminish any rights of the City and the Commission to secure additional PEG channels pursuant to Minn. Stat. § 238.084, which is expressly incorporated herein by reference.

6.1.3 The Access Channels, including the North Metro Mosaic channel, shall not be relocated without the consent of the Commission. If the Commission agrees to change the channel designation for Access Channels, the Grantee must provide at least three (3) months' notice to the City and the Commission prior to implementing the change, and shall reimburse the Commission and/or PEG entity for any reasonable costs incurred for: (i) purchasing or modifying equipment, business cards and signage; (ii) any marketing and notice of the channel change that the Commission reasonably determines is necessary; (iii) logo changes; and (iv) promoting, marketing and advertising the channel location of the affected Access Channels during the twelve-month period preceding the effective date of the channel change. Alternatively, the Grantee may choose to supply necessary equipment itself, provided such equipment is satisfactory to the Commission or PEG entity.

6.1.4 In the event the Grantee makes any change in the System and related equipment and facilities or in signal delivery technology, which change directly or indirectly causes the signal quality or transmission of PEG channel programming or PEG services to fall below technical standards under applicable law, the Grantee shall, at its own expense, provide any necessary technical assistance, transmission

equipment and training of PEG personnel, and in addition, provide necessary assistance so that PEG facilities may be used as intended, including, among other things, so that live and taped programming can be cablecasted efficiently to Subscribers.

- 6.1.5** Subject to Section 6.1.2.1, all PEG channels shall be transmitted in the same format as all other Basic Cable Service channels and shall be carried on the Basic Service tier and shall be provided to all cable subscribers regardless of the tier or package of cable service subscribed to by the subscriber.
- 6.1.6** Except as otherwise provided in this Franchise, the Commission shall be responsible for any necessary master control switching of PEG signals and Institutional Network.

6.2 PEG Support Obligations.

- 6.2.1** Grantee shall pay a PEG Fee of \$3.16/subscriber/month from the effective date until the franchise renews. Starting with the 2016 calendar year, the City may elect to increase this fee based on the incumbent's cable franchise PEG support obligation, or the Consumer Price Index. Any such election must be made in writing to the Franchisee no later than September 1st prior to the year in which the increase shall apply. In no event shall the monthly per subscriber fee be in an amount different from the incumbent cable provider. The PEG fee may be used for operational or capital support of PEG programming. The PEG Fee may be itemized on the Subscriber billing statements per applicable law. The Grantee shall apply one PEG Fee on the master account for services to non-dwelling bulk accounts (such as hotels, motels, prisons and hospitals). The Grantee shall calculate PEG Fees on a pro rata basis for bulk accounts in residential multiple dwelling unit ("MDU") buildings in the following manner: if the bulk rate for Basic Cable Service is one third (1/3) of the current residential rate, then a pro-rated PEG Fee shall be added to the bulk bill for an MDU building in an amount equal to one third (1/3) of the current PEG Fee. If the bulk rate for Basic Cable Service is raised in any MDU building, the pro-rated PEG Fee in that building shall be recalculated and set based on the foregoing formula, regardless of any cap on per Subscriber PEG Fee amounts. Payments for the PEG Fee pursuant to this subsection shall be made quarterly based on actual receipts from the prior quarter on the same schedule as franchise fee payments.
- 6.2.2** The Grantee shall provide the fiber-optic or other cabling and other electronics, equipment, software and other materials necessary to transport all PEG signals from their origination point to and from the Commission's master control to the appropriate subscriber network channel, including channels provided discretely. Grantee shall provide the aforementioned cabling, electronics, equipment, software and other materials at no cost to the City, the Commission, and the North Metro Media Center. This equipment shall include one (1) encoder for each Access Channel.

6.3 Regional Channel 6.

The Grantee shall designate standard VHF Channel 6 for uniform regional channel usage to the extent required by State law.

6.4 Leased Access Channels.

The Grantee shall provide Leased Access Channels as required by federal and State law.

6.5 PEG Obligations.

Except as expressly provided in this Franchise, the Grantee shall not make any changes in PEG support or in the transmission, reception and carriage of PEG channels and equipment associated therewith, without the consent of the City and/or the Commission.

6.6 Costs and Payments not Franchise Fees.

The parties agree that any costs to the Grantee and payments from the Grantee associated with the provision of support for PEG access, pursuant to Sections 6 and 7 of this Franchise do not constitute and are not part of a franchise fee and fall within one or more of the exceptions to 47 U.S.C. § 542. If the incumbent franchised cable operator agrees to provide any support of the Access Channels in excess of the amount identified above or to any payment in support of any other PEG-related commitment after the Effective Date of this Franchise, the Commission, in its reasonable discretion, after meeting with the Grantee, will determine whether Grantee's PEG Fee should be changed. If Grantee is required to pay any additional PEG Fee, such amount must be based upon a per subscriber/per month fee.

SECTION 7. INSTITUTIONAL NETWORK (I-NET) PROVISIONS AND RELATED COMMITMENTS

7.1 Twin Cities Metro PEG Interconnect Network.

Grantee shall provide a discrete, non-public, video interconnect network, from an agreed upon demarcation point at the Commission's Master Control Center at the Commission's office, to Grantee's headend. The video interconnect network shall not exceed 50 Mbps of allocated bandwidth, allowing PEG operators that have agreed with Grantee to share (send and receive) live and recorded programming for playback on their respective systems. Where available the Grantee shall provide the video interconnect network and the network equipment necessary, for the high-priority transport of live multicast HD/SD video streams as well as lower-priority file-sharing. Grantee shall provide 50 Mbps bandwidth for each participating PEG entity to send its original programming, receive at least two additional multicast HD/SD streams from any other participating PEG entity,

and allow the transfer of files. Each participating PEG entity is responsible for encoding its own SD/HD content in suitable bit rates to be transported by the video interconnect network without exceeding the 50 Mbps of allocated bandwidth.

7.2 Cable Service to Public Buildings.

Grantee shall, at no cost to the City or Commission, provide Basic Service and Expanded Basic Service (currently Prism Essentials) or equivalent package of Cable Service and necessary reception equipment to up to seven (7) outlets at the Commission Office and at each Member City City Hall and to each Independent School District, except Blaine High School, at the current locations located in the Commission area that originates PEG programming. Grantee shall, at no cost to the City, provide Basic Service and Expanded Basic Service (currently Prism Essentials) or equivalent package of Cable Service and necessary reception equipment to up to three (3) outlets at all other government buildings, schools and public libraries located in the City where Grantee provides Cable Service, so long as these government addresses are designated as a Household and no other cable communications provider is providing complementary service at such location. For purposes of this subsection, “school” means all State-accredited K-12 public, and private schools. Outlets of Basic and Expanded Basic Service provided in accordance with this subsection may be used to distribute Cable Services throughout such buildings; provided such distribution can be accomplished without causing Cable System disruption and general technical standards are maintained. Such outlets may only be used for lawful purposes. Blaine High School will be provided the functionality to monitor PEG signals through a mutually agreeable alternate technology at the expense of the Grantee.

SECTION 8. OPERATION AND ADMINISTRATION PROVISIONS

8.1 Administration of Franchise.

The City’s designated cable television administrator, or his/her designee, shall have continuing regulatory jurisdiction and supervision over the System and the Grantee’s operation under the Franchise. The City may issue such reasonable rules and regulations concerning the construction, operation and maintenance of the System, as are consistent with the provisions of this Franchise and law.

8.2 Delegated Authority.

The City may appoint a citizen advisory body or a joint powers commission, or may delegate to any other body or Person authority to administer the Franchise and to monitor the performance of the Grantee pursuant to the Franchise. The Grantee shall cooperate with any such delegatee of the City.

8.3 Franchise Fee.

- 8.3.1** During the term of the Franchise, the Grantee shall pay quarterly to the City or its delegatee a Franchise fee in an amount equal to five percent (5%) of its Gross Revenues.
- 8.3.2** Any payments due under this provision shall be payable quarterly. The payment shall be made within thirty (30) days of the end of each of Grantee's fiscal quarters together with a report showing the basis for the computation. The City or the Commission shall have the right to require further supporting information for each franchise fee payment.
- 8.3.3** All amounts paid shall be subject to audit and recomputation by City and/or the Commission, and acceptance of any payment shall not be construed as an accord that the amount paid is in fact the correct amount. The Grantee shall be responsible for providing the City and/or the Commission all records necessary to confirm the accurate payment of franchise fees. The Grantee shall maintain such records for five (5) years, unless in the Grantee's ordinary course of business specific records are retained for a shorter period, but in no event less than three (3) years. If an audit discloses an overpayment or underpayment of franchise fees, the City and/or the Commission shall notify the Grantee of such overpayment or underpayment. The City's/Commission's audit expenses shall be borne by the City/Commission unless the audit determines that the payment to the City should be increased by more than five percent (5%) in the audited period, in which case the reasonable costs of the audit shall be borne by the Grantee as a cost incidental to the enforcement of the Franchise. Any additional amounts due to the City as a result of the audit shall be paid to the City within thirty (30) days following written notice to the Grantee by the City/Commission of the underpayment, which notice shall include a copy of the audit report. If the recomputation results in additional revenue to be paid to the City, such amount shall be subject to a ten percent (10%) annual interest charge. If the audit determines that there has been an overpayment by the Grantee, the Grantee may credit any overpayment against its next quarterly payment.
- 8.3.4** In the event any franchise fee payment or recomputation amount is not made on or before the required date, the Grantee shall pay, during the period such unpaid amount is owed, the additional compensation and interest charges computed from such due date, at an annual rate of ten percent (10%).
- 8.3.5** Nothing in this Franchise shall be construed to limit any authority of the City to impose any tax, fee or assessment of general applicability.
- 8.3.6** The franchise fee payments required by this Franchise shall be in addition to any and all taxes or fees of general applicability. The Grantee shall not have or make any claim for any deduction or other credit of all or any part of the amount of said franchise fee payments from or against any of said taxes or fees of general

applicability, except as expressly permitted by law. The Grantee shall not apply nor seek to apply all or any part of the amount of said franchise fee payments as a deduction or other credit from or against any of said taxes or fees of general applicability, except as expressly permitted by law. Nor shall the Grantee apply or seek to apply all or any part of the amount of any of said taxes or fees of general applicability as a deduction or other credit from or against any of its franchise fee obligations, except as expressly permitted by law.

8.4 Access to Records.

To the extent such documents are related to Grantee's compliance with this Franchise or applicable law (the burden to allege and, if so alleged, the initial burden to demonstrate that such requested documents are not related to Grantee's compliance with this Franchise or applicable law shall be the Grantee's), the City/Commission shall have the right to inspect or copy any records or documents maintained by Grantee (or maintained by an Affiliate on behalf of the Grantee, to the extent that review of such record or document maintained by the Affiliate on behalf of the Grantee is necessary in order for the City/Commission to enforce compliance with this Franchise) upon reasonable notice and during Grantee's administrative office hours, or require Grantee to provide copies of records and documents within a reasonable time, on a confidential and proprietary basis, to the extent such records and documents otherwise qualify as nonpublic, confidential, trade secret or proprietary pursuant to applicable law. Upon the City's/Commission's request, the Grantee shall provide to the City and/or the Commission copies of any records or documents that cannot be reasonably argued pursuant to applicable law to be nonpublic, confidential, trade secret or proprietary.

8.5 Reports and Maps to be Filed with City.

- 8.5.1** The Grantee shall file with the City, at the time of payment of the Franchise Fee, a report of all Gross Revenues in a form and substance as required by the City or the Commission.
- 8.5.2** The Grantee shall prepare and furnish to the City or the Commission, at the times and in the form prescribed, such other reports with respect to Grantee's operations pursuant to this Franchise as the City or the Commission may require. The City and the Commission shall use their best efforts to protect proprietary or trade secret information all consistent with State and federal law.
- 8.5.3** If required by the City and/or the Commission, the Grantee shall make available to the City and/or the Commission the maps, plats and permanent records of the location and character of all facilities constructed, including underground facilities, and Grantee shall upon request make available to the City and the Commission updates of such maps, plats and permanent records annually if changes have been made in the System.

8.6 Periodic Evaluation.

- 8.6.1** The City may require evaluation sessions at any time during the term of this Franchise, upon fifteen (15) days written notice to the Grantee.
- 8.6.2** Topics which may be discussed at any evaluation session may include, but are not limited to, application of new technologies, System, programming offered, access channels, facilities and support, municipal uses of cable, Subscriber rates, customer complaints, amendments to this Franchise, judicial rulings, FCC rulings, line extension policies and any other topics the City deems relevant.
- 8.6.3** As a result of a periodic review or evaluation session, upon notification from City, Grantee shall meet with City and undertake good faith efforts to reach agreement on changes and modifications to the terms and conditions of the Franchise which are legally, economically, and technically feasible.

SECTION 9. GENERAL FINANCIAL AND INSURANCE PROVISIONS

9.1 Performance Bond.

- 9.1.1** At the time the Franchise becomes effective and until such time as the construction of the System the Grantee shall furnish a bond to the Commission, in a form and with such sureties as are reasonably acceptable to the Commission, in the amount of \$500,000. Upon such completion of all System the bond shall be reduced to \$50,000. This bond will be conditioned upon the faithful performance by the Grantee of its Franchise obligations and upon the further condition that in the event the Grantee shall fail to comply with any law, ordinance or regulation governing the Franchise, there shall be recoverable jointly and severally from the principal and surety of the bond any damages or loss suffered by the City or the Commission as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the Grantee, plus a reasonable allowance for attorneys' fees and costs, up to the full amount of the bond, and further guaranteeing payment by the Grantee of claims, liens and taxes due the City or the Commission which arise by reason of the construction, operation, or maintenance of the System,. The rights reserved by the City and the Commission with respect to the bond are in addition to all other rights the City and the Commission may have under the Franchise or any other law. The Commission may, from year to year, in its sole discretion, reduce the amount of the bond.
- 9.1.2** The time for Grantee to correct any violation or liability shall be extended by Commission if the necessary action to correct such violation or liability is, in the sole determination of Commission, of such a nature or character as to require more than thirty (30) days within which to perform, provided Grantee provides written notice that it requires more than thirty (30) days to correct such violations

or liability, commences the corrective action within the thirty (30)-day cure period and thereafter uses reasonable diligence to correct the violation or liability.

- 9.1.3** In the event this Franchise is revoked by reason of default of Grantee, City shall be entitled to collect from the performance bond that amount which is attributable to any damages sustained by City as a result of said default or revocation.
- 9.1.4** Grantee shall be entitled to the return of the performance bond, or portion thereof, as remains sixty (60) days after the expiration of the term of the Franchise or revocation for default thereof, provided the City or the Commission has not notified Grantee of any actual or potential damages incurred as a result of Grantee's operations pursuant to the Franchise or as a result of said default.
- 9.1.5** The rights reserved to the City or the Commission with respect to the performance bond are in addition to all other rights of the City and the Commission whether reserved by this Franchise or authorized by law, and no action, proceeding or exercise of a right with respect to the performance bond shall affect any other right the City and the Commission may have.

9.2 Letter of Credit.

- 9.2.1** Within 30 days of the Effective Date of this Franchise, the Grantee shall deliver to the Commission an irrevocable and unconditional Letter of Credit, that is effective as of the Effective Date, in a form and substance acceptable to the Commission, from a National or State bank approved by the Commission, in the amount of \$25,000.00.
- 9.2.2** The Letter of Credit shall provide that funds will be paid to the City upon written demand of the City, and in an amount solely determined by the City in payment for penalties charged pursuant to this Section, in payment for any monies deemed by the City to be owed by the Grantee to the City and/or the Commission, as applicable, after notice and opportunity to pay any such monies, pursuant to its obligations under this Franchise, or in payment for any damage incurred by the City or the Commission as a result of any acts or omissions by the Grantee pursuant to this Franchise.
- 9.2.3** In addition to recovery of any monies owed by the Grantee to the City, or the Commission or damages to the City, the Commission or any Person as a result of any acts or omissions by the Grantee pursuant to the Franchise, the City and/or the Commission in its sole discretion may charge to and collect from the Letter of Credit the following penalties:
 - 9.2.3.1** For failure to timely construction pursuant to Section 2.8 provided in this Franchise, unless the City or the Commission approves the delay, the penalty shall be \$500.00 per day for each day, or part thereof, such failure occurs or continues.

- 9.2.3.2** For failure to provide data, documents, reports or information or to cooperate with City or the Commission during an application process or system review or as otherwise provided herein, the penalty shall be \$250.00 per day for each day, or part thereof, such failure occurs or continues.
- 9.2.3.3** Fifteen (15) days following notice from the City or the Commission of a failure of Grantee to comply with construction, operation or maintenance standards, the penalty shall be \$250.00 per day for each day, or part thereof, such failure occurs or continues.
- 9.2.3.4** For failure to provide the services and the payments required by this Franchise, including, but not limited to, the implementation and the utilization of the PEG Access Channels, the penalty shall be \$250.00 per day for each day, or part thereof, such failure occurs or continues.
- 9.2.3.5** For Grantee's breach of any written contract or agreement with or to the City or the Commission, the penalty shall be \$250.00 per day for each day, or part thereof, such breach occurs or continues.
- 9.2.3.6** For failure to comply with the reasonable build-out provisions and for economic redlining in violation of Section 2.8 and 11.1 and 47 U.S.C. § 541(a)(3): Five Hundred dollars (\$500) per day for each day or part thereof that such violation continues.
- 9.2.3.7** For failure to comply with any of the provisions of this Franchise, or other City ordinance or regulation for which a penalty is not otherwise specifically provided pursuant to this subsection 9.2.3, the penalty shall be \$250.00 per day for each day, or part thereof, such failure occurs or continues.
- 9.2.4** Each violation of any provision of this Franchise shall be considered a separate violation for which a separate penalty can be imposed; provided, however, that Grantee will not be charged under more than one penalty provision for each separate violation.
- 9.2.5** Whenever the City or the Commission determines that the Grantee has violated one or more terms, conditions or provisions of this Franchise, or for any other violation contemplated in subsection 9.2.3 above, a written notice shall be given to Grantee informing it of such violation. At any time after thirty (30) days (or such longer reasonable time which, in the determination of the City or the Commission, is necessary to cure the alleged violation) following local receipt of notice, provided the City or its designee finds that the Grantee remains in violation of one or more terms, conditions or provisions of this Franchise, in the sole opinion of the City or the Commission, the City or the Commission may

draw from the Letter of Credit all penalties and other monies due the City or the Commission from the date of the local receipt of notice.

- 9.2.6** Prior to drawing on the Letter of Credit, the City or the Commission shall give Grantee written notice that it intends to draw, and the Grantee may, within seven (7) days thereafter, notify the City or the Commission in writing that there is a dispute as to whether a violation or failure has in fact occurred. Such written notice by the Grantee to the City or the Commission shall specify with particularity the matters disputed by Grantee. Any penalties shall continue to accrue, but the City or the Commission may not draw from the Letter of Credit during any appeal pursuant to this subparagraph 9.2.6. The City or the Commission shall hear Grantee's dispute within sixty (60) days and the City or the Commission, as appropriate, shall render a final decision within sixty (60) days thereafter. Withdrawal from the Letter of Credit may occur only upon a final decision.
- 9.2.7** If said Letter of Credit or any subsequent Letter of Credit delivered pursuant thereto expires prior to thirty (30) months after the expiration of the term of this Franchise, it shall be renewed or replaced during the term of this Franchise to provide that it will not expire earlier than thirty (30) months after the expiration of this Franchise. The renewed or replaced Letter of Credit shall be of the same form and with a bank authorized herein and for the full amount stated in subsection 9.2.1 of this Section.
- 9.2.8** If the City or the Commission draws upon the Letter of Credit or any subsequent Letter of Credit delivered pursuant hereto, in whole or in part, the Grantee shall replace or replenish to its full amount the same within ten (10) days and shall deliver to the Commission a like replacement Letter of Credit or certification of replenishment for the full amount stated in Section 9.2.1 as a substitution of the previous Letter of Credit. This shall be a continuing obligation for any withdrawals from the Letter of Credit.
- 9.2.9** If any Letter of Credit is not so replaced or replenished, the City or the Commission may draw on said Letter of Credit for the whole amount thereof and use the proceeds as the City or the Commission determines in its sole discretion. The failure to replace or replenish any Letter of Credit may also, at the option of the City or the Commission, be deemed a default by the Grantee under this Franchise. The drawing on the Letter of Credit by the City or the Commission, and use of the money so obtained for payment or performance of the obligations, duties and responsibilities of the Grantee which are in default, shall not be a waiver or release of such default.
- 9.2.10** The collection by the City or the Commission of any damages, monies or penalties from the Letter of Credit shall not affect any other right or remedy available to it, nor shall any act, or failure to act, by the City or the Commission

pursuant to the Letter of Credit, be deemed a waiver of any right of the City or the Commission pursuant to this Franchise or otherwise.

9.3 Indemnification of City.

- 9.3.1** The City and its officers, boards, committees, commissions, elected and appointed officials, employees, volunteers and agents shall not be liable for any loss or damage to any real or personal property of any Person, or for any injury to or death of any Person, arising out of or in connection with Grantee's construction, operation, maintenance, repair or removal of the System, or as to any other action of Grantee with respect to this Franchise.
- 9.3.2** Grantee shall indemnify, defend, and hold harmless the City and its officers, boards, committees, commissions, elected and appointed officials, employees, volunteers and agents from and against all liability, damages and penalties which they may legally be required to pay as a result of the City's or the Commission's exercise, administration or enforcement of the Franchise.
- 9.3.3** Nothing in this Franchise relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring the Grantee's facilities while performing work connected with grading, regarding or changing the line of a Right-of-Way or public place or with the construction or reconstruction of a sewer or water system.
- 9.3.4** The Grantee shall not be required to indemnify the City for negligence or misconduct on the part of the City or its officers, boards, committees, commissions, elected or appointed officials, employees, volunteers or agents, including any loss or claims.
- 9.3.5** Grantee shall contemporaneously with this Franchise execute an Indemnity Agreement in the form of **Exhibit A**, which shall indemnify, defend and hold the City and Commission harmless for any claim for injury, damage, loss, liability, cost or expense, including court and appeal costs and reasonable attorneys' fees or reasonable expenses arising out of the actions of the City and/or Commission in granting this Franchise. This obligation includes any claims by another franchised cable operator against the City and/or Commission that the terms and conditions of this Franchise are less burdensome than another franchise granted by the city or that this Franchise does not satisfy the requirements of applicable state law(s).

9.4 Insurance.

- 9.4.1** As a part of the indemnification provided in Section 9.3, but without limiting the foregoing, Grantee shall file with the Commission at the time of its acceptance of this Franchise, and at all times thereafter maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including

broadcaster's/cablecaster's liability and contractual liability coverage, in protection of the Grantee, the Commission, the City and its officers, elected and appointed officials, boards, commissions, commissioners, agents, employees and volunteers for any and all damages and penalties which may arise as a result of this Franchise. The policy or policies shall name the City and the Commission as an additional insured, and in their capacity as such, City and Commission officers, elected and appointed officials, boards, commissions, commissioners, agents, employees and volunteers. The broadcaster's/cablecaster's liability coverage specified in this provision shall be subject to Section 9.3 above regarding indemnification of the City.

- 9.4.2** The policies of insurance shall be in the sum of not less than \$1,000,000.00 for personal injury or death of any one Person, and \$2,000,000.00 for personal injury or death of two or more Persons in any one occurrence, \$1,000,000.00 for property damage to any one Person and \$2,000,000.00 for property damage resulting from any one act or occurrence.
- 9.4.3** The policy or policies of insurance shall be maintained by Grantee in full force and effect during the entire term of the Franchise. Each policy of insurance shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or otherwise, and whether at the request of Grantee or for other reasons, except after sixty (60) days advance written notice have been provided to the Commission. The Grantee shall not cancel any required insurance policy without submission of proof that the Grantee has obtained alternative insurance satisfactory to the City which complies with this Franchise.
- 9.4.4** All insurance policies shall be with sureties qualified to do business in the State of Minnesota, with an A-1 or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form approved by the City.
- 9.4.5** All insurance policies shall be available for review by the City and the Commission, and the Grantee shall keep on file with the Commission certificates of insurance.
- 9.4.6** Failure to comply with the insurance requirements of this Section shall constitute a material violation of this Franchise.

SECTION 10. SALE, ABANDONMENT, TRANSFER AND REVOCATION OF FRANCHISE

10.1 City's Right to Revoke.

- 10.1.1** In addition to all other rights which City has pursuant to law or equity, City reserves the right to commence proceedings to revoke, terminate or cancel this

Franchise, and all rights and privileges pertaining thereto, if it is determined by City that:

10.1.1.1 Grantee has violated material provisions(s) of this Franchise; or

10.1.1.2 Grantee has attempted to evade any of the provisions of the Franchise;
or

10.1.1.3 Grantee has practiced fraud or deceit upon the City or the Commission.

City may revoke this Franchise without the hearing required by Section 10.2.2 herein if Grantee is adjudged a bankrupt.

10.2 Procedures for Revocation.

10.2.1 The City shall provide the Grantee with written notice of a cause for revocation and the intent to revoke and shall allow Grantee thirty (30) days subsequent to receipt of the notice in which to correct the violation or to provide adequate assurance of performance in compliance with the Franchise. In the notice required herein, the City shall provide the Grantee with the basis for revocation.

10.2.2 The Grantee shall be provided the right to a public hearing affording due process before the City Council prior to the effective date of revocation, which public hearing shall follow the thirty (30) day notice provided in subsection 10.2.1 above. The City shall provide the Grantee with written notice of its decision together with written findings of fact supplementing said decision.

10.2.3 Only after the public hearing and upon written notice of the determination by the City to revoke the Franchise may the Grantee appeal said decision with an appropriate state or federal court or agency.

10.2.4 During the appeal period, the Franchise shall remain in full force and effect unless the term thereof sooner expires or unless continuation of the Franchise would endanger the health, safety and welfare of any Person or the public.

10.3 Continuity of Service.

Grantee may not abandon the System or any portion thereof without having first given three (3) months written notice to the City. The Grantee may not abandon the System or any portion thereof without compensating the City for all costs incident to removal of the System if required by the City pursuant to section 10.4.

10.4 Removal After Abandonment, Termination or Forfeiture.

10.4.1 In the event of termination or forfeiture of the Franchise or abandonment of the System, the City shall have the right to require the Grantee to remove all or any

portion of the System from all Rights-of-Way and public property within the City, consistent with Section 3.8 (Removal of Facilities at Expiration of Franchise) herein.

10.4.2 If the Grantee has failed to commence removal of the System, or such part thereof as was designated by the City, within thirty (30) days after written notice of the City's demand for removal is given, or if the Grantee has failed to complete such removal within twelve (12) months after written notice of the City's demand for removal is given, the City shall have the right to apply funds secured by the Letter of Credit and Performance Bond toward removal and/or declare all right, title and interest to the System to be in the City with all rights of ownership including, but not limited to, the right to operate the System or transfer the System to another for operation by it.

10.5 Sale or Transfer of Franchise.

10.5.1 No sale or transfer of the Franchise, or sale, transfer or fundamental corporate change of or in Grantee, including, but not limited to, a fundamental corporate change in Grantee's parent corporation or any entity having a controlling interest in Grantee, the sale of a controlling interest in the Grantee's assets, a merger, including the merger of a subsidiary and parent entity, consolidation or the creation of a subsidiary or affiliate entity, shall take place until a written request has been filed with the City requesting approval of the sale, transfer or corporate change and such approval has been granted or deemed granted, provided, however, that said approval shall not be required where Grantee grants a security interest in its Franchise and/or assets to secure an indebtedness. Upon notice to the City, Grantee may undertake legal changes necessary to consolidate the corporate or partnership structures of its System provided there is no change in the controlling interests which could materially alter the financial responsibilities for the Grantee; provided however, Grantee must seek approval of any transaction constituting a transfer under state law.

10.5.2 Any sale, transfer, exchange or assignment of stock in Grantee, or Grantee's parent corporation or any other entity having a controlling interest in Grantee, so as to create a new controlling interest therein, shall be subject to the requirements of this Section 10.5. The term "controlling interest" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

10.5.3 The Grantee shall file, in addition to all documents, forms and information required to be filed by applicable law, the following:

10.5.3.1 All contracts, agreements or other documents that constitute the proposed transaction and all exhibits, attachments or other documents referred to therein which are necessary in order to understand the terms thereof.

- 10.5.3.2** A list detailing all documents filed with any state or federal agency related to the transaction including, but not limited to, the MPUC, the FCC, the FTC, the FEC, the SEC or MnDOT. Upon request, Grantee shall provide City with a complete copy of any such document; and
- 10.5.3.3** Any other documents or information related to the transaction as may be specifically requested by the City
- 10.5.4** The City shall have such time as is permitted by federal law in which to review a transfer request.
- 10.5.5** The Grantee shall reimburse the City and/or the Commission for all the reasonable legal, administrative, and consulting costs and fees associated with the City's/Commission's review of any request to transfer. Nothing herein shall prevent the Grantee from negotiating partial or complete payment of such costs and fees by the transferee. Grantee may not itemize any such reimbursement on Subscriber bills, but may recover such expenses in its Subscriber rates.
- 10.5.6** In no event shall a sale, transfer, corporate change or assignment of ownership or control pursuant to subsections 10.5.1 or 10.5.2 of this Section be approved without the Grantee remaining, or (if other than the current Grantee) transferee becoming a signatory to this Franchise and assuming or continuing to have all rights and obligations hereunder.
- 10.5.7** In the event of any proposed sale, transfer, corporate change or assignment pursuant to subsection 10.5.1 or 10.5.2, the City shall have the right to purchase the System for the value of the consideration proposed in such transaction. The City's right to purchase shall arise upon City's receipt of notice of the material terms of an offer or proposal for sale, transfer, corporate change or assignment, which Grantee has accepted. Notice of such offer or proposal must be conveyed to City in writing and separate from any general announcement of the transaction.
- 10.5.8** The City shall be deemed to have waived its right to purchase the System pursuant to this Section only in the following circumstances:
- 10.5.8.1** If City does not indicate to Grantee in writing, within sixty (60) days of receipt of written notice of a proposed sale, transfer, corporate change or assignment as contemplated in Section 10.5.7 above, its intention to exercise its right of purchase; or
- 10.5.8.2** It approves the assignment or sale of the Franchise as provided within this Section.
- 10.5.9** No Franchise may be transferred if the City and/or the Commission determine the Grantee is in noncompliance of the Franchise unless an acceptable compliance

program has been approved by City or the Commission. The approval of any transfer of ownership pursuant to this Section shall not be deemed to waive any rights of the City or the Commission to subsequently enforce noncompliance issues relating to this Franchise.

10.5.10 Any transfer or sale of the Franchise without the prior written consent of the City shall be considered to impair the City's assurance of due performance. The granting of approval for a transfer or sale in one instance shall not render unnecessary approval of any subsequent transfer or sale for which approval would otherwise be required.

SECTION 11. PROTECTION OF INDIVIDUAL RIGHTS

11.1 Discriminatory Practices Prohibited.

Grantee shall not deny service, deny access, or otherwise discriminate against Subscribers (or group of potential subscribers) or general citizens on the basis of income, race, color, religion, national origin, sex, age, status as to public assistance, affectional preference or disability. Grantee shall comply at all times with all other applicable federal, State and City laws.

11.2. Subscriber Privacy.

11.2.1 No signals, including signals of a Class IV Channel, may be transmitted from a Subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the Subscriber. Such written permission shall be for a limited period of time not to exceed one (1) year which may be renewed at the option of the Subscriber. No penalty shall be invoked for a Subscriber's failure to provide or renew such authorization. The authorization shall be revocable at any time by the Subscriber without penalty of any kind whatsoever. Such permission shall be required for each type or classification of Class IV Channel activity planned for the purpose of monitoring individual viewing patterns or practices.

11.2.2 No lists of the names and addresses of Subscribers or any lists that identify the viewing habits of Subscribers shall be sold or otherwise made available to any party other than to Grantee or its agents for Grantee's service business use or to City for the purpose of Franchise administration, and also to the Subscriber subject of that information, unless Grantee has received specific written authorization from the Subscriber to make such data available. Such written permission shall be for a limited period of time not to exceed one (1) year which may be renewed at the option of the Subscriber. No penalty shall be invoked for a Subscriber's failure to provide or renew such authorization. The authorization shall be revocable at any time by the Subscriber without penalty of any kind whatsoever.

11.2.3 Written permission from the Subscriber shall not be required for the conducting of System wide or individually addressed electronic sweeps for the purpose of verifying System integrity or monitoring for the purpose of billing. Confidentiality of such information shall be subject to the provision set forth in subsection 11.2.2.

SECTION 12. UNAUTHORIZED CONNECTIONS AND MODIFICATIONS

12.1 Unauthorized Connections or Modifications Prohibited.

It shall be unlawful for any firm, Person, group, company, corporation or governmental body or agency, without the express consent of the Grantee, to make or possess, or assist anybody in making or possessing, any unauthorized connection, extension or division, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the System or to receive services of the System without Grantee's authorization.

12.2 Removal or Destruction Prohibited.

It shall be unlawful for any firm, Person, group, company or corporation to willfully interfere, tamper with, remove, obstruct, or damage, or assist thereof, any part or segment of the System for any purpose whatsoever, except for any rights the City may have pursuant to this Franchise or its police powers.

12.3 Penalty.

Any firm, Person, group, company or corporation found guilty of violating this section may be fined not less than Twenty Dollars (\$20.00) and the costs of the action nor more than Five Hundred Dollars (\$500.00) and the costs of the action for each and every subsequent offense. Each continuing day of the violation shall be considered a separate occurrence.

SECTION 13. MISCELLANEOUS PROVISIONS

13.1 Franchise Renewal.

Any renewal of this Franchise shall be performed in accordance with applicable federal, State and local laws and regulations.

13.2 Work Performed by Others.

All applicable obligations of this Franchise shall apply to any subcontractor or others performing any work or services pursuant to the provisions of this Franchise, however, in no event shall any such subcontractor or other performing work obtain any rights to maintain and operate the System or provide Cable Service. The Grantee shall provide

notice to the City of the name(s) and address(es) of any entity, other than Grantee, which performs substantial services pursuant to this Franchise.

13.3 Amendment of Franchise Ordinance.

The Grantee and the City may agree, from time to time, to amend this Franchise. Such written amendments may be made subsequent to a review session pursuant to Section 8.6 or at any other time if the City and the Grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in federal, State or local laws. Provided, however, nothing herein shall restrict the City's exercise of its police powers or the City's authority to unilaterally amend Franchise provisions to the extent permitted by law.

13.4 Compliance with Federal, State and Local Laws.

13.4.1 If any federal or State law or regulation shall require or permit City or Grantee to perform any service or act or shall prohibit City or Grantee from performing any service or act which may be in conflict with the terms of this Franchise, then as soon as possible following knowledge thereof, either party shall notify the other of the point in conflict believed to exist between such law or regulation. Grantee and City shall conform to State laws and rules regarding cable communications not later than one (1) year after they become effective, unless otherwise stated, and to conform to federal laws and regulations regarding cable as they become effective.

13.4.2 In the event that federal or State laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Franchise, the provision shall be read to be preempted to the extent and for the time, but only to the extent and for the time, required or necessitated by law. In the event such federal or State law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the City or the Commission.

13.4.3 If any term, condition or provision of this Franchise or the application thereof to any Person or circumstance (including the City, the Grantee and the Commission) shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or provision to Persons or circumstances (including the City, the Grantee and the Commission) other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, provisions and conditions hereof shall, in all other respects, continue to be effective and complied with provided the loss of the invalid or unenforceable clause does not substantially alter the agreement between the parties. In the event such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the

provision which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on Grantee and City without further action by the City.

13.4.4 The City and the Grantee shall, at all times during the term of this Franchise, including all extensions and renewals hereof, comply with applicable federal, State and local laws and regulations.

13.5 Nonenforcement by City.

Grantee shall not be relieved of its obligations to comply with any of the provisions of this Franchise by reason of any failure or delay of City to enforce prompt compliance. City may only waive its rights hereunder by expressly so stating in writing. Any such written waiver by City of a breach or violation of any provision of this Franchise shall not operate as or be construed to be a waiver of any subsequent breach or violation.

13.6 Rights Cumulative.

All rights and remedies given to City and the Commission by this Franchise or retained by City or the Commission herein shall be in addition to and cumulative with any and all other rights and remedies, existing or implied, now or hereafter available to the City and the Commission, at law or in equity, and such rights and remedies shall not be exclusive, but each and every right and remedy specifically given by this Franchise or otherwise existing or given may be exercised from time to time and as often and in such order as may be deemed expedient by the City and the Commission and the exercise of one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy.

13.7 Grantee Acknowledgment of Validity of Franchise.

The Grantee acknowledges that it has had an opportunity to review the terms and conditions of this Franchise and that under current law Grantee believes that said terms and conditions are not unreasonable or arbitrary, and that Grantee believes City has the power to make the terms and conditions contained in this Franchise.

13.8 Force Majeure.

The Grantee shall not be deemed in default of provisions of this Franchise or the City Code where performance was rendered impossible by war or riots, labor strikes or civil disturbances, floods or other causes beyond the Grantee's control, and the Franchise shall not be revoked or the Grantee penalized for such noncompliance, provided that the Grantee, when possible, takes immediate and diligent steps to bring itself back into compliance and to comply as soon as possible, under the circumstances, with the Franchise without unduly endangering the health, safety and integrity of the Grantee's

employees or property, or the health, safety and integrity of the public, the Rights-of-Way, public property or private property.

13.9 Governing Law.

This Franchise shall be governed in all respects by the laws of the State of Minnesota.

13.10 Captions and References.

13.10.1 The captions and headings of sections throughout this Franchise are intended solely to facilitate reading and reference to the sections and provisions of this Franchise. Such captions shall not affect the meaning or interpretation of this Franchise.

13.10.2 When any provision of the City Code is expressly mentioned herein, such reference shall not be construed to limit the applicability of any other provision of the City Code that may also govern the particular matter in question.

13.11 Rights of Third Parties.

This Franchise is not intended to, and shall not be construed to, grant any rights to or vest any rights in third parties, unless expressly provided herein.

13.12 Merger of Documents.

This Franchise, and the attachments hereto, constitute the entire Franchise agreement between the City and the Grantee, and supersede all prior oral or written franchises, drafts and understandings.

SECTION 14. PUBLICATION EFFECTIVE DATE; ACCEPTANCE AND EXHIBITS

14.1 Publication.

This Franchise shall be published in accordance with applicable local and Minnesota law.

14.2 Acceptance.

14.2.1 Grantee shall accept this Franchise within sixty (60) days of its enactment by the City Council and the enactment of a Franchise on substantially similar terms by the other member municipalities of the Commission, unless the time for acceptance is extended by the City. Such acceptance by the Grantee shall be deemed the grant of this Franchise for all purposes; provided, however, this Franchise shall not be effective until all City ordinance adoption procedures are complied with and all applicable timelines have run for the adoption of a City ordinance. In the event acceptance does not take place, or should all ordinance

adoption procedures and timelines not be completed, this Franchise and any and all rights granted hereunder to the Grantee shall be null and void.

14.2.2 Upon acceptance of this Franchise, the Grantee and the City shall be bound by all the terms and conditions contained herein. The Grantee agrees that this Franchise is not inconsistent with applicable law or regulations at the time it is executed.

14.2.3 Grantee shall accept this Franchise in the following manner:

14.2.3.1 This Franchise will be properly executed and acknowledged by Grantee and delivered to City.

14.2.3.2 With its acceptance, Grantee shall also deliver any performance bond and insurance certificates required herein that are due but have not previously been delivered.

14.3 Binding Acceptance.

This Franchise shall bind and benefit the parties hereto and their respective authorized heirs, beneficiaries, administrators, executors, receivers, trustees, successors and assigns.

Passed and adopted this _____ day of _____, 2015.

Attest:
MINNESOTA

CITY OF SPRING LAKE PARK,

By: _____
Its: _____

By: _____
Its: _____

ACCEPTED: This Franchise is accepted and we agree to be bound by its terms and conditions.

QWEST BROADBAND SERVICES, INC.,
DBA CENTURYLINK

Dated: _____

By: _____
Its: _____

EXHIBIT A INDEMNITY AGREEMENT

INDEMNITY AGREEMENT made this ____ day of _____, 2015, by and between Qwest Broadband Services, Inc., a Delaware Corporation, party of the first part, hereinafter called "CenturyLink," and the City of Spring Lake Park, a Minnesota Municipal Corporation, party of the second part, hereinafter called "City" and the North Metro Telecommunications Commission, a Minnesota Municipal Joint Powers entity, hereinafter called "Commission."

WITNESSETH:

WHEREAS, the City of Spring Lake Park has awarded to Qwest Broadband Services, Inc. a franchise for the operation of a cable communications system in the City; and

WHEREAS, the City has required, as a condition of its award of a cable communications franchise, that it and the Commission be indemnified with respect to all claims and actions arising from the award of said franchise.

NOW THEREFORE, in consideration of the foregoing promises and the mutual promises contained in this agreement and in consideration of entering into a cable television franchise agreement and other good and valuable consideration, receipt of which is hereby acknowledged, CenturyLink hereby agrees, at its sole cost and expense, to fully indemnify, defend and hold harmless the City and the Commission, its officers, boards, commissions, employees and agents against any and all claims, suits, actions, liabilities and judgments for damages, cost or expense (including, but not limited to, court and appeal costs and reasonable attorneys' fees and disbursements assumed or incurred by the City in connection therewith) arising out of the actions of the City and Commission in granting a franchise to CenturyLink. This includes any claims by another franchised cable operator against the City that the terms and conditions of the CenturyLink franchise are less burdensome than another franchise granted by the City or that the CenturyLink Franchise does not satisfy the requirements of applicable federal, state, or local law(s). The indemnification provided for herein shall not extend or apply to any acts of the City or Commission constituting a violation or breach by the City or Commission of the contractual provisions of the franchise ordinance, unless such acts are the result of a change in applicable law, the order of a court or administrative agency, or are caused by the acts of CenturyLink.

The City or Commission shall give CenturyLink reasonable notice of the making of any claim or the commencement of any action, suit or other proceeding covered by this agreement. The City and Commission shall cooperate with CenturyLink in the defense of any such action, suit or other proceeding at the request of CenturyLink. The City and Commission may participate in the defense of a claim, but if CenturyLink provides a defense at CenturyLink's expense then CenturyLink shall not be liable for any attorneys' fees, expenses or other costs that City or Commission may incur if it chooses to participate in the defense of a claim, unless and until separate representation is required. If separate representation to fully protect the interests of both parties is or becomes necessary, such as a conflict of interest, in accordance with the Minnesota Rules of Professional Conduct, between the City or the Commission and the counsel

selected by CenturyLink to represent the City and/or the Commission, Century Link shall pay, from the date such separate representation is required forward, all reasonable expenses incurred by the City or the Commission in defending itself with regard to any action, suit or proceeding indemnified by CenturyLink. Provided, however, that in the event that such separate representation is or becomes necessary, and City or the Commission desires to hire a counselor any other outside experts or consultants and desires CenturyLink to pay those expenses, then City and/or the Commission shall be required to obtain CenturyLink's consent to the engagement of such counsel, experts or consultants, such consent not to be unreasonably withheld. Notwithstanding the foregoing, the parties agree that the City or Commission may utilize at any time, at its own cost and expense, its own attorney or outside counsel with respect to any claim brought by another franchised cable operator as described in this agreement.

The provisions of this agreement shall not be construed to constitute an amendment of the cable communications franchise ordinance or any portion thereof but shall be in addition to and independent of any other similar provisions contained in the cable communications franchise ordinance or any other agreement of the parties hereto. The provisions of this agreement shall not be dependent or conditioned upon the validity of the cable communications franchise ordinance or the validity of any of the procedures or agreements involved in the award or acceptance of the franchise, but shall be and remain a binding obligation of the parties hereto even if the cable communications franchise ordinance or the grant of the franchise is declared null and void in a legal or administrative proceeding.

It is the purpose of this agreement to provide maximum indemnification to the City and the Commission under the terms set out herein and, in the event of a dispute as to the meaning of this Indemnity Agreement, it shall be construed, to the greatest extent permitted by law, to provide for the indemnification of the City and the Commission by CenturyLink. This agreement shall be a binding obligation of and shall inure to the benefit of, the parties hereto and their successor's and assigns, if any.

**QWEST BROADBAND SERVICES,
INC.**

Dated: _____, 2015

By: _____

Its: _____

STATE OF LOUISIANA

PARISH OF OUACHITA

The foregoing instrument was acknowledged before me this _____ day of 2015, by _____, the _____ of Qwest Broadband Services, Inc., a Delaware Corporation, on behalf of the corporation.

NOTARY PUBLIC

Print Name: _____
Bar Roll #/Notary ID #: _____
My Commission Expires: _____

CITY OF SPRING LAKE PARK

By: _____
Its: _____

Department Head Responsible
For Monitoring Contract

Approved as to form:

Assistant City Attorney

**NORTH METRO TELECOMMUNICATIONS
COMMISSION**

By: _____
Its: _____

(To appear on CenturyLink letterhead)

September 25, 2015

Mr. Michael R. Bradley
Bradley Hagen & Gullikson, LLC
1976 Wooddale Drive, Suite 3A
Woodbury, MN 55125

Re: Voluntary Commitments

Dear Mr. Bradley:

The purpose of this Letter is to set forth voluntary commitments by Qwest Broadband Services, Inc. d/b/a CenturyLink (“QBSI”) to the North Metro Telecommunications Commission (the “Commission”) and its Member Cities (the “Member Cities”) that are in addition to the obligations contained in the Franchise Agreement, to be adopted by each Member City and executed by QBSI (hereinafter the “Franchise”). The items set forth below have been negotiated in good faith and mutually agreed to by the parties. QBSI agrees that at no time shall it be permitted to in any way offset from franchise fee payments owed the City or pass through as a separate line item on Subscriber bills any costs associated with the voluntary commitments set forth within.

1. **Complimentary Prism Cable Service.** This letter will confirm that any City/Member City/Commission will not need to purchase separate internet service or any equipment in order to receive complimentary cable service from QBSI as set forth in the Franchise. The City/Member City/Commission will be allowed to choose any QBSI converter equipment for its complimentary equipment.
2. **Simulcasting PEG Channels.** This letter will confirm that QBSI may simulcast the City/Member City’s PEG channels in high definition (HD) and standard definition (SD). QBSI may simulcast the PEG channels in other formats provided from the City/Member City to QBSI. Simulcasting does not change the number of PEG channels being provided under each Franchise. For example, if the City is provided nine (9) PEG channels in the Franchise, QBSI may simulcast each of the 9 PEG channels in HD, and SD.
3. **Cost Reimbursement.** To the extent the Commission’s expenses exceeded the franchise application fee, QBSI will fully reimburse the City for all of its reasonable costs and expenses within 60 days of granting the Franchise.
4. **Twin Cities Metro PEG Interconnect.** The Commission and each Member City shall have the right to fully participate in the Twin Cities Metro PEG Interconnect, which will allow participants to share (send and receive) live PEG programming with one another provided the other City has agreed with QBSI to share its PEG programming.

5. **Complimentary broadband service to a City facility location.** Within 90 days of executing the Franchise, QBSI shall make available complimentary commercial grade Wi-Fi enabled internet service and associated equipment at the highest speed available by Grantee to one public location (such as a community center) within each Member City. The Member City and/or the Commission shall determine the location in consultation with QBSI. QBSI shall have the option of co-branding the free public Wi-Fi with the City at said location. The Wi-Fi equipment shall be capable of providing Wi-Fi to the primary community meeting area of the Member City location. The service level quality shall be as provided to commercial customers and this commitment shall remain in place throughout the term of the Franchise.

The parties understand that voluntary commitments listed above supplement other obligations contained in the Franchise.

Enforcement of the terms of this Letter of Agreement shall be consistent with the enforcement procedures set forth in the Franchise. CenturyLink stipulates that a violation of these terms by CenturyLink may be considered by the City as a violation of the Franchise and shall subject CenturyLink to all remedies available to the City under the Franchise and pursuant to applicable law.

Acknowledged and agreed to this ____ day of September, 2015.

Qwest Broadband Services, Inc.

By: _____

Its: _____

EXHIBIT C

TITLE AND SUMMARY OF ORDINANCE 418

CABLE TELEVISION FRANCHISE ORDINANCE

ORDINANCE SUMMARY

ORDINANCE NO. 418

AN ORDINANCE GRANTING A FRANCHISE TO QWEST BROADBAND SERVICES, INC., D/B/A CENTURYLINK, TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN THE CITY OF SPRING LAKE PARK, MINNESOTA, FOR THE PURPOSE OF PROVIDING CABLE SERVICE; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM AND THE PUBLIC RIGHTS-OF-WAY IN CONJUNCTION WITH THE CITY'S RIGHT-OF-WAY ORDINANCE, IF ANY; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREIN.

The City Council of the City of Spring Lake Park, Minnesota ordains:

STATEMENT OF INTENT AND PURPOSE

Qwest Broadband Services, Inc., d/b/a CenturyLink ("Grantee"), applied for a cable franchise to serve the City. The City will adopt separate findings related to the application and the decision to grant a cable franchise to Grantee, which shall be incorporated herewith by reference. The City intends, by the adoption of this Franchise, to bring about competition in the delivery of cable services in the City.

Adoption of this Franchise is, in the judgment of the Council, in the best interests of the City and its residents.

The specific terms and conditions of the Franchise Ordinance, Sections 1 to 14, and Exhibits are available for review at Spring Lake Park City Hall, 1301 81st Avenue NE, Spring Lake Park, MN 55432.

MEMORANDUM

TO: MAYOR HANSEN AND MEMBERS OF THE CITY COUNCIL
FROM: DANIEL R. BUCHHOLTZ, CITY ADMINISTRATOR
SUBJECT: ZONING ORDINANCE ADOPTION
DATE: NOVEMBER 25, 2015

Attached to this memorandum is Ordinance 419, An Ordinance Repealing and Replacing Chapter 152, Signs and Billboards, with a New Chapter 152, Subdivision Control; Repealing and Replacing Chapter 153, Antennas and Towers, with a New Chapter 153, Zoning; Repealing and Replacing Chapter 154, Mobile Homes and Mobile Home Parks, with a new Chapter 154, Antennas and Towers; Repealing and Replacing Chapter 155, Subdivision Control, with a new Chapter 155, Mobile Homes and Mobile Home Parks; and Repealing Chapter 156, Zoning.

This ordinance represents a year's worth of work by the Planning and Zoning Commission, City staff, and City Planner Phil Carlson. The goal of the zoning ordinance update process was to study the City's existing land use ordinances and recommend updates to the City Council to meet current and emerging needs and to ensure consistency with the City's Comprehensive Plan. We believe this ordinance achieves this objective.

Dozens of changes have been made to the land use ordinances through this process. While the new land use ordinance has too many specific revisions to list completely here, the following list highlights the main items that were addressed:

- References to "special uses" in the zoning code have been changed to the more common term "conditional uses" and the application is now for a "conditional use permit" or CUP.
- The Variance Committee has been eliminated. Applications for variances will be heard before the Planning Commission. The Planning Commission will study the variance and make a recommendation to the City Council to grant or deny the variance and may recommend imposing conditions in the granting of the variance. The City Council will approve or deny variances. Staff believes this will add a level of transparency in the granting of variances.
- The sign ordinance will be repealed and all sign regulations will be rolled into the Zoning Code. Language was updated pertaining to a number of types of signs with the largest revision being for dynamic signs, which are digital/electronic signs.
- There is new language and standards pertaining to site and building design, i.e. landscaping and green space, parking lot design and lighting standards, lot coverage and impervious surface requirements.
- A new section has been added to the Antennas and Towers chapter on wireless communication towers requiring, among other things, that wireless communication carriers co-locate on shared towers.

- Planned Unit Developments (PUDs) will now become a zoning district rather than a conditional use. This provides the City Council with greater discretion in approving or denying applications for planned unit developments. There is also language clarifying the process and benefits to be gained with PUDs.
- Micro-breweries and taprooms have been added as uses allowed in the Zoning Code.
- Language regulating the types of vehicles and equipment allowed to be stored in apartment parking lots and the length of time allowed was clarified to match the city's intent and allow staff to address zoning complaints.
- Language relating to non-conforming uses was updated to reflect changes in State law that took effect in 2004.
- The City's six residential districts have been consolidated into three districts. The R-1 district is for single family but allows duplexes by conditional use permit. The R-2 district was removed as there is no property in the city currently zoned R-2 and that R-2 zoning dealt primarily with duplexes. The current R-3 district, medium density, is renamed to R-2. The R-4, R-5, and R-6 districts have all been consolidated into a new R-3 district. There was significant overlap between these three districts and it made sense to consolidate them into one zoning district.
- The I-1 zoning district is renamed from "Industrial/Commercial" to "Light Industrial" to reflect its predominately industrial character, but to also emphasize that it is not for heavy industry.
- The subdivision code has been significantly revised to bring the code up to date in terms of process and submission requirements, infrastructure standards and dedication requirements.
- The Planning and Zoning Commission will now be called the Planning Commission, bringing the name in line with the name referred to in State law.
- The phrase "Other uses the Council determines to be compatible with existing and permitted uses in this district" has been removed from the tables in Appendix D as the Commission believed the statement was overly broad and imprecise. If a use is not specifically addressed in the table, the applicant will need to apply for an amendment to the Zoning Code.
- Changes were made to the order of the various chapters to make the code easier to read and navigate.
- The current land use map will be repealed and replaced with a new "official land use map" that reflects the renamed I-1 zoning district and the three new residential land use districts.

The Planning and Zoning Commission held a public hearing on November 23, 2015 on the proposed changes to the land use ordinances. Two comments on the proposed code were received – one from Robert Nelson and one from Larry and Jean Pederson.

The comment from Mr. Nelson referred to the change in the language regulating the types of vehicles and equipment allowed to be stored in apartment parking lots. Mr. Nelson expressed his opinion that the new language was overly restrictive and the code issue was better dealt with by apartment management. The Planning and Zoning Commission had heard from Building Official Brainard that the city has received a lot of complaints of boats, RVs and trailers parked in apartment parking lots, creating a negative aesthetic for the

rental property and reducing the number of parking spots available for apartment residents and guests. The Planning and Zoning Commission agreed with staff's recommendation and clarified the language. The Commission discussed Mr. Nelson's concerns at the hearing. The Commission declined to make any changes to this section of the Code.

The comment from Mr. and Mrs. Pederson related to conditional use permits. The Commission felt that the new performance standards outlined in the City Code will result in a better conditional use permit process and better outcomes. The Commission agreed that if there are specific problems in the future, the Commission would study strengthening performance standards further.

Hearing no further comments on the proposed land use ordinances, the Planning and Zoning Commission closed the public hearing and unanimously recommended approval of the land use ordinances to the City Council.

I would like to publicly thank the members of the Planning and Zoning Commission for their work on the update of the land use ordinances. The Commission has read thousands of pages of code and code revisions over the past six months as staff presented new drafts for them to review. Each member of the Commission brought a unique perspective to the discussion that helped create an outstanding result. This would not have been possible without their diligent efforts.

City staff and the Planning and Zoning Commission recommend approval of Ordinance 419. If you have any questions, please don't hesitate to contact me at 763-784-6491.

DRAFT PROCEEDINGS

Minutes of the Spring Lake Park Planning and Zoning Commission meeting held on November 24, 2015 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

Chairperson Smith called the meeting to order at 7:00 P.M.

2. Roll Call

Members Present: Commissioners Bernhagen, Becker, Dircks, Eischens, Dircks, Strawn and Chairperson Smith

Members Absent: Commissioner Raymond

Staff Present: City Planner Carlson, Building Official Brainard; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Ken Wendling, 547 81st Avenue NE
Jeanne Mason, 813 83rd Avenue NE
Olivia Alveshere, ABC Newspaper

3. Pledge of Allegiance

4. Approval of Minutes – April 27, 2015

MOTION BY COMMISSIONER EISCHENS, SECONDED BY COMMISSIONER BERNHAGEN, APPROVING THE MINUTES OF APRIL 27, 2015 AS SUBMITTED. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

5. Public Hearing- Consider Adoption of Amendments to Modify Articles/Chapters which Relate to Land Usage within the City of Spring Lake Park for the following titles: Ch. 152 – Subdivision Control; Ch. 153 - Zoning; Ch. 154 - Antenna and Towers; and Ch. 155 - Mobile Homes/Parks

Chairperson Smith opened the public hearing at 7:04 PM to consider adoption of Amendments to modify/chapters which relate to land usage within the City of Spring Lake Park for following titles: Ch. 152 – Subdivision Control; Ch. 153 - Zoning; Ch. 154-Antenna and Towers; and Ch. 155 – Mobile Homes/Parks.

Administrator Buchholtz reported that the Planning and Zoning Commission held three workshop sessions with discussions regarding the updates to the City's zoning code. He stated that portions of the zoning code has been rewritten to reflect the needs of Spring Lake Park and will continue to change over time as the needs change.

Planner Carlson thanked the Commission and staff for their dedication of time and hard work on the changes to the code. He provided a brief summary of the changes.

Mr. Carlson stated that the purpose of the City's Zoning code update was to make the needed changes, make the code clearer and easier to use, and to incorporate more up-to-date zoning issues. He stated that the process has involved reviewing a previous consultant's work outlining issues, reviewing the current code with city staff, developing a list of key issues to research and revise, and draft the revised code language.

Mr. Carlson stated that the Commission set their focus on a set of ten key issues at first, then through discussion and comment expanded the list to many dozens of items large and small. He provided the Commission with the list of initial nine items.

1. Special Uses: Mr. Carlson explained that the term "special uses" in the zoning code have been changed to a more common term, "conditional uses", and the application is now for a conditional use permit (CUP), not a special use permit.

2. Variance Committee: Mr. Carlson reported that the existing zoning code requires approval of variances by a "Variance Committee". He stated that the new language has been changed to have the approval process for variances is to require recommendation from the Planning and Zoning Commission with final approval the full City Council.

3. Signage: Mr. Carlson stated that the language was reviewed pertaining to a number of types of signs, with the largest revision being for dynamic signs, which are digital/electrical signs.

4. Site and Building Design Standards: Mr. Carlson reported that new language and standards pertaining to site and building design was added to the proposed code. He provided the examples of landscaping and green space, parking lot design and lighting standards, lot coverage, and impervious surface requirements.

5. Wireless Communication/Cell Towers: Mr. Carlson reported that a new section has been added on wireless communication towers requiring wireless communication carriers to co-locate on shared towers.

6. PUD Ordinance: Mr. Carlson explained the new planned unit development (PUD) ordinance, making PUDs a zoning district, not a special use permit. He stated that there is also language clarifying the process and benefits to be gained with PUDs.

7. New Uses: Mr. Carlson stated that the Commission investigated several uses not currently addressed in the zoning code that are growing in popularity, such as food trucks, micro-breweries, and chickens in residential neighborhoods. He reported that the Commission decided that language related to the microbreweries and taprooms would be added to the proposed code.

8. Vehicles in Apartment Parking Lots: Mr. Carlson reported that the Commission has clarified language regulating the types of vehicles and equipment allowed to be stored in apartment parking lots and the length of time allowed. He stated that the issue was that trucks and other large vehicles were being stored in apartment parking lots, which was not the City's intent.

9. Non-conforming uses: Mr. Carlson explained that the draft code includes revised language for the sections of the code dealing with non-conforming uses to conform with changes in State law that took effect in 2004.

Mr. Carlson reviewed additional issues that were addressed in the new zoning code that were not part of the initial key issues list.

1. Residence Districts: He stated that several revisions were made to the number and type of residential districts and density standards. He stated that the City's six residential zoning districts have now been consolidated into three districts.

2. Commercial, Industrial, PUD Districts: Mr. Carlson explained that the three commercial districts-C-1, C-2 and C-3 remain as is. He stated that the I-1 district was renamed from "Industrial/Commercial" to "Light Industrial" to reflect its predominately industrial character, but also to emphasize that it does not accommodate heavy industry.

3. New Subdivision Code: Mr. Carlson stated that a significantly revised Subdivision chapter was added which brought the code up to date in a number of ways in terms of process and submission requirements.

4. Planning and Zoning Commission becomes Planning Commission: Mr. Carlson stated that the Planning body for the City is referenced by three different names in various parts of City materials. He stated that noted in State Statute, "Planning Commission", was selected.

5. "Other uses" catch-all phrase was removed: Mr. Carlson stated that the Table of Uses in Appendix D has a phrase at the end of the commercial and industrial uses that include "Other uses the Council determines to be compatible with existing and permitted uses in this district". He reported that the Commission felt this statement to be overly broad and imprecise, and removed it.

6. Reformatting: Mr. Carlson mentions that several changes were made to the order of the various chapters and to some of the provisions within the chapters to improve the organization of the Code.

Jeanne Mason, 813 83rd Avenue NE, inquired on the PUD rezoning and how properties will be zoned if a PUD is applied for. Mr. Carlson stated that once a PUD application is submitted all the materials, plans, landscaping becomes part of the PUD and all the requirements will apply. He stated if a new business were to apply in the same location but could not fulfill the existing requirements, a new PUD would be assigned to the property and the new plans, landscaping materials, and conditions would apply.

Chairperson Smith inquired if a current business is "grandfathered in" to their current zoning and if there were changes, would they need to reapply for new PUD. Mr. Carlson stated that as long as the business is not making significant changes to the business the current special use permit (SUP) is in place but if the changes are more significant and do not follow the conditions set forth by the existing SUP, then either a new conditional use permit or a new PUD would need to be applied for.

Administrator Buchholtz stated that the City had received correspondence from two parties who could not attend the meeting for public comment. He stated that Robert Nelson (7805 Jackson Street NE), and Jean and Larry Pederson (1595 83rd Avenue NE) had submitted their concerns regarding the changes to the zoning code.

Administrator Buchholtz stated that the Pederson's concerns were that of the renaming of the Special Use Permit to Conditional Use Permit, if the process had changed and if the new CUP applies to existing SUP's. He stated that the conditions do not change, the same process and rules apply and there has not been significant changes to the CUP process. He suggested the Commission see how the new performance standards are working before making any changes to the CUP process. He noted that if future changes are necessary to improve the process, the Commission can be address them at a later time.

Administrator Buchholtz stated that Mr. Nelson has concerns with the new parking lot language in new Section 153.065. Mr. Nelson stated that he wished the language be reverted to the original code regarding parking regulations at apartment buildings.

Commissioner Dircks inquired the City Council could offer their recommendation for the language of that portion of the code. Administrator Buchholtz stated that the City Council can make a motion to amend the language.

Chairperson Smith called for additional public feedback. Hearing none, Chairperson Smith closed the public hearing at 7:34 PM.

MOTION MADE BY COMMISSIONER DIRCKS, SECOND BY COMMISSIONER BERNHAGEN, TO RECOMMEND APPROVAL OF SUBMITTING ADOPTION OF AMENDMENTS TO MODIFY ARTICLES/CHAPTERS RELATING TO LAND USAGE WITHIN THE CITY OF SPRING LAKE PARK FOR THE FOLLOWING TITLES: CH. 152 – SUBDIVISION CONTROL; CH. 153-ZONING; CH. 154-ANTENNAS AND TOWERS; AND CH. 155-MOBILE HOMES/PARK AS WRITTEN. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

6. Public Hearing – Consider Adoption of Ordinance Establishing a Floodplain Management District

Chairperson Smith opened the public hearing at 7:40 PM to consider adoption of an ordinance establishing a floodplain management district.

Administrator Buchholtz reported that the Federal Management Agency (FEMA) has approved a new Flood Insurance Rate Maps for cities within Anoka County that will take effect on December 16, 2015. He stated that previously, the City did not have any lands located within a floodplain. He reported that the new Floodplain Insurance Rate Map now show a small floodplain area abutting Laddie Lake. He stated that as such, in order for residents and businesses to continue to participate in the National Flood Insurance Program, the City must adopt a floodplain ordinance by December 16, 2015.

Administrator Buchholtz stated that the only areas of floodplain within the City is along shoreline of Laddie Lake. He stated that since this newly identified floodplain area has very little impact on the future development/redevelopment of any area within the community; City staff chose to adopt the more streamlined ordinance.

Administrator Buchholtz explained that the proposed ordinance governs activities that can occur within the floodplain. He stated that City Planner Carlson has reviewed the draft ordinance and has noted that it is similar to floodplain ordinances adopted in other communities. Administrator Buchholtz stated the Minnesota Department of Natural Resources has reviewed the draft ordinance and has granted conditional approval.

Administrator Buchholtz reported that a public hearing must be held to obtain public comment on the ordinance. He stated that once the public hearing has been closed, the Commission will be asked to recommend approval of the Floodplain Ordinance to the City Council for possible adoption on December 7, 2015.

Chairperson Smith inquired what other areas are in the floodplain. Administrator Buchholtz stated the only area that this ordinance affects is a small portion of land along the shoreline of Laddie Lake. He stated there five property owners affected by this floodplain designation. He stated the ordinance must be approved for any residents who currently have flood insurance to renew their existing policies.

Chairperson Smith inquired how many residents currently have flood insurance. Administrator Buchholtz stated he did not know the number but it is in the City's best interest to approve the ordinance to avoid any future claims if there were any due to flooding.

Commissioner Eischens stated that this change is keeping up the requirements set by FEMA.

Commissioner Bernhagen inquired if any more properties will be added. Administrator Buchholtz stated that it is possible more properties could be added but noted that floodplain maps are changed infrequently.

Ken Wendling, 547 81st Avenue NE, inquired as to how many square feet this area is that the maps indicated is in the floodplain. Administrator Buchholtz stated he was not sure but will look into the square footage.

Chairperson Smith called for additional public feedback. Hearing none, Chairperson Smith closed the public hearing at 7:50 PM.

MOTION MADE BY COMMISSIONER EISCHENS, SECOND BY COMMISSIONER DIRCKS, TO ADOPT ORDINANCE ESTABLISHING A FLOODPLAIN MANAGEMENT DISTRICT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Other

A. Planning Commission Openings

Administrator Buchholtz reported that there are two vacancies on the Commission and encouraged residents to fill out an application available on the website if they are interested. He stated that Commissioner Becker has chosen not to seek reappointment and thanked her for her time on the Commission. Commissioner Dircks stated that she would be seeking reappointment.

B. Administrator Reports

Administrator Buchholtz thanked the Commission for their time and work on the new Zoning Code updates and said a new copy will be provided once it has been approved by the City Council and codified.

8. Adjourn

MOTION BY COMMISSIONER EISCHENS, SECONDED BY COMMISSIONER DIRCKS TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting adjourned at 7:55 P.M.

DRAFT

ORDINANCE NO. 419
AN ORDINANCE REPEALING AND REPLACING CHAPTER 152, SIGNS AND BILLBOARDS, WITH A NEW CHAPTER 152, SUBDIVISION CONTROL; REPEALING AND REPLACING CHAPTER 153, ANTENNAS AND TOWERS, WITH A NEW CHAPTER 153, ZONING; REPEALING AND REPLACING CHAPTER 154, MOBILE HOMES AND MOBILE HOME PARKS, WITH A NEW CHAPTER 154, ANTENNAS AND TOWERS; REPEALING AND REPLACING CHAPTER 155, SUBDIVISION CONTROL, WITH A NEW CHAPTER 155, MOBILE HOMES AND MOBILE HOME PARKS; AND REPEALING CHAPTER 156, ZONING.

WHEREAS, the City Council of the City of Spring Lake Park directed the Planning and Zoning Commission to study the City's existing land use ordinances and recommend updates to meet current and emerging needs and to ensure consistency with the City's Comprehensive Plan; and

WHEREAS, the City's land use ordinance have not been significantly revised since prior to 1976; and

WHEREAS, an open house event was advertised and held on March 16, 2015 to solicit ideas from the business community and residents of Spring Lake Park; and

WHEREAS, the Planning and Zoning Commission have held three public meetings to consider the updates to the City's land use ordinances; and

WHEREAS, after proper published and posted notice, the Planning and Zoning Commission held a public hearing on November 23, 2015 and unanimously recommended an Ordinance updating the City's land use ordinances; and

WHEREAS, the City Council accepts the recommendation of the Planning and Zoning Commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPRING LAKE PARK, MINNESOTA, DOES HEREBY ORDAIN AS FOLLOWS:

1. Chapter 152, Signs and Billboards; Chapter 153, Antennas and Towers; Chapter 154, Mobile Homes and Mobile Home Parks; Chapter 155, Subdivision Control; and Chapter 156, Zoning, are hereby repealed and replaced with a new Chapter 152, Subdivision Control; a new Chapter 153, Zoning; a new Chapter 154, Antennas and Towers; and a new Chapter 155, Mobile Homes and Mobile Home Parks, the text of which is found in Exhibit A of this Ordinance and attached hereto.
2. The Official Zoning Map, attached hereto as Exhibit B, is hereby adopted as the official Zoning Map of the City of Spring Lake Park.

3. Any reference to the term “Special Use Permit” in the City of Spring Lake Park Code of Ordinance shall hereby be changed to “Conditional Use Permit.”
4. Any reference to the term “Planning and Zoning Commission” in the City of Spring Lake Park Code of Ordinance shall hereby be changed to “Planning Commission.”
5. This ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this 7th day of December, 2015.

APPROVED BY:

Cindy Hansen Mayor

ATTEST:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

EXHIBIT A
LAND USE ORDINANCES FOR THE CITY OF SPRING LAKE PARK

CHAPTER 152	SUBDIVISION CONTROL
CHAPTER 153	ZONING
CHAPTER 154	ANTENNAS AND TOWERS
CHAPTER 155	MOBILE HOMES AND MOBILE HOME PARKS

CHAPTER 152: SUBDIVISION CONTROL

GENERAL PROVISIONS

§ 152.001 TITLE.

This chapter shall be known as the “Subdivision Regulations of the city.”

§ 152.002 PURPOSE.

Each new subdivision becomes a permanent unit in the basic physical structure of the future community, a unit to which the future community will of necessity be forced to adhere. Piecemeal planning of subdivisions without correlation to the City Plan will bring a disastrous, disconnected patchwork of plats and poor circulation of traffic. In order that new subdivisions will contribute toward an attractive, orderly, stable, and wholesome community environment, adequate municipal services, and safe streets, all subdivisions hereafter platted within the city shall fully comply with the regulations hereinafter set forth in this chapter.

§ 152.003 INTERPRETATION; MINIMUM REQUIREMENTS.

In their interpretation and application the provisions of this chapter shall be the minimum requirements adopted for the protection of the public health, safety, and general welfare.

§ 152.004 SCOPE; ABROGATION AND GREATER RESTRICTIONS.

Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to January 20, 1962. Nor is it intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by or in conflict with this chapter, or with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictive covenants running with the land to which the city is a party. Where this chapter imposes a greater restriction upon land than is imposed or required by existing provisions of law, contract, or deed, the provisions of this chapter shall control.

§ 152.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY PLAN. This includes all plans of the City Council and City Planning Commission for land use, transportation facilities, and community facilities.

COLLECTOR STREET. A street that carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and principal streets for circulation within the development.

CUL-DE-SAC. A minor street with only one outlet.

EASEMENT. A grant by an owner of land for the specific use of the land by the public generally, or to a person or persons.

FINAL PLAT. The final map, drawing, or chart on which the subdivider's plan of subdivision is presented to the City Council for approval and which, if approved, will be submitted to the County Register of Deeds.

LOT. A parcel or portion of land in a subdivision or plot of land, separated from other parcels or portions by description as on a subdivision or by metes and bounds, for the purpose of sale or lease or separate use thereof.

MARGINAL ACCESS STREET. A service drive or minor street that is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

MINOR STREET. A street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.

OWNER. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PERSON. Any individual, firm, association, syndicate, or partnership, corporation, trust, or any other legal entity.

PRELIMINARY PLAT. The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and Council for their consideration.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, place, or however otherwise designated.

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER. Any person commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or herself or for another.

SUBDIVISION. The division of a parcel of land into two or more lots or parcels, for the purpose of transfer of ownership of building development. The term includes resubdivision,

and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

THOROUGHFARE. A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas. The Council, upon recommendation of the Planning Commission, shall determine when a given street is a major ***THOROUGHFARE***, secondary ***THOROUGHFARE***, collector street, or minor street.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer, or his/her designee.

PLATTING PROCEDURES

§ 152.015 PRELIMINARY PLAT; PROCEDURES.

(A) Prior to the preparation of a preliminary plat the subdivider should meet with the Zoning Administrator and the City Engineer regarding city plans for the thoroughfares, parks, utilities, and the like, in the area being subdivided.

(B) The subdivider shall have a preliminary plat prepared on the basis of the city plans, and of the design standards and data required by this chapter.

(C) The subdivider shall then submit to the Zoning Administrator ten copies of a preliminary plat of his/her proposed subdivision, the requirements of which are set forth in this chapter. They shall be filed at least thirty (30) days prior to a regularly scheduled Planning Commission meeting and shall be accompanied by the fees set forth in the fee schedule, as may be amended from time to time. An electronic copy of the preliminary plat, in a format specified by the Zoning Administrator, shall also be submitted.

(D) *Notice procedure.* Notice of the public hearing at which the Planning Commission will consider the preliminary plat shall be made by the Zoning Administrator pursuant to M.S. §462.358, subd. 3b, as it may be amended from time to time. The owner or subdivider shall also be notified as to the time and place of the public hearing. As required by M.S. § 505.03, as it may be amended from time to time, at least 30 days prior to taking final action on a preliminary plat, the proposed preliminary plat must be presented by the Administrative Officer to the Commissioner of Transportation for review if the plat includes or borders on a trunk highway or state rail bank property. Within five days after receiving a preliminary plat that includes or borders on an existing or proposed county road or state rail bank property, the Administrative Officer must submit it to the County Engineer for review. The Commissioner of Transportation and the County Engineer must report to the city within 30 days with any comments and recommendations they may have. No preliminary plat may be approved by the city until these comments and recommendations are received and considered. Within ten days after approval of the preliminary plat, notice must be sent to the Commissioner and the County Board explaining how their comments and recommendations have been met.:

(E) *Public hearing.* At the public hearing set for consideration of the preliminary plat, the Planning Commission shall consider comments to the notice of plat and it shall also review the preliminary plat from the standpoint of environmental impact, compatibility with surrounding area, suitability of area for subdividing, public health and welfare, crowding potential, the compatibility with the city Comprehensive Plan and overall city planning.

(F) *Planning Commission action.* At the conclusion of the public hearing set forth in the preceding division, the Planning Commission shall either recommend approval, conditional approval or denial of the preliminary plat. The Planning Commission may also table the preliminary plat for future consideration. The Planning Commission shall not recommend approval of a preliminary plat unless the presentation requirements set forth in §152.08 have all been met. No lot on the preliminary plat shall be recommended for approval if, in the opinion of the Planning Commission, a lot does not have dedicated road access, or an adequate building site, meeting the requirements of all rules and regulations in this chapter and the code of the city. The action of the Planning Commission shall be stated in writing setting forth the conditions of approval, reasons for approval or the reasons for denial. The Planning Commission's recommendation shall then be submitted to the City Council.

(G) *City Council action.* The City Council shall consider the Planning Commission's action, if the city has a Planning Commission, at their next regularly scheduled meeting, and shall either approve, approve with conditions, deny or table for future consideration the application. As required by M.S. §462.358, subd. 3b, as it may be amended from time to time, the Council must either approve or deny the application for a preliminary plat within 120 days after the application has been submitted, unless an extension of time has been agreed to in writing by the subdivider. The 120-day period does not begin to run until the application contains all of the information required by §§152.08(B) and 152.09. Failure to comply with the time limits for approval in M.S. §462.358, subd. 3b, as it may be amended from time to time, may result in automatic approval of a preliminary plat. The Council shall not approve a preliminary plat unless the presentation requirements set forth in § 152.08 have all been met. No lot on the preliminary plat shall be approved if, in the opinion of the Council, a lot does not have dedicated road access, an adequate building site, or sufficient area for an on-site individual sewage treatment system in areas where public services are not available, meeting the requirements of all rules and regulations in this chapter and the code of the city. The action of the Council shall be stated in writing, setting forth the conditions of approval, reasons for approval or the reasons for denial. Approval shall mean the acceptance of the design as a basis for preparation of the final plat, and the submission of such final plat for approval. Approval by the City Council of all engineering proposals presented in the preliminary plat which pertain to such things as water supply, sewage disposal, storm drainage, gas and electric service, road gradients and widths and the surface of roads is required prior to the approval of the final plat. The Council may, after notifying the subdivider, employ qualified persons to check and verify each proposal, the costs of such services shall be paid by the subdivider.

§ 152.016 PRELIMINARY PLAT; REQUIRED DATA.

Preliminary plat must be prepared by a Minnesota Registered Land Surveyor and certified as such. Plats must conform to the technical requirements of M.S. §505.021, as it may be amended from time to time.

(A) *Scale.* One inch equals 100 feet.

(B) *Identification and description.*

(1) Proposed name of the subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the county;

(2) Location by section, town, range, or by other legal description;

(3) Names and addresses of the owner, subdivider, surveyor, and designer of the plan. The subdivider shall submit a statement that he or she has the area being subdivided under ownership or control;

(4) Graphic scale;

(5) North point;

(6) Date of preparation; and

(7) A dedication statement as required by M.S. §505.021, subd. 2, as it may be amended from time to time, describing what part of the subdivision land is dedicated, to whom and for what purpose.

(C) Existing conditions in tract and in surrounding area to a distance of 300 feet:

(1) Boundary line of the proposed subdivision, clearly outlined and dimensioned;

(2) Any non-residential zoning districts;

(3) Total approximate acreage and total water frontage (shoreland areas) and water boundaries;

(4) Platted streets, railroad right-of-way, and utility easements;

(5) Boundary line and ownership of adjoining land;

(6) Existing buildings and structures;

(7) Sewers, water mains, wells, culverts, or other underground facilities;

(8) Topography, showing lakes, watercourses, marsh areas, and contours at vertical intervals of not more than two feet. Contour lines shall be shown by means of dashed

lines on the preliminary plan. All elevation data shall be mean sea level or some other assumed, workable datum;

(9) Plans for the provision of potable water, sewage disposal, drainage and flood control;

(10) Summary of soil and vegetation types (terrestrial and aquatic;

(11) Evidence that the ground water level is at least three feet below the level of finished grades or plans for resolving any ground water problems; and

(12) All other information required by M.S. §505.021, as it may be required from time to time.

(D) *Subdivision design features.*

(1) Layout of proposed streets, showing right-of-way widths and names of streets. The name of any street heretofore used in the city or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall cover the whole ownership tract;

(2) Location and widths of proposed pedestrian ways and utility easements;

(3) Layout, numbers, and typical dimensions of lots;

(4) Minimum front- and side-street building setback lines, indicating dimensions;

(5) Areas, other than streets, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of the area or areas in acres;

(6) Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning

(7) Preliminary street grades and direction of flow and disposal of surface water shall be drawn on the preliminary plan.

(8) Statement of proposed protective covenants;

(9) Statement of source of water supply; and

(10) Statement of provisions for sewage treatment.

(E) *Dedications.* Easement dedications must be provided over natural drainage or ponding areas for management of stormwater and significant wetlands. Provisions for surface water drainage and flood control must be provided.

(F) *Preliminary Title Opinion.* The subdivider shall provide a Preliminary Title Opinion, prepared by an attorney of the subdivider's choosing, in substantial conformity with the form set forth below:

City Council of the City of

RE: Plat of _____

Subdividers _____

Preliminary Opinion

I hereby certify that I have examined the above-described plat including the signatories thereon and an abstract of title consisting of entries _____ through _____ inclusive, last certified by (Abstract Co.) to the hour of 8:00 a.m. on _____. From such examination I conclude that good record title in fee simple absolute is in the subdividers' so as to vest in the public those right-of-way rights and easement rights as in the plat, subject to the following:

- 1.
- 2.
- 3.

which shall be cured prior to the recording of the plat. I further agree to furnish the Final Title Opinion following the recording of the plat as required by Chapter 155 of the City Code of Ordinances.

Sincerely,

§ 152.017 FINAL PLAT; PROCEDURES.

(A) The owner or subdivider shall file with the Zoning Administrator within one year of the date of approval of the preliminary plat the final plat which shall substantially conform to the preliminary plat as approved and all applicable city regulations and ordinances, state and federal rules, regulations and laws. Final plat approval shall not be granted to any plat which is not filed within the time herein specified, unless an extension is requested in writing and for good cause, granted by the City Council. The final plat shall be presented to the City Council at a scheduled meeting which is at least two weeks after the date of filing with the Zoning Administrator.

(B) The owner or subdivider shall submit the following:

(1) Ten copies of the final plat. This final plat shall incorporate all changes required by the Council. Otherwise it shall conform to the preliminary plan. The final plat may constitute only that portion of the preliminary plan which the subdivider proposes to record and

develop at the time. Lots which have received preliminary approval but are not included on the final plat must be considered as a new subdivision.; and

(2) An up-to-date certified abstract of title or registered property report and other evidence as the City Attorney may require showing title or control in the applicant.

(C) The Zoning Administrator, City Engineer and City Attorney shall check the final plat to see that it is in substantial conformity with the preliminary plat as approved by the City Council at that it meets all applicable city regulations and ordinances, state and federal rules, regulations and laws.

(D) *City Council action.* Final plat approval shall not be granted unless all presentation requirements of §152.08 have been met and the plat conforms to all applicable city regulations and ordinances, state and federal rules, regulations and laws. The City Council shall approve, deny or table the final plat, and the Clerk shall notify the owner or subdivider of the Board's actions within 60 days of the submittal of the final plat, as required by M.S. §462.358, Subd. 3b, as it may be amended from time to time, unless an extension of time has been agreed to in writing by the subdivider. Failure to meet the time limit requirements of M.S. §462.358, Subd. 3b, as it may be amended from time to time, may result in automatic approval of the final plat. The final plat, if approved, shall then be recorded with the County Recorder by the subdivider. If any irregularity prevents recording of the final plat, the County Auditor shall notify the owner or subdivider. Any approval of the final plat by the Council shall be null and void if the plat is not recorded with the County Recorder within 90 days after the date of approval unless application for an extension of time is made, in writing, during said 90-day period, to the City Council and for good cause granted by the Council.

§ 152.018 FINAL PLAT; REQUIRED DATA.

The final plat shall include the following:

(A) Such information as was found necessary for review and requested by the Planning Commission or City Council;

(B) Any supplementary engineering data required by the City Engineer;

(C) Data requirements as set forth in M.S. Ch. 505, as it may be amended from time to time. All interior and exterior boundary lines shall be correctly designated on the plat and shall show beatings on all straight lines, or angles at all angle points, and central angle and radii and arc lines for all curves. Durable iron monuments shall be set at each angle and curve point on the interior and exterior boundary lines and at all block corners and at all intermediate points on the block or lot lines indicating a change of direction in the lines. The plat shall indicate that monuments have been set;

(D) An identification system for all lots and blocks. All lots shall be numbered consecutively;

(E) The area (in square feet) and dimensions of all lots in feet and hundredths;

(F) The subdivider shall submit two hardshells, one transparency copy and six duplicate copies of the final plat;

(G) All signatures on the plat must be in black ink;

(H) Certification by a registered land surveyor to the effect that the plat represents a survey made by him/her and that monuments and markers shown thereon exist as located and that all dimensional and geodesic details are correct;

(I) Notarized certification by the fee owner, any contract for deed vendees and by any mortgage holder of record, of the adoption of the plat and the dedication of roads and other public areas as required by M.S. § 505.021, Subd. 3, as it may be amended from time to time;

(J) Certification showing that all taxes, special assessments and utility charges currently due on the property to be subdivided have been paid in full for the calendar year in which the plat is filed;

(K) Form for approval by Registered Land Surveyor:

(L) I hereby certify that I have reviewed this plat and found it to be in compliance with the surveying requirements of the Subdivision Ordinance of the City and Minnesota Statutes Ch. 505.

(M) The subdivider shall provide the County Auditor's Office with a Final Title Opinion prepared by the attorney who prepared the Preliminary Title Opinion in substantial conformity with the form set forth below, within 14 days of the final plat being recorded.

City Council of the City of

RE: Plat of _____

Subdividers _____

Gentlemen:

Final Opinion

I hereby certify that I have examined all records relating to the above described plat in the office of the County Recorder from the date of the abstract of title to _____, the date the plat was recorded. From such examination I conclude:

1. That all defects cited in the Preliminary Opinion have been cured;
2. That as of the date of recording, good record title in fee simple absolute was in the subdividers; and
3. That the public is vested with those right-of-way rights and easement rights as in the plat indicated.

Sincerely,

The attorney shall also sign the following statement on the face of the plat prior to filing:

I hereby certify that proper evidence of title has been presented to and examined by me, and I hereby approve this plat as to form and execution.

(N) Form for Mortgage Statement:

I hereby attest to the fact that there are no mortgages, other than shown, outstanding against any of the property in this subdivision.

Signed _____ Dated _____
Subdivider

(O) Form for comparison by Zoning Administrator:

Accepted and approved by the City Council of the City of Spring Lake Park, Minnesota, this ____ day of _____, ____.

Signed _____
Mayor

Signed _____
Administrator, Clerk/Treasurer

(P) Form for approval by City Council:

Accepted and approved by the City Council of the City of Spring Lake Park, Minnesota, this ____ day of _____, ____.

Signed _____
Mayor

Signed _____
Administrator, Clerk/Treasurer

(Q) Form for approval by County Treasurer:

I hereby certify that the taxes for the year ____ for the lands described within are paid.

Signed _____
County Treasurer

(R) Form for approval by County Auditor:

No delinquent taxes and transfer entered. Dated_____.

Signed _____
County Auditor; and

(S) Form for approval by County Recorder:

I hereby certify that the within instrument was filed in this office for record on the _____ day of _____, _____ at _____ o'clock _____.M., and was duly recorded in Book of _____ on page _____.

Signed _____
County Recorder

DESIGN STANDARDS

§ 152.030 STREETS.

(A) *General design.* The design of all streets shall be considered in their relation to: public safety, existing and planned streets, efficient circulation of traffic, topographical conditions, run-off of storm water, and proposed uses of the land to be served by the streets.

(1) The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of existing streets in adjoining areas.

(2) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. When a new subdivision adjoins unsubdivided land susceptible to being divided, then the new streets shall be carried to the boundaries of the unsubdivided land.

(B) *Width.* All right-of-way widths shall conform to the following minimum dimensions:

- (1) Thoroughfares: 80 feet;
- (2) Collector streets: 70 feet;
- (3) Minor streets: 60 feet; and
- (4) Marginal access streets: 30 feet.

(C) *Reverse curves.* Tangent of at least 50 feet in length shall be introduced between reverse curves on collector streets.

(D) *Street grades.* All center line gradients shall be at least 0.5% and shall not exceed the following:

(1) Collector streets: 4%; and

(2) Minor streets: 6%.

(E) *Minor streets.* Minor streets shall be so aligned that their use by through traffic will be discouraged.

(F) *Street jogs.* Street jogs with center line offsets of less than 125 feet shall be avoided.

(G) *Safe intersections.* It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow.

(H) *Alleys.* Alleys are not permitted in residential areas.

(I) *Cul-de-sacs.* Maximum length cul-de-sac streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way. Each cul-de-sac shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 100 feet and a street property line diameter at least 120 feet.

(J) *Half-streets.* Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision and adjoining unsubdivided areas.

(K) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

(L) *Private streets.* Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.

(M) *Hardship to owners of adjoining property avoided.* The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(N) *Street interval.* In general, provisions shall be made at intervals not exceeding one-half mile for through streets (streets running through the subdivision in a fairly direct manner).

(O) *Intersections.* In general, streets shall intersect at right angles.

§ 152.031 EASEMENTS.

(A) *Utilities.* Easements at least ten feet wide, centered on rear and other lot lines, shall be provided for utilities, where necessary. They shall have continuity of alignment from

block to block. At deflection points, easements for pole-line anchors shall be provided where necessary.

(B) *Drainage.* Where a subdivision is traversed by a water course, drainage way channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course together with further width or construction or both, as will be adequate for storm water run-off. The easement shall include not only the stream channel, but also adjoining areas that have been subject to flooding in years of heavy run-off.

§ 152.032 BLOCKS.

(A) *Length.* Block lengths shall not exceed 1,800 feet and, if possible, should not be less than 400 feet in length.

(B) *Arrangement.* A block shall be so designated as to provide two tiers of lots, unless it adjoins a railroad or limited access highway and unless topographic conditions necessitate a single tier of lots.

(C) *Pedestrian ways.* In blocks over 1,200 feet long, a pedestrian way or easement shall or may be required by the Council in locations deemed necessary to public health, convenience, and necessity. This type of an easement shall not be less than 15 feet in width.

§ 152.033 LOTS.

(A) *Lots.* All lots shall abut by their full frontage on a publicly dedicated street. The finished grade at the perimeter of principal buildings on lots shall average a height above center of street of one-half inch per foot of required setback, with a minimum of 24 inches, to assure adequate drainage of rain water from roofs away from the building.

(B) *Corner lots.* Corner lots shall be platted at least 15 feet wider than the minimum lot size required; 25 feet wider in the case of corner lots adjacent to a major thoroughfare.

(C) *Side lot lines.* Side lot lines shall be substantially at right angles of radial to the street line.

(D) *Water courses.* Lots abutting upon a water course, drainage way, channel, or stream shall have an additional depth or width as required to assure house sites that are not subject to flooding.

(E) *Features.* In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots, or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.

(F) *Lot remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, rather than allowed to remain as

unusable parcels. However, outlots may be used if there is a reasonable likelihood that future subdivision of adjoining land will absorb these outlots into standard lots.

(G) *Lots along thoroughfares.* Subdivisions along future major thoroughfares shall be so designed that where possible there would be no direct vehicular access from residential lots onto those thoroughfares. Residential lots shall be separated from major thoroughfares and railroad rights-of-way by a 25-foot buffer strip, which may be in the form of added depth or width of lots backing on major thoroughfares or siding on the thoroughfare or railroad right-of-way. A screen planting easement shall be granted to the city for the 25-foot buffer strip if it adjoins a major thoroughfare.

(H) *Site improvements.* All newly developed lots within the city shall conform to the following criteria.

(1) The landowner shall landscape the property and establish turf consisting of tame, perennial grass by either sodding or cultivating and seeding the entire front, rear, and side yards except those areas covered by buildings, patios, sidewalks, driveways, and other landscaping materials.

(2) The landowner is responsible for maintaining the landscaping and turf in an attractive and well-kept condition.

(3) Whenever it is impossible or impractical to landscape and establish turf on the property, the landowner must submit a plan to the city detailing how and when the landowner will control weeds and drifting sand on the property. This plan is subject to the approval of the building official of the city. Failure on the part of the landowner to follow through and implement the approved plan is a violation of this section.

(I) *Performance agreement.* Upon the issuance of a building permit, the city is responsible for providing written notice to the landowner of the requirement to comply with this section. The landowner must then comply with this section by the end of the next full growing season.

§152.034 DEDICATION REQUIREMENTS.

(A) As a condition of subdivision approval, subdividers shall dedicate a portion of any proposed subdivision for conservation purposes or for public use as parks, recreational facilities as defined and outlined in M.S. § 471.191, playgrounds, trails, wetlands or open space; provided that the city may choose to accept an equivalent amount in cash for part or all of the portion required to be dedicated based on the fair market value of the land following the criteria of M.S. § 462.358, Subd. 2b, as it may be amended from time to time.

(B) Land shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access and location. Land with trash, junk, pollutants, flooding or wetlands and unwanted structures is generally not acceptable.

(C) The Planning Commission and the City Council shall determine the land and/or cash contribution requirements for proposed subdivisions.

(D) Any increase in density of subdivisions shall be reviewed for reconsideration of park land and/or cash contribution requirements.

(E) When a proposed park, playground, recreation area or other public ground has been indicated in the city's official map or comprehensive plan and is located in whole or in part within a proposed subdivision, it shall be designated as such on the plat and shall be conveyed to the city. If the subdivider elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the city may consider acquiring the site through purchase or condemnation.

(F) Land area conveyed or dedicated to the city shall not be used in calculating density requirements of the city zoning ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.

(G) Where private open space for park and recreation purposes is provided in a proposed subdivision, these areas may be used for credit, at the discretion of the City Council, against the land or cash dedication requirement for park and recreation purposes, provided the City Council finds it is in the public interest to do so.

(H) The dedication requirements are presumptively appropriate. A subdivider may request a deviation from the presumptive requirements based upon the anticipated impact of that particular subdivision. The request must be made before final subdivision approval by the city.

(I) *Dedication formula.*

(1) In residential subdivisions where a land dedication is required, the following formula will be used to determine the dedication requirement:

Density: Units per Acre	Land Dedication Percentage:
0.00-4.00	10%
4.01-8.00	12%
8.01-12.00	14%
12.01-16.00	16%
16.01 +	18%

(2) In commercial or industrial subdivisions where a land dedication is required, the following formula will be used to determine the dedication: 3% of the gross area of land being platted.

(J) In lieu of land dedication the city may require cash fees established pursuant to M.S. § 462.358, Subd. 2b, as it may be amended from time to time, for commercial, industrial, multi-family dwelling units and single-family dwelling units, in amounts established in a separate ordinance or in the Ordinance Establishing Fees and Charges adopted pursuant to § 33.25 of this code, as that ordinance may be amended from time to time.

(K) The city may elect to receive a combination of cash, land and development of the land. The fair market value of the land the city wants and the value of the development of the land shall be calculated. That amount shall be subtracted from the cash contribution required by division (J) of this section. The remainder shall be the cash contribution requirement.

(L) Fair market value shall be determined as of the time of final subdivision approval in accordance with the following:

(1) The city and the developer may agree as to the fair market value; or

(2) The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense. The appraisal shall be made by appraisers who are approved members of the SREA or MAI, or equivalent real estate appraisal societies.

(3) If the city disputes such appraisal the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

(M) Planned unit developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.

(N) Cash contributions are to be calculated at the time of final subdivision approval. The council may require the payment at the time of final subdivision approval or at a later time under terms agreed upon in the development agreement. Delayed payment shall include interest at a rate set by the city.

(O) Cash contributions shall be deposited in the park dedication fund and shall only be used for the acquisition of land for the purposes set forth in division (A) of this section, and the planning and development of land for such purposes.

(P) Property being subdivided without an increase in the number of lots shall be exempt from park and trail dedication requirements if similar requirements were satisfied in conjunction with an earlier subdivision. If the number of lots is increased, then the dedication shall be based on the additional lots created.

IMPROVEMENTS

§ 152.045 SUBDIVIDER RESPONSIBILITY.

Before the Council approves a final plat, the subdivider shall give satisfactory assurance of the installation of the following improvements.

§ 152.046 MONUMENTS.

Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as shown on the final plat and as required by the City Engineer. Pipes or steel rods shall be placed at the corners of each lot and at each intersection of street center lines. All national, state, county, or other official benchmark monuments, or triangular stations in or adjacent to the property, shall be preserved in precise position.

§ 152.047 STREETS.

(A) *Grading.* The full right-of-way of all streets shall be graded.

(B) *Surfacing.* All streets shall be improved with a bituminous surface as provided in § 152.072(B).

(C) *Concrete curb and gutter.* Shall be provided along all streets.

(D) *Street lighting.* Street lighting fixtures, as may be required by the City Council, shall be installed.

§ 152.048 SIDEWALKS.

Sidewalks shall be installed if the Council shall determine it is in the public interest.

§ 152.049 WATER MAIN.

Where connection with the city water system is feasible, the public water facilities shall be used.

§ 152.050 SANITARY SEWER.

Wherever trunk line sanitary sewer facilities are available, the subdivider shall be required to install sanitary sewers and connect the same to the trunk line sewers in accordance with state and city regulations.

§ 152.051 DRAINAGE FACILITIES.

Facilities and easements shall be installed as will adequately provide for the drainage of surface water.

(A) When possible, existing natural drainageways, wetlands and vegetated soil surfaces must be used to convey, store, filter and retain stormwater runoff before discharge to public waters.

(B) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.

(C) When development density, topographic features, and soil runoff using natural features, and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways and ponds may be used. Preference must be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and man-made materials and facilities.

§ 152.052 LANDSCAPING.

All developments shall be landscaped with a combination of overstory trees, understory trees, shrubs, flowers and ground cover materials. All areas not covered by buildings, streets, sidewalks, parking lots, driveways or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the city. This requirement shall not apply to site areas retained in a natural state. All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than one and one quarter inches but not more than three inches caliper for balled and burlapped trees, and not less than three inches but not more than six inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees. The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

§ 152.053 STREET NAME SIGNS; STOP SIGNS.

(A) *Street name signs.* Street signs of a design approved by the City Council shall be installed at each street intersection.

(B) *Stop signs.* Stop signs shall be placed on all streets intersecting a thoroughfare or collector street, if the city deems it advisable.

§ 152.054 TRUNK FACILITIES.

Where a water main, sanitary sewer, or storm drain facility should, according to the City Plan, be constructed at a larger size to serve areas outside the subdivision, the larger facility should be constructed, the additional cost to be borne by the city.

§ 152.055 STANDARDS AND SPECIFICATIONS; COMPLIANCE REQUIRED.

The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion. If determined necessary by the City Engineer, the subdivider shall be required to submit an erosion and sediment control plan. Erosion and sediment control measures shall be consistent with best management practices (BMPs) for erosion and sedimentation control as specified in the "Minnesota Stormwater Manual" (MPCA, 2005), as amended, and shall be sufficient to retain sediment on site. Erosion and sediment controls shall meet the standards for the general permit authorization to discharge stormwater associated with construction activity under the national pollutant discharge elimination system/state disposal system permit program permit MN RI00001 (NPDES general construction permit) issued by the Minnesota Pollution Control Agency, as amended. Final stabilization of the site must be completed in accordance with the NPDES construction permit requirements.

§ 152.056 STANDARDS AND SPECIFICATIONS; COMPLIANCE REQUIRED.

All of the required improvements shall conform to the engineering standards and specifications of this chapter.

§ 152.057 PERFORMANCE BOND; SURETY.

(A) Some or all of the improvements to be installed by the subdivider. In this case, the subdivider may submit an agreement and performance bond or cash escrow, guaranteeing completion of the improvements. The performance bond may be for an amount equal to one and one-fourth the City Engineer's estimate of the costs, and the improvements shall be completed within a specified time to be determined by the City Council. The improvements shall be under the direction and control of the City Engineer and subject to his or her approval. The subdivider shall reimburse the city for all engineering and legal expenses incurred by the city.

(B) The city may elect to install any or all of the improvements under a cash escrow agreement with the subdivider. Nothing herein shall be construed to limit the authority of the Council to proceed under the Public Improvement Code, being §§ 152.045 through 152.056.

(C) In lieu of the cash deposit required by division (B), the City Council may accept an undertaking in writing, approved as to form by the City Attorney, executed by the subdivider and a corporate surety as surety, to pay the whole cost thereof, as estimated by the City Engineer, of the improvements to be paid for by the subdivider under this division; that undertaking to provide for payment by the subdivider of sums as due from time to time for cost of the improvements as the same are under construction.

ENGINEERING STANDARDS AND SPECIFICATIONS

§ 152.070 CONFORMANCE REQUIRED.

Conformity of all engineering standards and specifications as described herein shall be required prior to approval of a final plat.

§ 152.071 MONUMENTS.

All lot corner pipes or steel rods shall be one-half inch in diameter placed flush with the finished lot grade. All quarter corners, sixteenth corners, and section corners, if encountered within or adjoining a plat, shall be duly described and tied and placed in a three-foot deep by six-inch round concrete monument.

§ 152.072 STREETS; GRADING, SURFACING, AND CURB AND GUTTER.

(A) *Street grading.* The grades after approval by the City Engineer shall be graded to full right-of-way width with a six-inch curb 0.3 foot rise above the curb to the property line and a slope of no greater than three to one from the property line to natural ground.

(B) *Street surfacing.* A surfaced road not less than 32 feet shall be required for all streets and alleys. All streets shall be improved with a concrete or bituminous surface. Streets to be paved shall be surfaced for a nine (9) ton axle weight capacity using current Minnesota Department of Transportation design standards and in accordance with the City design template.

(C) *Curb and gutter.* A concrete B618 curb and gutter shall be required.

§ 152.073 SIDEWALKS.

Concrete sidewalks shall be five feet wide and four inches thick placed on a four-inch gravel base. Sidewalk grades shall coincide with street grades and slope one-fourth inch per foot from the property line. Sidewalk shall be placed at the property line.

§ 152.074 WATER MAIN.

Water main of the sizes indicated on the city's overall plan shall be installed together with the necessary looping, valves, hydrants, and water services to the property line.

§ 152.075 SANITARY SEWER.

A sanitary sewer of eight-inch PVC pipe shall be required as minimum size placed at not less than 0.3% grade except for a dead-end section where a 0.4% minimum grade shall be required. House service wyes shall be four inches.

§ 152.076 HOUSE SERVICE.

Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the house. A one inch polyethylene water service, corporation cock, and curb box and stop, and four-inch schedule 40 PVC pipe sewer service shall be minimum requirements and may be placed in a common trench.

§ 152.077 PRIVATE WELL.

- (A) Individual wells should be authorized by the Council only on special application.
- (B) Any well for domestic usages should have not less than 80 feet of four-inch or larger casing. The property owner should still be required to pay for his or her water main assessment and hook-up charge.
- (C) Any well to be used only for lawn watering could be a shallow sand point well but must be inspected to insure it does not get used for other purposes.
- (D) Any such permit should be given only after hook-up to city water for domestic water usages.

§ 152.078 PRIVATE SEWAGE SYSTEM.

An individual sewage system is not permitted unless granted specially by the Council to meet a special problem or circumstance.

§ 152.079 PRIVATE WELL OR SEPTIC TANK; HOUSE PLUMBING.

When individual well and septic tanks are used and the septic tank is placed at the rear of the house, it shall be required that plumbing be extended from the vent stack or rear outlet to a point three feet beyond the street side of the basement footing and capped. Inside the basement, the vent elbow shall be set up to be easily reversed for connection to the capped line. The basement slab shall be scored for easy removal to include an area three feet square.

§ 152.080 DRAINAGE SYSTEMS.

All surface and underground drainage systems shall be installed to adequately remove all natural drainage that accumulates on the developed property. Where a master plan or storm sewer district has been established, the drainage network shall conform to the adopted plan. All piping shall provide complete removal and a permanent solution for the drainage water.

§ 152.081 STREET SIGNS.

All street signs shall be in accordance with standards adopted by the city and shall be furnished and installed by the developer. Location of the signs shall be as determined by the city.

§ 152.082 INSPECTION.

All improvements required on site as described under engineering standards shall be inspected during construction by the City Engineer at the expense of the subdivider. This inspection shall include aggregate samples, bituminous mix samples, concrete samples, and visual inspection of projects during the installation of work.

VARIANCES

§ 152.095 VARIANCE PROCEDURE.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this chapter, the Council, following consideration of the Planning Commission, shall have the power to vary the requirements of this chapter in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done. In particular, small subdivisions where one lot is divided into two or three lots, the submission of topographic maps, soil tests, other data, and fee may not be necessary, if the Council, following consideration by the Planning Commission, so determines.

§ 152.99 ENFORCEMENT AND PENALTIES.

(A) This chapter shall be administered and enforced by the Zoning Administrator who is hereby designated the enforcing officer.

(B) Any violation of the terms and provisions of this chapter shall constitute a misdemeanor and shall be punished as provided in § 10.99. All fines paid for violations shall be credited to the City General Fund. Each 24-hour day that a violation continues shall constitute a separate offense.

(C) In the event of a violation or threatened violation of this chapter, the City Council and/or the Zoning Administrator, in addition to other remedies may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the City Attorney to institute such action. This will include, but not be limited to, mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

CHAPTER 153: ZONING

GENERAL PROVISIONS

§ 153.001 TITLE.

This chapter shall be known as the “Zoning Code of the city” and shall be known, cited, and referred to herein as “this chapter.”

§ 153.002 PURPOSE.

This chapter is enacted for the following purposes:

- (A) To promote the general public health, safety, morals, comfort, and general welfare of the inhabitants of the city;
- (B) To promote the character and preserve and enhance the stability of property and areas within the city;
- (C) To divide the city into zones or districts as to the use, location, construction, reconstruction, alteration, and use of land and structures for residence, business, and industrial purposes;
- (D) To provide adequate light, air, privacy, and safety;
- (E) To prevent the overcrowding of land, undue concentration of population;
- (F) To promote the proper use of land and structures;
- (G) To fix reasonable standards to which buildings, structures, and land shall conform for the benefit of all;
- (H) To prohibit the use of buildings, structures, and lands that are incompatible with the intended use of development of lands within the specified districts;
- (I) To limit congestion in the public streets and protect the public health and welfare by providing for the off-street parking of vehicles and vehicle loading areas;
- (J) To protect against fire, explosion, noxious fumes, offensive noise, vibration, dust, odor, heat, glare, pollution of the air, and other hazards in the interest of the public health, comfort, and general welfare; and
- (K) To define and limit the powers and duties of the administrative officers and bodies provided for herein.

§ 153.003 SCOPE; ABROGATION AND GREATER RESTRICTIONS.

(A) *Scope.* From and after the effective date of this chapter, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, relocated, and every use within a building or use accessory thereto, in the city, shall be in conformity with the provisions of this chapter. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming properties.

(B) *Interpretation.* In interpreting and applying this chapter, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this chapter shall be controlling. Where the provisions of any statute, other ordinance, or regulations impose greater restrictions than this chapter, the provisions of that statute, other ordinance, or regulation shall be controlling.

(C) *Private agreements.* This chapter is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of this chapter are more restrictive (or impose higher standards or requirements) than those easements, covenants, or other private agreements, the requirements of this chapter shall govern.

§ 153.004 INTERPRETATIONS; MEASUREMENTS.

(A) *Interpretations.* For the purpose of this chapter, the following interpretations shall apply unless the context clearly indicates or requires a different meaning.

(1) Words used in the present tense shall include the future; words in the singular shall include the plural, and plural the singular.

(2) The masculine gender shall include the feminine and neuter.

(B) *Measurements.* All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken.

§ 153.005 PERMITTED USES.

(A) Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the districts indicated under the conditions specified.

(B) No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which the building, structure, or land shall be located, except for the following exceptions:

(1) Uses lawfully established prior to the effective date of this chapter;

(2) Conditional uses allowed in accordance with § 156.006 of this code; and

(3) Essential services erected, constructed, altered, or maintained by public utilities or by governmental departments or commissions, subject to the permit requirements of this chapter.

§ 153.006 CONDITIONAL USES.

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of conditional use permits, in accordance with the provisions of §§ 153.200 *et seq.* of this code. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

§ 153.007 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A narrow thoroughfare upon which the rear of premises generally abuts or upon which service entrances of buildings abut, and which is not generally used as a thoroughfare by both pedestrians and vehicles, or which is not used for general traffic circulation, or which is not in excess of 30 feet in width at its intersection with a street.

AUTOMOBILE SERVICE STATION. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories. Services offered may include the installation of tires, batteries, and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles. When sales, services, and repairs as detailed here are offered as incidental to the conduct of an **AUTOMOBILE SERVICE STATION**, premises shall be classified by the primary usage. **AUTOMOBILE SERVICE STATIONS** shall not include the sale or storage of junked motor vehicles, shall not include premises offering major automobile repairs, automobile wrecking, or automobile sales. In connection with **AUTOMOBILE SERVICE STATIONS**, fuels offered for sale shall be stored only in underground tanks located wholly within the lot line.

AUTOMOBILE WASH. A building, or portion thereof, containing facilities for washing more than two automobiles, using production line methods with a steam cleaning device or other mechanical devices.

BASEMENT. A story having more than one-half its height below the average level of the adjoining finished grade. A **BASEMENT** is counted as a story for the purposes of height regulations, if subdivided and used for business or dwelling purposes.

BERTH. A loading space.

BLOCK. A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways, or boundary lines of the corporate limits of the city.

BOARDING HOUSE. A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten persons.

BREWER TAP ROOM. A brewer taproom is a facility on or adjacent to premises owned by a brewer licensed under Minn. Statute section 340A.301, Subd. 6(c), (i) or (j) and produces less than two hundred fifty thousand (250,000) barrels of malt liquor annually, and where the on-sale and consumption of malt liquor produced by the brewer is permitted pursuant to Minn. Statute section 340A.301, Subd. 6(b).

BUILDABLE AREA. The space remaining on a lot after the minimum setback and open space requirements of this chapter have been met.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy. The term includes structures of every kind, regardless of similarity to buildings.

BUILDING, ACCESSORY. A subordinate building or structure on the same lot.

BUILDING, DETACHED. A building surrounded by open space, that open space being on the same zoning lot as the building.

BUILDING, HEIGHT OF. The vertical distance measured from the average elevations of the finished grade along the front of the building to the highest point of the roof surface in a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and the ridge of gable, hip, and gambrel roofs.

BUILDING, NON-CONFORMING. See **NON-CONFORMING BUILDING.**

BUILDING, PRINCIPAL. A non-accessory building in which a principal use of the zoning district in which it is located is conducted.

BUILDING INSPECTOR. The Building Inspector of the city.

BUILDING LINE. An imaginary line separating buildable area and required yards.

BUILDING LINE SETBACK. The distance between the building line and the property line.

BULK. The term used to indicate the size and setbacks of buildings or structures and location of same with respect to one another, and includes the following:

- (1) The size and height of buildings;
- (2) The location of exterior walls at all levels in relation to lot lines, streets, or to other buildings;
- (3) The gross floor area of buildings in relation to lot area (floor area ratio);
- (4) All open spaces allocated to buildings; and

(5) The amount of lot area per dwelling unit.

BULK MATERIALS. Uncontained solid matter, such as powder, grain, stone, and sulphur, and the like, that has a tendency to become airborne.

CITY ADMINISTRATOR, CLERK/TREASURER. The Administrator, Clerk/Treasurer of the city.

CITY COUNCIL. The City Council of the city.

CLUSTER DEVELOPMENT. A planned unit development consisting only of residential units.

COCKTAIL ROOM. A cocktail room is a facility on or adjacent to premises owned by a micro distillery licensed under Minn. Stat. section 340A.301 Subdivision 6(c) which produces premium, distilled spirits in total quantity not to exceed forty thousand (40,000) proof gallons in a calendar year, and where the on-sale and consumption of distilled spirits produced by the microdistillery is permitted pursuant to Minn. Statute section 340A.301, Subd. 6(c).

COMPREHENSIVE PLAN. A compilation of reports and maps for guiding the physical, social, and economic development, both private and public, of the city.

CONDITIONAL USE. A Use classified as conditional generally may be appropriate or desirable in a specific zone, but requires approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or traffic congestion.

CONDITIONAL USE PERMIT. A permit to allow a conditional use duly authorized by the appropriate authority as described in §§153.201 of this ordinance. A conditional use permit may be subject to periodic review upon determination by the city.

CURB LEVEL. The level of the established curb in front of the building measured at the center of that front. Where a building faces on more than one street, the **CURB LEVEL** shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the City Engineer shall establish the **CURB LEVELS**.

DECIBEL. A unit of measurement of the intensity of sound level. **DISPLACEMENT.** The amount of motion involved in a vibration.

DISTRICT. A **ZONING DISTRICT** as defined herein.

DWELLING, ATTACHED. A dwelling unit which is joined to another dwelling or building on one or more sides by a party wall or walls.

DWELLING, DETACHED. A dwelling unit which is entirely surrounded by open space on a single parcel with no common party walls.

DWELLING, MEDIUM DENSITY. A residential building designed for or occupied by three or more families, either wholly attached or partially a part of a large detached structure

with separate laundry, storage, housekeeping, and cooking for each dwelling unit. This type of dwelling units shall include townhouses, patio homes, condominiums, cooperatives, or similar units which are intended to be owner occupied.

DWELLING, MULTIPLE-FAMILY. A residential building containing three or more dwelling units with more than one unit connecting to a common corridor or entranceway and which may have some common housekeeping facilities and are available for rent.

DWELLING, SINGLE-FAMILY. A detached dwelling unit containing accommodations for and occupied by one family only.

DWELLING, TWO-FAMILY. A building designed for occupancy by two families living independently of each other.

DWELLING UNIT. A residential building or portion thereof intended for occupancy by a single family for living purposes and having its own permanently installed cooking and sanitary facilities, but not including hotels, motels, boarding or rooming houses, tourist homes, or mobile homes.

FAMILY. An individual or two or more persons related by blood, marriage, or adoption, and bona fide domestic servants, plus up to two unrelated persons, or a group of not more than three unrelated persons living together as a single housekeeping unit in a dwelling unit. **FAMILY** members may enter into rental agreement(s) within the **FAMILY** unit. The definition of **FAMILY** for single-family residential purposes may be expanded to include up to four unrelated adults and up to six unrelated persons living together as a single housekeeping unit in a dwelling unit, provided that the applicant(s) be a qualified non-profit organization or a recognized governmental agency, and further provided that the applicant(s) obtain a conditional use permit in the manner provided in this code.

FLOOR AREA. The floor area of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

FOOT CANDLE. A unit of illumination intensity.

FRONTAGE. All the property fronting on one side of a street between the nearest intersecting streets, or between a street and a right-of-way, waterway, or other similar barrier.

GARAGE, PRIVATE. An accessory building designed and used for the storage of not more than three motor-driven vehicles and owned and used by the occupants of the building to which it is accessory.

GARAGE, PUBLIC. A building, other than a private garage, used for the care, repair, or equipment of automobiles, or where these vehicles are parked or stored for remuneration, hire, or sale within the structure.

GRADE, STREET. The elevation of the established street in front of the building measured at the center of that front. Where no **STREET GRADE** has been established, the

City Engineer shall establish the ***STREET GRADE*** or its equivalent for the purpose of this chapter.

HOME OCCUPATION. Any business, occupation, profession, or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use. General farming and gardening activities are not considered home occupations and are not regulated by this ordinance.

HOTEL. A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals, in which there are more than ten sleeping rooms usually occupied singly, and no provision made for cooking in any individual room or apartment.

HOUSE TRAILER. Any trailer or semi-trailer which is not more than eight feet in width and not more than 35 feet in length, and which is designed, constructed, and equipped for use as a human dwelling place, living abode, or living quarters.

LOADING SPACE. The portion of a lot or plot designed to serve the purposes of loading and unloading all types of vehicles.

LODGING HOUSE. A building where lodging is provided for compensation to three or more persons, in contradistinction to hotels open to transients.

LOT. Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this chapter, and having its principal frontage upon a street. The term includes the words PLOT, PIECE, PARCEL, and TRACT.

LOT, CORNER. A lot located at the intersection of two streets; or a lot bounded on two sides by a curving street, two chords of which form an angle of 120 degrees or less measured on the lot side.

LOT, DOUBLE FRONTAGE. A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT COVERAGE. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT LINE, FRONT. The boundary of a lot abutting a street. On a corner lot, the shortest street lot line shall be the ***FRONT LOT LINE***.

LOT LINE, REAR. The lot line or lot lines most nearly parallel to and most remote from the front lot line.

LOT LINE, SIDE. Lot lines other than front or rear lot lines which are generally perpendicular to the front lot line.

LOT OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Registrar of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Registrar of Deeds at the time this chapter is adopted.

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

MANUFACTURED HOME. A single-family dwelling transportable in one or more sections for purposes of construction, and built in conformance with the Manufactured Home Building Code as defined in M.S. §§ 327.31 - 327.35, as they may be amended from time to time.

MAY. The act referred to is permissive.

MOBILE HOME. A transportable, single-family dwelling unit, suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing; and being subject to tax or registration under state law; and having no foundation other than wheels, jacks, or skirtings.

MOTEL. A combination or group of two or more detached, semi-detached, or connected permanent dwellings occupying a building site integrally owned and used as a unit to furnish overnight transient living accommodations.

NON-CONFORMING BUILDING. A structure which does not comply with the district, bulk, yard, setback, or height regulations of the district in which it is located.

NON-CONFORMING LOT. A lot which does not comply with the minimum lot area or frontage requirements of the district in which it is located.

NON-CONFORMING USE OF BUILDING. A use of a building which does not conform to the applicable use regulations of the district in which it is located.

NON-CONFORMING USE OF LAND. Any use of a lot which does not conform to the applicable use regulations of the district in which it is located.

PARKING, OFF-STREET. Parking spaces which are provided on other than the public right-of-way.

PARKING SPACE. A land area of such a shape and dimension and so maintained as to be usable for the parking of a motor vehicle, and so located as to be readily accessible to a public street or alley.

PATIO HOUSE. A single-family residence constructed lot line to lot line and oriented about a central court.

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazard, or glare, heat glare, heat generated by, or inherent in, uses of land or building.

PERSON. Includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

PLANNED UNIT DEVELOPMENT. A tract of land developed as a unit rather than as individual development, wherein two or more buildings may be located in relationship to each other rather than to lot lines.

PLANNING COMMISSION. The Planning Commission of the city.

PLOT. A tract other than one unit of a recorded plat or subdivision and occupied and used or intended to be occupied and used as a building site and improved or intended to be improved by the erection thereon of a building or buildings and accessory building or buildings and having a frontage upon a public street or highway and including as a minimum those open spaces as required under this chapter.

PUBLIC OPEN SPACE. Any publicly owned open area, including but not limited to the following: parks, playgrounds, school sites, parkways, and streets.

PUBLIC ROAD. Any street, alley, highway, or other public thoroughfare.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, or board fully authorized to furnish and furnishing under municipal regulation to the public, such services as electricity, gas, steam, communication services, telegraph services, transportation, or water.

RECREATIONAL EQUIPMENT. House trailers including those which telescope or fold down, chassis-mounted campers, house cars, motor homes, tent trailers, slip-in campers, converted buses, and converted vans.

REST HOME, CONVALESCENT HOME, or NURSING HOME. A public or private home for the care of persons, or a place of rest for those suffering bodily disorders.

SATELLITE RECEIVE-ONLY ANTENNA or SROA. An accessory structure consisting of a device commonly parabolic in shape, mounted at a fixed point and capable of receiving, for the benefit of the principal use, television signals from a transmitter or a transmitter relay located in geostationary orbit and serving the same or similar function as the common television antenna.

SETBACK. The mean horizontal distance between the property line and the line of a building or the allowable building line.

SHALL. The act referred to is mandatory and not discretionary.

SHOPPING CENTER.

(1) ***COMMUNITY SHOPPING CENTER.*** A retail center designed for the purpose of retailing and providing a wide range of goods and services of both the convenience and the shopper's or durable nature such as apparel, furniture, and banking and financial services for a trade area comprised of several residential areas.

(2) ***NEIGHBORHOOD SHOPPING CENTER.*** A retail center designed for the purpose of retailing convenience goods such as foods and drugs and providing personal services such as barber shops and laundry stations for the accommodation of the basic day-to-day shopping or service needs of persons living or working within the nearby area.

SIGN. A name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or, if no floor above, the space between a floor and the ceiling next above it.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A ***HALF STORY*** containing independent apartment or living quarters shall be counted as a full story.

STREET. A thoroughfare which affords a principal means of access to abutting property and which has been accepted by the city as a public street.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders, or any substantial changes in the roof and exterior walls.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. When a ***STRUCTURE*** is divided into separate parts by an unpierced wall, each part shall be deemed a separate ***STRUCTURE***.

SUBDIVISION REGULATIONS or ***CH. 152.*** Ch. 152 of this code; the Subdivision Regulations of the city.

TOWNHOUSE. A single structure consisting of three or more dwelling units having the first story at or near the ground level, with one dwelling unit connected to the other dwelling unit by a single party wall with no openings.

USE. The purpose for which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use subordinate to the main use of a lot and used for purposes customarily incidental to those of the main use.

USE, PERMITTED. A use which may lawfully be established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of those districts.

USED FOR. Includes the phrases **ARRANGED FOR**, **DESIGNATED FOR**, **INTENDED FOR**, **MAINTAINED FOR**, and **OCCUPIED FOR**.

VARIANCE. A modification or variation of the provisions of this chapter, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a **VARIANCE**.

YARD. An open space on the same zoning lot with a building or structure, which **YARD** is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this chapter.

YARD, FRONT. A yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

YARD, REAR. An open space unoccupied except for accessory buildings as regulated herein, on the same lot with a building, between the rear lines of the building and the rear line of the lot, for the full width of the lot.

YARD, SIDE. An open, unoccupied space on the same lot with a building, between the building and the side line of the lot and extending from the front lot line to the rear yard.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer, or his/her designee.

ZONING DISTRICT. Area of the city (as defined on the Zoning Map) set aside for specific uses with specific requirements for use of development.

ZONING MAP. The map or maps incorporated into this chapter as a part thereof, designating the various zoning districts; the City Zoning Map.

GENERAL REGULATIONS

§ 153.020 SCOPE OF REGULATIONS.

(A) No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the Zoning Administrator, and no permit or license shall be issued by any other department, which would authorize the use or change in use of any land or building contrary to the provisions of this chapter, or the erection, moving,

alteration, enlargement, or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this chapter.

(B) No lot area shall be so reduced or diminished that the lot area, yards, or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations as hereinafter provided.

(C) Every building hereafter erected, relocated, or structurally altered shall be located on a lot as herein defined, and, except in the case of an officially approved planned multiple-dwelling development, there shall be no more than one main building and the customary accessory building on one lot within a residence district.

(D) In any residence district a double frontage lot shall have a front yard, as hereinafter provided for its particular district, along each street lot line, provided further that residential buildings on double frontage lots shall not face or have access onto collector or arterial streets as designated in the Comprehensive Plan.

ZONING DISTRICT BOUNDARIES

§ 153.030 DISTRICT CLASSIFICATION ESTABLISHED.

(A) In order to classify, regulate, and restrict the location of trade and industry, and the location of buildings designated for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the areas of yards, recreation, and open space within and surrounding those buildings, the city is hereby divided into ten districts. The use, height, and area regulations are uniform in each district.

(B) Districts shall be known as:

(1) Residence districts.

(a) R-1, single-family residence district;

(b) R-2, medium density residence district; and

(c) R-3, multiple-family residence district;

(2) Non-residence districts.

(a) C-1, shopping center commercial district;

(b) C-2, neighborhood and service commercial district;

(c) C-3, office commercial district; and

- (d) I-1, light industrial district.

§ 153.031 DISTRICT BOUNDARIES ADOPTED.

The location and boundaries of the districts established by this chapter are set forth on the official zoning map of the city, on file with the City Clerk. All notations, references and other information shown on the official zoning map are incorporated by reference into this title and shall have the same force and effect as if set forth herein.

§ 153.032 BOUNDARY LINES; INTERPRETATION.

Wherever any uncertainty exists as to the boundary of any use district as shown on the Zoning Map incorporated herein by reference, the following rules shall apply.

(A) Where district boundary lines are indicated as following streets, alleys, or similar rights-of-way, they shall be construed as following the center lines thereof.

(B) Where district boundary lines are indicated as approximately following lot lines or section lines, those lines shall be construed to be the boundaries.

(C) Where a lot held in one ownership, and of record at the effective date of this chapter, is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than 20%.

(D) Where figures are shown on the Zoning Map between a street or property line and a district boundary line, they indicate that the district boundary line runs parallel to the street line or property line a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS

§ 153.040 PURPOSE AND INTENT.

(A) *Purpose.* The residence districts are established to accomplish the general purposes of this chapter and for the following specific purposes:

- (1) To preserve existing living qualities of residential neighborhoods;
- (2) To ensure future high quality amenities including, but not limited to, the provision of adequate light, air, privacy, and convenience of access to property;
- (3) To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;

(4) To prevent additions or alterations of structure which would damage the character or desirability of existing residential areas;

(5) To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic; and

(6) To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership.

(B) *Intent.* The specific intent of each residential district is as follows.

(1) R-1, single-family residence district. This district is intended to preserve, create, and enhance areas of exclusive single-family development where that development fits the Comprehensive Plan, and where two-family dwellings may be allowed by conditional use permit.

(2) R-2, medium density residence district. This district is intended to provide for medium density residential use which stresses individually owned dwelling units to provide a transition between lower and higher densities and between incompatible land uses.

(3) R-3, multiple-family residence district. This district is intended to provide a residence area in which multiple dwellings not exceeding six units per building may be allowed, except by conditional use permit.

§ 153.041 PERMITTED USES.

The uses as set forth in App. D of this chapter are allowed in the various residential districts either as permitted, accessory, or conditional uses.

§ 153.042 LOT AREA ALLOWANCES IN R-3.

(A) The following lot area allowances are to be applied to the minimum lot area requirements in Appendix D. The maximum lot area allowances shall not exceed 1,000 square feet, based on the following schedule.

(B) (1) For each parking space provided within the building or underground, subtract 300 square feet.

(2) If the site upon which the multiple dwelling is being constructed or the adjacent site is zoned for a commercial use, subtract 300 square feet.

(3) If the adjacent site is zoned an R-1 residence district, add 300 square feet, per unit, for that portion of the multiple-dwelling site within 150 feet of the residence district.

(4) If the total lot coverage is less than 20%, subtract 150 square feet per unit.

(5) In a case where it is necessary to raze an existing principal structure and where the existing structure is in a dilapidated condition, or where the building is economically unfeasible to rehabilitate, there shall be provided an allowance of two dwelling units above any other allowances required within this section.

§ 153.043 GENERAL USE REGULATIONS.

(A) In every dwelling unit hereafter erected, there shall be at least three rooms used for living.

(B) Buildings or parts of buildings used for garages, sheds, and agricultural buildings shall not exceed 1,200 square feet in area or one story in height. No part of a detached accessory building shall exceed 15 feet above grade.

(C) The city authorizes the placement of manufactured housing on residential lots within the city provided that the manufactured housing complies with the following conditions:

(1) The manufactured housing shall be built in conformity with M.S. §§ 327.31 - 327.35, as they may be amended from time to time;

(2) The manufactured housing shall comply with all other zoning standards and regulations for the district;

(3) The manufactured housing shall be placed on the same type of permanent foundation as required of other traditional housing in the district;

(4) No manufactured housing shall have a width of less than 20 feet at its narrowest point; and

(5) Building permits as required by the city shall be obtained for the placement of manufactured housing.

§ 153.044 SINGLE- AND TWO-FAMILY RESIDENCE REQUIREMENTS.

(A) *Minimum sizes.*

(1) The following minimum floor area, exclusive of porches, attics, basements, cellars, and crawl spaces, shall apply to all dwelling houses constructed:

(a) One-story houses: 960 square feet;

(b) Split level or split entry houses: 800 square feet;

(c) One and one-half story houses: first floor, 700 square feet; and

(d) Two-story houses: first floor, 600 square feet; and second floor, 600 square feet.

(2) For purposes of computing the minimum areas set down in division (A)(1) above, only those areas having a ceiling height of seven feet, six inches or more will be considered. The area of split level or split entry houses shall be computed on the basis of the largest horizontal area of the structure; and when one habitable area lies directly above another habitable area, only the larger area may be used to compute areas as prescribed in this section.

(B) *Garages.* A single-car garage shall be required which shall have a minimum of 300 square feet of floor area.

(C) *Roof pitch.* The minimum roof pitch for single- and two-family residences shall be 3:12. Any alteration of this roof pitch standard must be through the formal variance procedure.

§ 153.045 MEDIUM DENSITY RESIDENCE REQUIREMENTS.

(A) *Minimum dwelling unit floor area.*

(1) The minimum floor area for each dwelling unit shall be as follows:

- (a) One-bedroom: 700 square feet;
- (b) Two-bedroom: 800 square feet; and
- (c) Three-bedroom: 960 square feet.

(2) For purposes of measurement, the net floor area of a dwelling unit shall be that area within a building used as an individual dwelling unit, and shall be measured from the outside of exterior walls to the center of interior partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or storage area not within the dwelling unit.

(B) *Design requirements.* Construction of medium density dwellings is allowed in certain districts by a conditional use permit approved by the Planning Commission and the City Council after review of the plans specified in §§ 153.202(B)(1) and 153.202(B)(2) of this code in the manner prescribed in §§ 156.200 *et seq.*, regarding conditional use permits.

§ 153.046 MULTIPLE-FAMILY RESIDENCE REQUIREMENTS.

(A) *Minimum dwelling unit floor area.*

(1) The minimum floor area for each dwelling unit shall be as follows:

- (a) Efficiency: 600 square feet;

- (b) One-bedroom: 700 square feet;
- (c) Two-bedroom: 800 square feet; and
- (d) Three-bedroom: 900 square feet.

(2) For the purposes of measurement, the net floor area of a dwelling unit shall mean that area within a building used as a single dwelling unit, and shall be measured from the inside walls to the center of partitions bounding the dwelling unit being measured, but shall not include public stairways, public entries, public foyers, public balconies, or unenclosed public porches, separate utility rooms, furnace areas or rooms, storage areas not within the apartment, or garages.

(B) Design and construction requirements.

(1) *Design review.* A conditional use permit for a multiple dwelling must be approved by the Planning Commission and the City Council after review of the plans set forth in § 153.047(B) of this code. The Planning Commission and City Council may designate conditions or guarantees in connection therewith as will secure substantially the provisions of the district.

(2) *Building design and construction.* In addition to the requirements of § 153.043 of this code, building design and construction shall meet the following provisions.

(a) A conditional use permit for a multiple-dwelling building containing four or more dwelling units shall not be issued unless the applicant's building plans, including the site plan, are certified by an architect registered in this state stating that the design of the building and site have been prepared under his or her direct supervision. Any building of Type I or Type II construction as provided in the State Building Code shall have its electrical, mechanical, and structural systems designed by registered engineers. Provisions of this division shall in no way prohibit the preparation of the site plan by a professional site planner.

(b) The design shall make use of all land contained in the site. All of the site shall be related to the multiple-family use, such as parking, circulation, recreation, landscaping, screening, building, storage, and the like, so that no portion remains unconsidered.

(c) Illuminated pedestrian walkways shall be provided from parking areas, garages, loading zones, and recreation areas to the entrances of the buildings.

(d) All exterior wall finishes on any principal or accessory buildings shall be any single one or a combination of the following:

- 1. Face brick;
- 2. Natural stone;
- 3. Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative material or texture;

4. Factory fabricated and finished metal framed panel construction, if the panels consist of any of the materials named above, or glass, prefinished metal (other than unpainted galvanized iron) or plastic; or

5. Other materials as may be approved by the Planning Commission.

(e) Building facings shall be of similar material and consistent architectural design.

(f) All subsequent additions and outbuildings constructed after the erection of an original building or buildings shall be constructed of the same materials as the original construction and shall be designed in a manner conforming with the original architectural design and general appearance.

(g) At least 50% percent of all units shall be one-bedroom; no unit shall consist of more than three bedrooms.

(3) *Plans.* All plans specified in §§ 153.202(B)(1) and 153.202(B)(2) of this code shall be required for multiple dwellings.

(4) *Type of construction.* Any building more than two and one-half stories in height shall be of Type I or Type II construction as provided in the State Building Code as incorporated by reference by this code.

(5) *Closets and bulk storage.* The following minimum amounts of closet and bulk storage shall be provided for each dwelling unit:

(a) One-bedroom unit: ten lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling building;

(b) Two-bedroom unit: 24 lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling building;

(c) Three-bedroom unit: 38 lineal feet of closet space within the individual dwelling unit plus 50 square feet of bulk storage within the multiple-dwelling unit; and

(d) Only closet space having a minimum clear finish to finish depth of two feet, zero inches, shall be considered in determining the lineal feet of closet provided.

(6) *Sound.* Party and corridor partitions and floor systems shall be of a type rated by a laboratory regularly engaged in sound testing as capable of accomplishing an average sound transmission loss (using a nine frequency test) of not less than 50 decibels. Door systems between corridors and dwelling units shall be of solid core construction and include gaskets and closure plates. Room relationship, hallway designs, door and window placements, and

plumbing and ventilating installations shall be such that they assist in the control of sound transmission from unit to unit.

(7) *Projecting air conditioning and heating units.* Air conditioning or heating units projecting through exterior walls or windows shall be so located and designed that they neither unnecessarily generate or transmit sound nor disrupt the architectural amenities of the building. Units projecting more than four inches beyond the exterior finish of a building shall be permitted only with the consent of the Building Inspector, which shall be given when the building structural systems prevent compliance.

(8) *Trash receptacles and garbage.* All trash receptacles must be screened on at least three sides and not visible from any public right-of-way.

(9) *Accessory buildings.* Accessory buildings shall observe the same setback requirements established for the residence building except that accessory buildings located within the rear yard of the multiple-residence building may be located to within five feet of the rear or interior side property line. The City Council may require common walls that will eliminate unsightly and hazardous areas. Exteriors of accessory buildings shall have the same exterior finish as the main structure.

(10) *Parking and loading.* In addition to the requirements of §§ 153.130 *et seq.* and App. A of this chapter, the following regulations shall apply to parking and loading for multiple dwellings:

(a) Parking areas shall have six-inch concrete curbs defining the perimeter; and

(b) Parking and loading areas shall be a reasonable distance from building (other than service) entrances to facilitate moving of household furnishings.

(11) *Recreation and open space.* Each multiple-family dwelling unit containing four or more units shall include a recreation area. Such a recreation area may consist partially of appropriately landscaped open space and shall include a play area, a portion of which shall contain a paved surface. These recreation areas shall consist of not less than 20% of the gross area of the property and shall consist principally of land within the building setback lines. In addition, the city shall require a fee per or a donation of land, provided the land is acceptable to the Planning Commission and the City Council, consistent with § 152.039 of this chapter.

§ 153.047 CLUSTER DEVELOPMENT.

(A) *Purpose.* The purpose of cluster developments is to make provision for residential cluster projects on large tracts of land under single or unified ownership. These residential subdivision unit projects will allow modification of individual lot area and width requirements. Residential clusters shall be developed in accordance with an overall design and integrated development plan in accordance with Ch. 155, regulating subdivisions, and the

Comprehensive Plan. The project shall be consistent with the intent and purpose of this chapter and shall not adversely affect the property adjacent to the land area included in the project.

(B) Regulations.

(1) The minimum area of land to be included in a cluster development project shall be five acres.

(2) With the exception of individual lot area and setback requirements, the cluster development shall conform to the density requirements of the district in which it is to be located.

(3) The cluster development project shall submit a preliminary subdivision plat and site plan, along with an application for a conditional use permit to the Planning Commission and City Council. The preliminary plat and site plan shall conform to the provisions of this chapter and Ch. 152. The general development plan shall be drawn to scale with topography of a contour interval not greater than two feet. The site plan shall include:

- (a) Proposed roadways, type and capacity of paving;
- (b) The proposed site and existing adjacent development;
- (c) The size and location of buildings;
- (d) Landscaping;
- (e) Parking areas and arrangements of stalls;
- (f) Site and lot dimensions;
- (g) The allocation and disposition of park and open space; and
- (h) A relief drawing of the general building design or theme intended for all buildings other than single- and two-family units.

(4) Should the special use permit for the preliminary plat and site plan be approved, the preliminary plat and site plan shall be attached to and become part of the special use permit. Any modification of the preliminary plat or site plan shall require a resubmission to and approval by the Planning Commission and City Council.

(5) Should the conditional use permit be approved, the final plat shall be submitted to the city in accordance with Ch. 152 of this code and the provisions of this chapter.

NON-RESIDENCE DISTRICTS; USE REGULATIONS; REQUIREMENTS

§ 153.050 COMMERCIAL DISTRICTS; PURPOSE AND INTENT.

(A) *Purpose.* The commercial districts are established to accomplish the general purpose of this chapter and the Comprehensive Plan and for the following specific purposes:

(1) To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience;

(2) To provide an adequate supply of business and professional services to meet the needs of the residents; and

(3) To promote a high quality of total commercial development and design that produces a positive visual image.

(B) *Intent.* The specific intent of each commercial district is as follows.

(1) C-1, shopping center commercial district. This district is intended to provide a district which may be applied to land in single ownership or unified control for the purpose of developing a planned business center with a unified and organized arrangement of buildings and service facilities at key locations which are suitable for the use and which are centrally located within the residential area they are intended to serve.

(2) C-2, neighborhood and service center commercial district. This district is intended for the convenience of persons residing in nearby residential areas and is limited in its function to accommodating the basic day-to-day shopping needs of the typical family. It is also intended as a business district which may be located in separate areas adjacent to shopping centers and thus help to keep the basic retail areas compact and convenient, and in other separate areas to provide a district which may be located in close proximity to a major thoroughfare or highway in order that highway service types of land use can be provided.

(3) C-3, office commercial district. This district is intended to provide a district which is related to and may reasonably adjoin high density or other residential districts for the location and development of administrative office buildings, medical uses, and related office uses which are subject to more restrictive controls.

§ 153.051 LIGHT INDUSTRIAL DISTRICT; PURPOSE AND INTENT.

(A) *Purpose.* The light industrial district is established to accomplish the general purposes of this chapter and the Comprehensive Plan and the following specific purposes:

(1) To provide employment opportunities; and

(2) To group industrial and certain uses in locations accessible to highways so that the movement of raw materials, finished products, and employees can be carried on in performance standards in §§ 153.020 *et seq.* of this code.

(B) *Intent.* It is recognized that, while the city is predominantly residential in character, industrial uses are an important part of the city land use pattern. The regulations for this district are intended to encourage industrial development that is compatible with the surrounding or abutting land uses. To accomplish this compatibility, development in the light industrial district:

(1) Is limited to administrative, wholesaling, manufacturing, and related commercial uses that can be carried on in accordance with the performance standards set forth in §§ 153.020 *et seq.*;

(2) Must provide suitable open spaces, landscaping, and parking areas; and

(3) Must establish a high standard of appearance and controls for external effects (such as noise, smoke, and the like).

§ 153.052 PERMITTED USES.

(A) *Commercial districts.*

(1) Uses in commercial districts shall be allowed as set forth in App. D of this chapter.

(2) From and after the effective date of this chapter, a conditional use permit shall be required for any commercial use abutting a residential district within the city.

(B) *Light industrial district.* Within a light industrial district, no building or land shall be used except for one or more of the uses as set forth in App. D of this chapter, providing they comply with the performance standards set forth in §§ 153.100 *et seq.*

§ 153.053 GENERAL REQUIREMENTS.

All required yards shall either be open landscaped and green areas or be left in a natural state, except where off-street parking is required as specified in §§ 153.130 *et seq.* If any yards are to be landscaped, they shall be landscaped attractively with lawns, trees, shrubs, and the like. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.

§ 153.054 DEVELOPMENT PROCEDURES; PLATTING.

(A) If new public streets are proposed or if the development will require more than one lot or tract, the layout of any proposed streets shall show the right-of-way widths and the proposed names of all streets. Proposed street names shall not duplicate the name of any street already in existence in the city or its environs unless the proposed street is an extension of an already existing street. The street layout shall cover the whole ownership tract.

(B) All public rights-of-way with non-residence districts shall be considered collector streets or arterials as defined in the city thoroughfare plan.

(C) Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat will constitute a district of sustained desirability, will be consistent with long range comprehensive plans for the city, and will meet the requirements of the district, the City Council may establish that district on the property included in the preliminary plat. The preliminary plat as approved, together with such covenants, deed restrictions, controls, or conditional use permits as may be attached to it, shall be filed and recorded by the owner or developer in the office of the County Register of Deeds and shall become a part of the ordinance establishing the zoning change. Any substantial change to the plan will require resubmission for approval by the Planning Commission and City Council.

(D) The final platting of the land shall be subject to requirements for approval, recording, and the installation of improvements as required by other city ordinances.

(E) The owner or developer must agree to comply with all the requirements of the city regarding lighting, noise abatement, traffic control and regulation, maintaining order, and keeping the premises free from debris.

§ 153.055 SITE PLAN REVIEW.

(A) *Purpose.* It is the policy of the city to encourage excellence in site and building design of commercial and industrial development in zoning districts C-1, C-2, C-3, and I-1. The site plan review enables the City Council to insure that the applicant has made adequate provisions for utilities (sewer, water, and storm sewer), traffic (off-street parking, circulation access), safety precautions (lighting, pedestrian walks, traffic-control signs), and amenities (exterior design, landscaping, and screening).

(B) *Required information for site plans.* A building permit application in the above listed zoning districts shall include 11 paper copies and one digital copy of site plans presenting the following information:

(1) Complete architectural plans showing the floor plans and elevation of the proposed buildings, and identification of the use of each structure;

(2) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings;

(3) Provision for off-street parking, vehicle storage, internal and external circulation, and supplementary traffic data in sufficient detail to calculate traffic generation, parking requirements;

(4) The type and placement of signs, other than street name signs;

(5) The type and location of firefighting facilities;

(6) The nature and extent of cut and fill and degree of soil compaction, along with related engineering data;

(7) Plans and specifications for facilities for drainage of the lots, if any, and the sites, streets, highways, and alleys, including provisions of storm drainage, culverts, and appurtenant structures and reference to supplementary data for drainage;

(8) Plans and specifications for distribution and service lines for water supply to the building site; wells or other sources of supply;

(9) Plans and specifications for sewage and all liquid or solid waste storage and disposal facilities, including main and secondary collection lines and stub-offs from the secondary collection lines to the building site;

(10) The type, placement, and number of traffic safety signs and traffic-control devices;

(11) The type, placement, and number of lighting devices for parking lot and building lighting, including height, wattage, direction of illumination, and expected light intensity;

(12) Barricades and other safety devices;

(13) Complete landscaping and screening plans, including species and sizes of trees and shrubs proposed; and

(14) Complete plans for proposed sidewalks to service parking, recreation, and service areas.

(C) *Procedure for approval of site plans.* Upon receipt of site plans, the Zoning Administrator shall refer copies of the same to the Police Department, the Fire Department, the City Engineer, and other city departments as are appropriate. Each of these departments shall within 15 days advise the Zoning Administrator whether the site plans are in conformance with the provisions of all applicable ordinances and policies of the city insofar as the same fall within the jurisdiction of each particular department. Upon receipt of the comments and advice from the aforementioned departments, the Zoning Administrator shall place the site plan review approval on the agenda of the next regularly scheduled Council meeting for Council action thereon.

(D) *Exceptions to site plan review procedure.* An applicant may not have to present information required by division (B) of this section in cases where the city staff determines that the application will not affect utilities (sewer, water, and storm sewer), traffic (off-street parking, circulation, access), safety precautions (lighting, pedestrian walks, traffic-control signs), or amenities (exterior design, landscaping, and screening).

(1) An applicant will not be required to file a separate site plan review under this section in cases where the site plan review is an integrated part of another independent review made by the city, i.e., conditional use application.

(2) Under circumstances to be determined by the city staff, an applicant may be permitted to file a partial site plan for that portion of his or her total project that will impact on any of the above- described subjects of concern to the city.

(E) *Building permits.* Following approval of the site plans, the Building Inspector may grant building permits for proposed structures provided that the proposed structure meets the requirements of the city building code and all other applicable city ordinances and regulations.

(F) *Site plan review fees.* The person applying for site plan approval shall fill out and submit an application, in the form prescribed by the city, to the Zoning Administrator. The application shall be accompanied by a fee as established by resolution of the City Council to cover administrative expenses relating to the site plan review.

§ 153.060 ACCESSORY BUILDINGS AND USES.

(A) *Time of construction.* No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

(B) *Air conditioning units.* Air conditioning units shall meet the noise standards as outlined in § 153.100(B) of this code.

(C) *Attached accessory buildings.* In case an accessory building is attached to the main building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this chapter applicable to the principal building.

(D) *Detached accessory buildings.* A detached accessory building shall not be located in any required front or side yard setback. A detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this chapter.

(E) *Rear yard requirements for accessory buildings.*

(1) No single detached accessory building exceeding either one story or 12 feet in height shall occupy more than 30% of the area of any rear yard. Further, no detached accessory building shall be located within five feet of any rear lot line in an R-1 classification or within 15 feet of any rear lot line in an R-2 or R-3 classification.

(2) The sum total of land occupied by all accessory buildings shall not exceed 40% of the area of the required rear yard, but in no case greater than 1,000 square feet.

(F) *Height requirements.* No accessory building shall exceed 18 feet in height or the height of the principal structure, whichever is less.

(G) *Additional accessory uses.* The following accessory uses, in addition to those specified, shall be permitted in any residence district, if the accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district:

(1) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals, and other institutions permitted in the district;

(2) Recreation, refreshment, and service buildings in public parks and playgrounds; and

(3) Fallout shelters.

(H) *Satellite receive-only antennas.* Satellite receive-only antennas (SROA) shall be a permitted accessory use in all districts, subject to the following regulations:

(1) *Free-standing SROA.* In all zoning districts within the city, SROA shall be subject to the same front, rear, and side yard setback requirements which would apply to other accessory structures within the district; and

(2) *Roof-mounted SROA.* SROA mounted on roofs shall be subject to the normal height limits of the zoning district in which each is located and shall comply with all applicable requirements of the Uniform Building Code.

§ 153.061 YARD REQUIREMENTS AND REGULATIONS.

(A) *District requirements.* Yard requirements shall be specified for each district in this chapter.

(B) *Extent of front yards.* Except for driveways, the front yard shall extend along the entire frontage of the lot and along both streets in the case of a double frontage or corner lot.

(C) *Walls, fences, and hedges.* A wall, fence, or hedge may occupy part of the required front, side, or rear yards.

(D) *Double frontage lots.* On double frontage lots, the required front yard shall be provided on both streets.

(E) *Corner lots.*

(1) The required front yard of a corner lot shall contain no wall, fence, or other structure, tree, shrub, or growth which may cause danger to traffic on a street or public road by obscuring the view. The required front yard of a corner lot shall be unobstructed above a height of three feet in a triangular area, two sides of which are the lines running from the corner of the property along the property lines to points 20 feet from the corner of the property.

(2) In all instances, there shall be a minimum of 25 feet side yard setback when abutting a street.

(F) *Rear yards opening onto alleys.* In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half of the width of the alley, but not

exceeding ten feet, may be considered as a portion of the rear yard, subject to the following qualifications:

(1) The depth of any rear yard shall not be reduced to less than ten feet by the application of this exception; and

(2) If the door of any building or improvement, except a fence, opens toward an alley, it shall not be erected or established closer to the center line of an alley than a distance of 15 feet.

(G) *Exemptions to yard regulations.* Measurements for yards required in each district shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

(1) Cornices, canopies, or eaves may be extended into the required front yard a distance not exceeding four feet, six inches;

(2) Fire escapes may extend into the required front yard a distance not exceeding four feet, six inches;

(H) A landing place or uncovered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing may be placed around the place;

(1) A covered porch may extend into the required front yard a distance not exceeding six feet, if the landing place or porch has its floor no higher than the entrance floor of the building and is not enclosed with windows, screens or the like. The covered area shall not exceed 60 square feet and shall be architecturally compatible (siding, roof material, roof pitch, and the like) with the principal structure. An open railing may be placed around the porch.

(2) The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace, or outside stairway shall project into the required side yard distance.

§ 153.062 SETBACKS; LOT COVERAGE; IMPERVIOUS SURFACE COVERAGE.

(A) *Setbacks and existing buildings.* When more than 25% of the frontage of the side of the street between intersections is occupied by structures having setbacks from street rights-of-way of a greater or lesser amount than hereinafter required, the majority setback of all existing buildings between the intersections shall be maintained by all new or relocated structures. In the event a building is to be built where there is such an established setback different from that required hereinafter and there are existing buildings on both sides of the new building, the front setback shall not be required to be greater than the average setback of the first adjacent building on each side.

(B) *Maximum lot coverage.* Principal and accessory structures shall not cover more than thirty-five (35) percent of any zoning lot located in the R1 and R2 Districts. Principal and accessory structures shall not cover more than fifty (50) percent of any zoning lot located in the R3 District.

(C) *Impervious surface coverage.* Impervious surfaces shall not cover more than fifty (50) percent of any zoning lot located in the R1 and R2 Districts, and not more than sixty (60) percent in the R-3 District. Impervious surfaces shall not cover more than seventy five (75) percent of any zoning lot located in the commercial or industrial districts. The remainder of the zoning lot shall be covered with turf grass, native grasses, perennial flowering plants, shrubs, trees or similar landscape material sufficient to prevent soil erosion, minimize off-site stormwater runoff, and encourage natural filtration function.

§ 153.063 LANDSCAPING AND MAINTENANCE REQUIREMENTS.

(A) All open areas of any lot shall either be open landscaped with trees, shrubs, and planted ground cover or left in a natural state, except as provided in §§ 156.138(B) and 156.140(B) of this code.

(B) A reasonable attempt shall be made to preserve as many existing trees as is practicable and to incorporate them into the site plan.

(C) All new landscape trees and shrubs must meet the American Standard for Nursery Stock and American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball. Landscape trees must be balled and burlapped or moved from the growing site by tree spade. Deciduous trees will be not less than one and one quarter inches but not more than three inches caliper for balled and burlapped trees, and not less than three inches but not more than six inches caliper for spade-moved trees. Coniferous trees will not be less than six feet in height but no more than eight feet for balled and burlapped trees, and not less than eight feet in height but not more than fourteen feet for spade-moved coniferous trees. The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee.

(D) All site areas not covered by buildings, sidewalks, parking lots, driveways, patios or similar hard surface materials shall be covered with sod or an equivalent ground cover approved by the city. This requirement shall not apply to site areas retained in a natural state.

(E) In order to provide for adequate maintenance of landscaped areas, an underground sprinkler system shall be provided as part of each new development, except one and two-family dwellings and additions to existing structures which do not at least equal the floor area of the existing structure. A sprinkler system shall be provided for all landscaped areas except areas to be preserved in a natural state.

(F) Not more than 25 percent of the required number of trees shall be composed of one species unless approved by the city. No required tree shall be any of the following:

(1) A species of the genus ulmus (elm), except those elms bred to be immune to dutch elm disease;

(2) Box elder;

(3) Eastern cottonwood;

(4) Lombardy poplar;

(5) Ash;

(6) Black locust; or

(7) Female ginkgo

(G) Boulevard areas shall be landscaped in accordance with §155.052 of this code.

(H) *Landscape Plan.* Landscape plans shall be prepared by a landscape architect or other qualified person acceptable to the Zoning Administrator, drawn to a scale of not less than one inch equals 50 feet and shall show the following:

(1) boundary lines of the property with accurate dimensions;

(2) locations of existing and proposed buildings, parking lots, roads and other improvements;

(3) proposed grading plan with two foot contour intervals;

(4) location, approximate size and common name of existing trees and shrubs;

(5) a planting schedule containing symbols, quantities, common and botanical names, size of plant materials, root condition and special planting instructions;

(6) planting details illustrating proposed locations of all new plant material;

(7) locations and details of other landscape features including berms, fences and planter boxes;

(8) details of restoration of disturbed areas including areas to be sodded or seeded;

(9) location and details of irrigation systems; and

(10) details and cross sections of all required screening

(I) *General Requirements.* General requirements that shall apply in all multiple-family residential, business, and industrial districts include the following:

(1) *Plant Diversity.* The landscape plan design shall, at a minimum, provide at least three (3) of the following required numbers of trees and shrubs in addition to any trees and shrubs as required by this title for screening:

(a) One overstory tree per three thousand (3,000) square feet of open area.

(b) One ornamental tree per one thousand five hundred (1,500) square feet of open space.

(c) One evergreen tree per three thousand (3,000) square feet of open area.

(d) One deciduous or evergreen shrub per one hundred (100) square feet of open area.

(2) *Building Perimeter Landscaping.* At least fifty percent (50%) of the total building perimeter shall be sodded or landscaped with approved ground cover, shrubbery and trees in an area of no less than six feet (6') in width.

(3) *Heat Island Reduction.* To minimize impact on microclimate, human and wildlife habitat, shading of parking lots is required. At least one overstory tree shall be planted for every ten (10) parking stalls on site. To satisfy this requirement trees must be located at least four feet (4') and within ten feet (10') of a curb adjacent to any internal parking or drive area. Said trees shall count toward meeting the overall site green space and landscaping requirements identified by this chapter for the underlying zoning district.

(4) *Buffer Yards.*

(a) *Buffer Yard Location.* Where any business or industrial use (i.e., structure, parking or storage) abuts a residential zone or use, such business or industry shall provide a buffer yard and screening along the boundary of the residential property. The buffer area and screening shall also be provided where a business or industry is across the street from a residential zone or use, but not on that side of a business or industry considered to be the front as defined by the city.

(b) *Buffer Yard Design.* Except in areas of steep slopes or where natural vegetation is acceptable, as approved by the city, buffer yards shall contain a combination of earth berms, plantings, or privacy fencing of a sufficient density to provide a minimum visual screen and a reasonable buffer to the following heights:

1. *Plantings.* All designated buffer yards must be seeded or sodded except in areas of steep slopes where natural vegetation is acceptable as approved by the city. All plantings within designated buffer yards shall adhere to the following:

(5) Planting screens shall be fully irrigated, consist of healthy, hardy plants, a minimum of six feet (6') in height and designed to provide year round visual obstruction of the item(s) to be screened pursuant to requirements of this title.

(6) Plant material centers shall not be located closer than five feet (5') from the fence line and property line, and shall not conflict with public plantings, sidewalks, trails, etc.

(7) Landscape screen plant material shall be in two (2) or more rows. Plantings shall be staggered in rows unless otherwise approved by the city.

(8) Shrubs shall be arranged to lessen the visual gaps between trees. Along arterial streets, all plantings of deciduous trees shall be supplemented with shrubs such that the buffer yard contains a continuous band of plants.

(9) Deciduous shrubs shall not be planted more than four feet (4') on center, and/or evergreen shrubs shall not be planted more than three feet (3') on center.

(10) Deciduous trees intended for screening shall be planted not more than forty feet (40') apart. Evergreen trees intended for screening shall be planted not more than fifteen feet (15') apart.

(a) *Walls and Fences.* All walls and fences erected within designated buffer yards shall meet the following conditions:

1. A screening fence or wall shall be constructed of attractive, permanent finished materials compatible with those used in construction of the permanent structure. Such screens shall be at least six feet (6') in height and one hundred percent (100%) visual obstruction of the item(s) to be screened pursuant to requirements of this title.

2. Fences may be exposed no more than a maximum length of twenty feet (20') between landscaping areas or clusters.

3. For interior lots, a gate constructed of the same material as the fence shall be provided in the wall or fence to allow for maintenance of the street side boulevard.

4. Fences and landscaping shall not be located within the traffic sight visibility triangle.

(b) *Earth Berms.* Earth berms shall adhere to the following:

1. Except in areas of steep slopes or where other topographic features or physical characteristics will not permit, as determined by the city engineer, an earth berm shall be installed in all designated buffer yards in accordance with the following requirements:

a. Berms shall be a minimum of four feet (4') in height.

b. The slope of the earth berm shall not exceed a three to one (3:1) slope unless approved by the city engineer.

c. The earth berm shall contain no less than four inches (4") of topsoil.

(J) *Parking Lot Landscaping Requirements.* The following shall apply to all new development and redevelopment of parking lots for expansions creating five thousand (5,000) square feet or more of impervious surface or disturbance of one-half (1/2) acre or more of land.

(1) *Parking Lot Screening.* Parking lot screening shall be designed to reduce the visual impact of surface parking lots; mitigate glare from headlights; improve the aesthetic quality of the area for users of the site, adjacent sites, roadways, and sidewalks; and define the perimeter of the parking lot as follows:

(a) *Off Street Parking Containing Six Or More Parking Spaces.* Between those portions of an off street parking area containing six (6) or more parking spaces and a different zoning district or a public street.

(b) *Waiver.* Parking lot screening requirements may be waived in circumstances where perimeter screening is provided or where the elevation of the parking area relative to the elevation of the street and sidewalk would make the screening ineffectual as determined by the Zoning Administrator.

(c) *Parking Lot Screening Standards.*

1. Parking lot screening must be provided within ten feet (10') of the perimeter of the parking lot to be screened, except for parking lots adjacent to rain gardens/bioretenation systems, other landscape features, or where the traffic sight visibility triangle may be impacted.

2. Parking lot screening shall be a minimum of three feet (3') and a maximum of four feet (4') in height as measured from the adjacent finished surface of the parking area. When shrubs are used to provide the screen, such shrubs must be at least two feet (2') tall at planting and anticipated to grow to at least three feet (3') tall at maturity.

3. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.

4. Screening for a parking lot may be comprised of one hundred percent (100%) evergreen planting materials.

(d) *Content.* Parking lot screening must consist of at least two (2) of the following:

1. A compact hedge of evergreen or densely twigged deciduous shrubs spaced to ensure closure into a solid hedge at maturity;

2. A berm with plantings described above;
3. Transit shelters, benches, bicycle racks and similar features may be integrated as a part of the screen;
4. Fencing may be integrated as part of the screen. All wood fencing shall be stained and sealed with a weatherproof product.

(2) *Parking Island Design.* Off street parking areas with at least twenty five (25) parking stalls shall contain interior landscaped islands. Such islands shall be bounded by a raised concrete curb or approved equivalent and shall contain mulch (wood, bark, or decorative rock) or turf grass to retain soil moisture. This provision shall not apply to parking structures. The standards for landscape islands are as follows:

(a) Landscape parking lot islands shall be required at the beginning and end of each parking row and shall contain a minimum of one hundred eighty (180) square feet and a minimum width of nine feet (9').

(b) A minimum of one overstory tree shall be provided for each island. This provision may be waived for islands utilized for stormwater management or other utility or safety issues as determined by the city engineer.

(c) Shrubs, perennials or ornamental grass shall be incorporated in each landscaped island.

(d) Islands shall be prepared with topsoil to a depth of two feet (2') and improved to ensure adequate drainage, nutrient and moisture retention levels for the establishment of plantings.

(e) All perimeter and interior landscaped areas in parking lots shall be equipped with a permanent irrigation system, unless drought tolerant plant materials are used exclusively. Where drought tolerant plant materials are used, irrigation shall be required only for the two (2) year period following plant installation and may be accomplished using hoses, water trucks, or other nonpermanent means.

§ 153.064 DRAINAGE.

(A) No lot shall be developed and no use permitted that results in water run-off causing flooding or erosion on adjacent properties. Driveways shall drain to the street.

(B) The finished grade at the perimeter of principal buildings on lots shall average a height above center of street of one-half inch per foot of required setback, with a minimum of 24 inches, to assure adequate drainage of rain water from roofs away from the building.

§ 153.065 STORAGE; PARKING.

(A) *Materials, supplies, and merchandise.* All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental, or lease to the ultimate consumer or user shall be stored within a completely enclosed building within the commercial districts or within the confines of an opaque wall or fence not less than six feet high. Merchandise which is offered for sale as described above may be displayed beyond the confines of a building in the commercial districts, but the area occupied by the outdoor display shall not constitute a greater number of square feet than 10% of the ground floor area of the building housing the principal use, unless the merchandise is of a type customarily displayed outdoors such as garden supplies. No storage of any type shall be permitted within the required front or side street setback.

(B) *Motor and recreational vehicles.*

(1) *Motor vehicles.*

(a) Off-street parking of commercial vehicles is prohibited in any residential district, with the following exceptions:

1. Commercial trucks with up to one ton carrying capacity;
2. Tractors used for pulling trailers; and
3. Commercial buses, but only if parked as part of an ongoing trip for hire

(b) For single family homes and townhouses, one commercial vehicle of this type per residence is permitted under this section. Temporary parking for delivery or unloading is excepted from this section.

(2) *Recreational vehicles.* No recreational vehicle, trailer or boat shall be parked or stored for more than 30 days in any residential district except as follows:

(a) A trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located during the time construction or development is actively under way.

(b) The following recreational vehicles, trailers and boats may be parked or stored on a lot in the R-1 district, provided they are not used or occupied for living, sleeping, housekeeping, or business purposes, and provided they are parked or stored so as to meet the following criteria:

1. One recreational vehicle may be parked within the front yard setback provided that the vehicle may not be parked closer than five feet to the side yard property line except by variance granted pursuant to this code, and then only upon an approved driveway;

2. Travel trailers, pickup coaches, motorized homes, and camping trailers, constructed as temporary dwellings for travel purposes, not exceeding 300 square feet; and

3. Boats not exceeding 30 feet in length.

(c) Any recreational vehicle, trailer or boat may be parked anywhere on the premises for temporary loading or unloading purposes.

(C) *General parking regulations for single- and two-family residential districts.* No owner or tenant of a single- or two-family residential property shall allow any motor vehicle or trailer to be parked on the property, outside of a garage, except on an approved driveway, with the exception of those motor and recreational vehicles covered under division (B) above. Every motor vehicle or trailer which is parked outside of the garage shall display license plates with current registration tabs. No motor vehicle or trailer shall be permitted to park in the sight triangle which is required under § 153.102(F).

§ 153.066 AREAS UNDER WATER.

All areas within the corporate limits of the city which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district at a halfway point.

§ 153.067 HEIGHT LIMITATIONS; CONDITIONAL USE PERMIT.

Height limitations set forth elsewhere in this chapter may be increased by 100% by conditional use permit when applied to the following: chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouse sheds, water towers, stacks, stage towers or scenery lofts, tanks, ornamental towers and spires, wireless towers, or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy. Application for this permit shall be subject to regulations of §§ 153.200 *et seq.*, regarding conditional use permits.

§ 153.068 LAND ALTERATION; PERMIT, BOND, RESTORATION.

(A) *Conditional use permit required.* A conditional use permit shall be required in all cases where excavation, grading, and filling of any land within the city would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present cover resulting in less beneficial cover for present and

proposed development, uses, and enjoyment of any property in the city. Substantial alteration shall be defined as the extraction, grading, or filling of land involving movement of earth and materials in excess of 25 cubic yards. Land within the city that is substantially altered by excavation, grading, or filling, which work is performed pursuant to the issuance of a building permit, is excepted from the conditional use requirements of this section.

(B) *Application.* Application for a land alteration conditional use permit shall be subject to the regulations of §§ 153.200 *et seq.* in this code and shall contain the following additional information:

- (1) The legal description of the land to be altered;
- (2) The nature of the proposed alteration and future use of the property;
- (3) The starting date and approximate completion date of the operation;
- (4) The names of all owners of the land to be altered; and
- (5) The names and addresses of all owners and occupants of the adjoining land that may be affected by the land alteration.

(C) *Bond.* The City Council may require from the person securing a land alteration conditional use permit, adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to a safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage to the site.

(D) *Safety precautions.* If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to correct, immediately, the dangerous situation created, as well as fence that area from the general public during the period of danger.

(E) *Replacement of landscaping.* The person responsible for the proposed land alteration shall agree to replace cover that has been removed, by seeding or sodding the cover to be replaced within 30 days after completion of grading. Where construction of dwellings or buildings is being done over an extended period of time, the Zoning Administrator or City Council may require replacement of ground cover on a portion of the area before the entire project is completed.

(F) *Declaration as public nuisance.* The City Council may, in addition to any or all other remedies available for violation of this chapter, declare the premises a public nuisance and after a public hearing held upon ten days' notice by registered mail to the last known address of the owner or owners of the property, proceed to have the necessary work done to bring the land to reasonable standards of health and safety and assess all of the costs and expenses thereof against the property.

§ 153.069 STREET VACATIONS.

Whenever any street, alley, or other public way is vacated by official action of the city, the zoning district adjoining each side of the street, alley, or public road shall be automatically extended to the center of the vacation, and all area included in the vacation shall then and henceforth be subjected to all appropriate regulations of the extended districts.

SIGNS AND BILLBOARDS

§ 153.081 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLBOARD. See definition of ***SIGN, OFF-PREMISE***.

BUILDING. Any structure erected for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.

DYNAMIC DISPLAY. Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

SIGN. Any publicly displayed, message-bearing device for visual communication or any attention- attracting device that is used primarily for the purpose of bringing the subject thereto to the attention of the public.

SIGN, DIRECTIONAL. A sign, the primary function of which is to provide locational directions.

SIGN, FLASHING. Any illuminated or luminous sign on which the artificial light or color is not maintained at a constant intensity or color when the sign is in use except for that portion of a sign providing public service information such as time, weather, date, temperature, or similar information. A ***FLASHING SIGN*** is one that is programmed to flash in either text or graphic more frequently than every three seconds.

SIGN, FREE-STANDING. A sign which is not attached to any part of a building and which is rather supported by upright braces or posts placed in the ground.

SIGN, ILLUMINATED. Any sign upon which artificial light is directed.

SIGN, LUMINOUS. Any sign which has its own self-generated light.

SIGN, NON-COMMERCIAL. A sign which does not advertise products, goods, businesses, or services and which expresses an opinion or other point of view.

SIGN, OFF-PREMISE. A sign located off the premises where the advertised product, service, merchandise, or message is located, manufactured, sold, offered, distributed, or made available to the public.

SIGN, PORTABLE. A sign so designed as to be moveable from one location to another and not permanently attached to the ground or any immobile structure. A ***PORTABLE SIGN*** may consist of a mobile structure such as a semi-truck trailer or other device whose primary function during a specific time period is to serve as a sign structure.

SIGN, PROJECTING. A sign which is affixed to the wall of a building and extends outward from the building.

SIGN, TEMPORARY. A sign which is erected or displayed for a limited period of time. This includes items such as banners, pennants, flags of other than a political jurisdiction, beacons, sandwich or curb signs, balloons or other air or gas filled figures.

SIGN APPARATUS. The structure upon which any sign is actually placed or erected.

SIGN, WINDOW. A sign which is painted upon the glass portions of doors and windows of a business or is a sign placed within the door or window of a business.

§ 153.082 PERMIT REQUIRED.

(A) No sign which may lawfully be erected in the city shall be erected, re-erected, maintained, posted, displayed, or altered unless a permit for each sign has been obtained. Applications for a sign permit shall be made in writing upon forms provided by the City Administrator, Clerk/Treasurer. In addition to the information required by the application, applicants may be required to provide plans, specifications, and drawings to scale showing the sign itself, projections, setbacks, sign area, sign type, sign structure, a description of the building or premises to which the sign is to be attached or located, and any other relevant information required by the Administrator, Clerk/Treasurer. Permits shall be valid for the calendar year or part thereof for which they have been issued. Permits are non-transferable.

(1) The original construction fee, per sign facing, shall be determined as follows, with amounts set from time to time by Council resolution:

- (a) Forty square feet or less in area; or
- (b) Greater than 40 square feet in area.

(2) In addition, the annual fee for each permit for an off-premises sign shall be as set from time to time by Council resolution.

(B) If a sign has been erected before the effective date of this chapter and it conforms nonetheless to the terms of this chapter, a permit is required for all such signs according to the terms of this section. If a sign has been erected before the effective date of this chapter and does not conform to the terms of this chapter, the owner or lessee of the sign or the premises upon which it is located must apply for a permit declaring the sign to be a legal non-conforming sign which shall permit the temporary existence of the sign according to the terms of this chapter. The fee for a legal non-conforming sign permit is set from time to time by Council resolution, and the permit shall be valid for the calendar year or part thereof for which it has been issued. Non-conforming sign permits are non-transferable.

§ 153.083 PERMIT ISSUANCE; SUSPENSION OR REVOCATION.

(A) The City Council may grant a permit for the erection, re-erection, maintenance, display, or posting of a permanent sign which meets the terms and conditions of this chapter and is in harmony with the requirements of other city ordinances.

(B) The City Administrator, Clerk/Treasurer and Building Official may grant a permit for the erection, re-erection, maintenance, display, or posting of a temporary sign which meets the terms and conditions of this chapter and is in harmony with the requirements of other city ordinances.

(C) The City Council may suspend or revoke a sign permit because of, but not limited to, a violation of the terms of this chapter, failure to observe the terms of this chapter, violation of or failure to observe the terms of other applicable and relevant city ordinances, any fraud obtained in the acquisition of a permit, and other grounds which the Council may, from time to time, determine.

§ 153.084 CONSTRUCTION AND MAINTENANCE; STANDARDS.

In order for an applicant to receive and retain a permit for a sign, the following conditions must be met and maintained.

(A) When a sign is illuminated or luminous, any illumination therefrom, or a beam of light directed thereon, shall not shine directly upon any residence or onto any public streets.

(B) No sign structure shall contain more than four exposed beams.

(C) No projecting sign shall extend more than 16 inches from any building wall nor more than six feet above the roof line.

(D) No sign or sign structure may remain erected unless it is erected, maintained, and repaired in accordance with the Uniform Building Code, State Electrical Code, and the

general construction requirements of the city. All signs must remain in good repair and in safe condition.

(E) No part of any sign shall project over or beyond the property line of the property upon which it is located.

(F) The following setback, distance, and other requirements shall be observed:

(1) Any sign displayed on the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer to a public right-of-way than three feet nor closer than five feet from any other property line;

(2) Any sign displayed off the premises where the advertised message, service, merchandise, or product is made, sold, distributed, or offered shall not be closer than 30 feet to a front yard property line or public right-of-way. In addition, the sign shall not be closer than five feet to the side property lines and back property lines of the property;

(3) Off-premises directional signs may be erected without conforming with the requirements of divisions (F)(2) and (H) of this section as long as the directional signs do not exceed 32 square feet in size and as long as the sign does not violate any of the terms contained in § 153.085 of this code;

(4) The minimum setback from any intersection for off-premises signs shall be 500 feet;

(5) No off-premises sign or structure shall be located within 500 feet of a residential district, park, playground, school, governmental building, or building used for religious purposes;

(6) An off-premises sign or structure shall be considered the principal use of a site. If another use or structure is added to the site, the off-premises sign must be removed; and

(7) Off-premises signs or structures shall be permitted only on property which is zoned commercial or light industrial.

(G) On-premises signs shall not exceed 30% of the square footage of the front of the building. No off-premises sign shall exceed 750 square feet. If a stand alone building has less than 400 square foot frontage, up to 400 square feet frontage may be used for purposes of determining the maximum sign size.

(H) There shall be at least 1,000 feet distance between the location of off-premises signs on the same side of the highway.

(I) No free-standing sign shall be higher than 25 feet from the ground level of the land upon which the sign has been erected. An applicant may apply for a variance in a case where an extreme hardship is caused by the particular physical characteristics of the land. The variance shall be applied for in the manner outlined in §§ 153.224 *et seq.* of this code.

§ 153.085 PROHIBITED SIGNS.

(A) The following signs are prohibited:

- (1) Any sign which, by reason of location, position, shape, color, design, or otherwise would interfere with traffic signs or signals or other officially posted signs;
- (2) Any sign within a public right-of-way or easement except for government-installed signs and except for political signs, provided they are located no closer to the curb than six feet where there is no sidewalk and provided they are located on the home side of the sidewalk in areas where there is a sidewalk;
- (3) Signs which resemble any official sign or marker erected by a governmental agency or which display such warning words as “stop” or “danger” or the like;
- (4) Any flashing sign including indoor signs which are visible from public areas except for the temporary location of seasonal, holiday, or religious decorations. This section shall not prohibit animated signs as defined in this chapter;
- (5) Any sign, poster, or the like affixed to or posted upon trees, fences, telephone or utility poles, or similar structures;
- (6) Portable signs or search light signs, unless a temporary permit has been issued;
- (7) Signs or sign structures obstructing windows, doors, fire escapes, stairways, or which otherwise impair means of egress or ingress are prohibited. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade.
- (8) Any sign painted upon the wall of a building.
- (9) Off-premise signs.

(B) No sign shall be erected in a residential district except as strictly provided herein and including only:

- (1) Flags displayed on the premises;
- (2) Seasonal decorations displayed temporarily on the premises;
- (3) Signs displayed on the premises advertising the sale or lease of the property which are not greater than six square feet in surface area;
- (4) Traffic signs and signs posted by official governmental agencies;

(5) In a state general election year, portable and free-standing political signs may be erected from August 1 until ten days following the state general election. No sign may be erected or placed in an unsafe manner. In non-state general election years, portable and free-standing political signs may be erected not more than 30 days before and two days after an election. When there is a primary election, all losers must remove their signs two days after the primary election;

(6) One non-commercial opinion sign not greater than six square feet in surface area; and

(7) One monument sign identifying a multiple subdivision or development not greater than 40 square feet in total surface area.

§ 153.086 EXEMPTIONS.

The following signs may be erected or maintained without requiring a permit in commercial/industrial zoning districts:

(A) A flag displayed on the premises;

(B) Seasonal decorations displayed temporarily on the premises;

(C) Signs displayed on the premises advertising the sale or lease of the premises which are not greater than 32 square feet in surface area for commercial/industrial zoned property;

(D) Traffic signs and signs posted by official government agencies, legal notices, and the like;

(E) In a state general election year, portable and free-standing political signs of any size may be erected from August 1 until ten days following the state general election. No sign may be erected or placed in an unsafe manner. In non-state general election years, portable and free-standing political signs may be erected not more than 30 days before and five days after an election provided that no one sign is greater than 32 square feet. When there is a primary election, all losers must remove their signs two days after the primary election;

(F) Flags, badges, or insignia of any governmental agency or any civic, religious, fraternal, or professional organization; and

(G) Memorial plaques, monuments, and historical or civic markers or tributes.

§ 153.087 TEMPORARY SIGNS; SPECIAL PERMIT.

(A) *No special permit required.* The following signs may be erected without issuance of a special temporary sign permit.

(1) Temporary displays which are erected to celebrate, commemorate or observe a civil or religious holiday, provided such displays are removed within 30 days after the event or holiday, do not require a permit.

(2) Temporary signs for the purpose of selling or leasing individual lots or buildings provided that such signs are less than ten (10) square feet for residential property and thirty two (32) square feet for other property, have a maximum height of 10 feet, unless located on the building, and provided that only one (1) sign is permitted for each property. The signs must be removed within ten (10) days following the lease or sale.

(B) *Special Permit required.* The City Council may grant a special permit for the limited, temporary use of a sign and sign apparatus. The temporary sign may be used for two weeks at a time and for a maximum of six weeks per year. The fee for the special permit shall be in the amount per sign as set by the Council from time to time by resolution, for each two-week period that a sign is in place. A special permit shall be issued only upon a showing of the applicant's need for the temporary and limited use of a sign for a limited period of time and limited purpose, such as the announcement of a grand opening, the announcement of a sale, signs pertaining to businesses of temporary or seasonal character, or the like. Both the sign and sign apparatus must be removed following the time period above.

§ 153.088 DYNAMIC SIGNS.

(A) *Regulations.* Dynamic displays on signs are allowed subject to the following conditions:

(1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;

(2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;

(3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;

(4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;

(5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;

(6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this ordinance;

(7) No animated sign shall be located or maintained within 50 feet of an intersection at which traffic semaphores are located;

(8) Dynamic displays must comply with the brightness standards listed in section C of this ordinance;

(9) Dynamic displays existing on CODE ADOPTION DATE must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming sign subject to §§ 153.089. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

(B) *Incentives.* Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor off-premise advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

(1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's

costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

(c) Each removed sign has a copy and graphic area of at least 288 square feet.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrendered its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

(2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every forty-five seconds. The designated sign must meet all other requirements of this ordinance.

(C) *Brightness Standards.* All signs must meet the following brightness standards:

(1) No sign may be brighter than is necessary for clear and adequate visibility.

(2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

(3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

(4) No sign shall be located in such close proximity to residences or residential property as to constitute a nuisance to persons residing on the property by reason of the lighting in the sign.

§ 153.089 NON-CONFORMING SIGNS; GRANDFATHER CLAUSE; RESTRICTIONS.

(A) Any sign erected prior to the effective date of this chapter which meets the terms of this chapter must have a permit as described herein. Any sign erected prior to the effective

date of this chapter which does not conform to the terms of this chapter may be eligible for designation as a legal, non-conforming sign and must apply for and receive a permit for a legal non-conforming sign as described herein.

(B) Any sign designated as a legal non-conforming sign shall immediately lose its character and be completely subject to the terms of this chapter upon any of the following:

- (1) The sign being enlarged or altered in a way which increases its nonconformity;
- (2) Relocation of any distance whatsoever; or
- (3) Any substantial damage to the sign in an amount of 50% or more of its valuation in relation to the cost of materials and labor to repair the same and no building permit has been applied for within 180 days of when the sign was damaged.

(C) No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

(D) When a structure loses its nonconforming status, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

§ 153.090 VIOLATIONS.

It shall be unlawful for any person, joint venture, firm, or corporation to erect, alter, repair, move, equip, or maintain any sign or sign structure or cause or permit the same to be done in violation of any of the provisions of this chapter. The terms and conditions of this chapter apply to, and compliance is strictly required by, all persons including but not limited to the owners or lessees of land, their agents or employees, including building contractors and subcontractors. Whoever does any act or omits to do any act which thereby constitutes a breach of any section of this chapter shall also, upon conviction thereof by lawful authority, be guilty of a misdemeanor.

PERFORMANCE STANDARDS

§ 153.100 PERFORMANCE STANDARDS.

(A) *Intent.* It is the intent of this section to provide that industry and related activities shall be established and maintained with proper appearance from streets and adjoining properties, and to provide that each permitted use of this type shall be a good neighbor to adjoining properties by the control of the following.

(B) *Standards.*

(1) *Noise.*

(a) At the points of measurement, the sound pressure level of noise radiated from a facility at nighttime, during the hours of 10:00 p.m. to 7:00 a.m., shall not exceed 50 decibels (sound pressure level decibels re 0.0002 dynes/cm²) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above 300 cycles per second. The sound pressure level shall be measured with a sound level meter (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944) and an octave band analyzer (American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953) that conforms to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat, frequency, impulsive character (hammering and the like), periodic character (humming, screech, and the like) or shrillness.

(b) For facilities which radiate noise only during a normal daytime working shift, the allowance decibel level given above shall be increased 20 decibels, or ten decibels above the average sound level of the street traffic noise nearest the noise generator, whichever is higher. Sirens, whistles, bells, and the like, which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations. Reasonable use of equipment used to maintain property, such as lawn mowers or snow blowers, shall be excluded from the provisions of this section.

(2) *Odor.* No activity or operation shall cause at any time the discharge of toxic, noxious, or odorous matter beyond the limits of the immediate site where it is located in such concentrations as to be obnoxious or otherwise detrimental to or endanger the public health, welfare, comfort, or safety or cause injury to property or business. Standards concerning odors referred to in division (B)(8) below shall be adhered to.

(3) *Exterior lighting.* All sources of artificial light situated on non-residential sites shall be so fixed, directed, designed, or sized that the sum total of their illumination will not increase the level of illumination on any nearby residential property by more than 0.1 foot candle in or within 25 feet of a dwelling nor more than 0.5 foot candle on any other part of the property.

(4) *Glare.* Glare, whether direct or reflected, such as from floodlights, spotlights, or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the site of origin at any property line.

(5) *Vibration.* Vibration shall not be discernible at any property line to the human sense of feeling for three minutes or more duration in any one hour. Vibration of any kind shall not produce at any time an acceleration of more than one-tenth (0.1) gravity or shall not result in any combination of amplitudes or frequencies beyond the "safe" range of Table VII, U.S. Bureau of Mines Bulletin No. 442, Seismic Effects of Quarry Blasting, on any

structure. The methods and equations of Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.

(6) *Smoke.* As regulated by the State Pollution Control Agency.

(7) *Dust.* As regulated by the State Pollution Control Agency.

(8) *Fumes or gases.* Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards -- Maximum Allowable Concentration for eight hour day, five days per week), Table II (Odor Thresholds), Table IV (Concentrations of Substances Causing Pain in the Eyes), and Table V (Exposure to Substances Causing Damage to Vegetation) in the latest revision of Ch. 5, Physiological Effects, that contains these tables, in the Air Pollution Abatement Manual, by the Manufacturing Chemists' Association, Inc., Washington, D.C., are hereby established as guides for the determination of permissible concentrations or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

(9) *Hazard.* Every operation shall be carried on with reasonable precautions against fire and explosion hazards.

(10) *Visual.* It is hereby affirmed as essential public policy that the appearance of this community is a proper matter for public concern and that all open spaces, buildings, signs, plantings, surfaces, and structures which may be seen are subject to the provisions of this chapter. All principal buildings other than single- and two-family homes shall be designed by a registered architect and shall be certified in accordance with the appropriate statutes of the state. On any building visible from a public street, the following materials shall not be permitted on exterior wall surfaces: sheet metal, either corrugated or plain, unfinished structural clay tile, common concrete masonry units, concrete brick, or similar materials. These materials, however, may be used in a proper arrangement, or combination with other materials of a permanent nature with good architectural design and appeal. The application for a building permit shall be accompanied by exterior elevations of the proposed building which will adequately and accurately indicate the height, size, bulk, design, and the appearance of all elevations and a description of the construction and materials proposed to be used therein.

(C) *Testing.* In order to assure compliance with the performance standards set forth above, the city may require the owner or operator of any permitted use to have made those investigations and tests as may be required to show adherence to the performance standards. Investigation and tests as are required to be made shall be carried out by an independent testing organization as may be agreed upon by all parties concerned, or if there is failure to agree, by such independent testing organizations as may be selected by the city after 30 days' notice. The costs incurred in having the investigations or tests conducted shall be shared equally by the owner or operator and the city, unless the investigation and tests disclose non-compliance with the performance standards, in which event the entire investigation or testing cost shall be paid by the owner or operator. The procedure above stated shall not preclude the city from making

any tests and investigations it finds appropriate, to determine compliance with these performance standards.

§ 153.101 SWIMMING POOLS.

(A) A permit shall be required for any swimming pool with a capacity of more than 500 gallons or more than two feet in depth.

(B) An application for a building permit shall show:

- (1) The type and size of the pool;
- (2) The site plan;
- (3) The location of the pool;
- (4) The location of the house, garage, fencing, and other features on the lot;
- (5) The location of structures on all adjacent lots;
- (6) The location of the filter unit, pump, and wiring (involving type);
- (7) The location of the back-flush and drainage outlet;
- (8) The grading plan, finished elevations, and final treatment (decking, landscaping, and the like) around the pool for in-ground pools only; and
- (9) The location of existing overhead or underground wiring, utility easements, trees, and similar features.

(C) In single-family districts:

(1) Pools for which a permit is required shall not be located within ten feet of any side or rear lot line nor within six feet of any principal structure or frost footing. Pools shall not be located within any required front yard;

(2) Pools shall not be located beneath overhead utility lines or over underground utility lines of any type;

(3) Pools shall not be located within any private or public utility, walkway, drainage, or other easement;

(4) In the case of in-ground pools, due precautions shall be taken during the construction period to:

(a) Avoid damage, hazards, or inconvenience to adjacent or nearby property, and

(b) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust, or other infringement onto adjacent property.

(5) To the extent feasible, back-flush water or water from pool drainage shall be on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land;

(6) The filter unit, pump, heating unit, and any other noise-making mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure and not closer than ten feet to any lot line, or enclosed in sound-resistive enclosure in lieu of 30 feet. In all cases, noise shall not exceed minimum standards as set forth in § 153.100(B) of this code;

(7) Lighting for the pool shall be directed into or onto the pool and not onto adjacent property;

(8) A safety fence of at least four feet in height shall completely enclose the pool. All openings or points of entry into the pool area shall be equipped with gates or doors. All gates in the fence shall have a lockable latch that is no less than three and one-half feet from the ground, and shall be placed in a manner so as to be inaccessible to small children. All gates shall be locked when the pool is not in use or is unattended. Any opening between the fence bottom and the ground or the surface shall not exceed two inches. All fences shall be constructed of either vertical board, alternating board (board on board), or chain link. The materials used in the construction of the fence shall be of sufficient strength to withstand normal use and weather conditions. Vertical board fences shall have no more than a one-inch space between boards on the same side. Alternating board fences shall have no more than a four-inch space between the front and back board. Cross member boards for both vertical board and alternating board fences shall be no less than three and one-half feet apart on a horizontal plane. Chain link fences shall be of a minimum nine-gauge metal wire with a mesh no greater than two inches. The Building Inspector shall approve all plans for the construction of fences around swimming pools required by this chapter prior to the construction. All above-ground outdoor swimming pools that have a minimum four-foot high vertical side wall shall be excepted from this provision, provided that the access to that above-ground swimming pool is enclosed by a four-foot safety fence meeting the requirements of this chapter;

(9) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Water shall be subject to periodic inspection by the Health Officer;

(10) All wiring, lighting, installation of heating unit, grading, installation of pipes, and all other installation and construction shall be subject to inspection by public inspectors; and

(11) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

(D) Pools in medium density and multiple-family areas (residential structure containing two or more dwelling units) shall conform to the standards set for single-family districts with the following restrictions:

(1) No part of the water surface of the swimming pool shall be less than 50 feet from any lot line;

(2) No pump, filter, heating units, or other apparatus used in connection with or to service a swimming pool shall be located less than 50 feet from any lot line. In all cases, the noise shall not exceed minimum standards as set forth in § 153.100(B) of this code; and

(3) All deck areas, adjacent patios, or other similar areas so used in conjunction with the swimming pool shall be located not closer than 30 feet to any adjacent single-family lot line. Adequate screening including both fencing and landscape treatment shall be placed between these areas and adjacent single-family lot lines.

(E) In all areas:

(1) Required safety fencing shall be completely installed within three weeks following installation of the pool and prior to the pool being filled;

(2) Nuisances such as undue noise, lighting onto adjacent property, health and safety hazards, damage to nearby vegetation, and the like shall not be permitted;

(3) Filling of pools via fire hydrants or other public means shall require approval of the City Public Works Department; and

(4) Drainage of pools onto public streets or other public drainage ways shall require approval of the City Public Works Department.

(F) The purpose of this section is to provide a reasonable degree of safety for the owners, users, and others who may have occasion to be on the premises where swimming pools are located; and further to provide reasonable regulations so that the use and enjoyment of nearby properties will not be subject to undue noise, lighting, or other nuisances that may result from swimming pool use and activities.

(G) For the reason stated in division (F) above, the following provisions of this code shall be applicable to swimming pools in existence on the date of its passage: divisions (C)(2), (C)(3), (C)(5) - (C)(11), and (E)(1) - (E)(4) of this section. All existing pools shall be in compliance with the provisions referred to herein on or before the passage of this chapter.

§ 153.102 FENCES.

(A) *Purpose.* The purpose of this section is to promote a pleasant physical environment and to protect the public and private property within the city by regulating the location, height, type of construction, and maintenance of all fences.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOUNDARY FENCE. Any fence parallel to the property line.

FENCE. Any partition, structure, wall, or gate erected as a divider marker, barrier, or enclosure and located along the boundary, or within the required yard. A ***FENCE*** shall not include naturally growing shrubs, trees, other foliage, or trellis.

PRIVACY FENCE. Any fence used for screening of outdoor living areas and for enclosures where restricted visibility or protection is desired. ***PRIVACY FENCES*** shall not require a permit as stipulated in the following division.

(C) *Permit required.* No fence shall be erected or substantially altered in the city without securing a permit from the Building Inspector. All permits of this type shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height, and exact location of the fence. A fee as set from time to time by Council resolution shall be paid with each application.

(D) *Location of fences.*

(1) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner, but not on the property line, except by mutual consent of both property owners prior to construction. Posts and framework shall be placed within the property lines of the owner and the actual fencing material, such as wire, lumber, pickets, and the like, shall be placed on the side of the fence which faces the street or the adjacent property.

(2) No fences shall be allowed or constructed on street rights-of-way. Fences may, by permit, be placed on public utility easements so long as the structures do not interfere in any way with existing underground or overground utilities. Further, the city or any utility company having authority to use those easements shall not be liable for repair or replacement of these fences in the event they are damaged or destroyed by virtue of lawful use of the easement.

(E) *Construction and maintenance.*

(1) All fences shall be constructed in conformity with the wind, stress, foundation, structural, and other requirements of the State Building Code and every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition. If a fence is allowed to become and remain in such a condition, the Building Inspector is authorized to notify the owner or owners of the fence of the condition and allow the owner or owners ten days in which to repair or demolish the fence.

(2) Link fences, wherever permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.

(3) No barbed wire or barbed wire fences shall be allowed on private property in residential districts.

(F) *Residential district fences.* In single- and multiple-family residential districts, no fence may exceed four feet in height above the ground level, in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this chapter. In these districts, fences along the side lines to the rear of the front line of the residential structure and along the rear line, including rear lines abutting street or highway right-of-way zones, may not exceed six feet in height above the ground level. The required front yard of a corner lot shall not contain any fence which may cause danger to traffic on a street or public road by obscuring the view. On corner lots, no fence shall be permitted within the intersection sight distance triangle as shown in App. C of this chapter.

(G) *Commercial and industrial fences.* In business and industrial districts, fences may not exceed eight feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one foot of any fence in these districts may be constructed of barbed wire.

(H) *Special purpose fences.*

(1) Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a conditional use permit approved by the City Council after a recommendation by the Planning Commission, and upon evidence that the special purpose fence is necessary to protect, buffer, or improve the premises for which the fence is intended.

(2) The approval of these buffer fences may include stipulations as to the material, height, or location of the special purpose fence.

(I) *Non-conforming fences.* All existing fences at the time of the adoption of this section, which are not in violation of this section and are not located within a public right-of-way or easement, but which violate other sections of this chapter, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

§ 153.103 SCREENING.

(A) *Screening.* Required screens shall consist of a wall or fence or earth berm with plantings.

(B) *Walls and fences.* Walls or fences used as screens shall be of not less than 90% opacity, as viewed from the perpendicular, and not less than six nor more than seven feet in height above the level of the residential district property at the district boundary. These height

regulations shall not apply to screens of loading areas which are regulated in § 153.130(B) of this code.

(C) *Exceptions.* Walls or fences of lesser heights may be permitted by the City Council if there is a finding that the nature or extent of the use being screened is such that a lesser degree of screening will as adequately promote and protect the use and enjoyment of the properties within the adjacent residential district or there is a finding that a screening of the type required by this chapter would interfere with the provisions of adequate amounts of light and air to same properties.

(D) *Earth berms.* Earth berms at least six feet in height together with compact evergreen or deciduous hedge with other trees and plantings on a strip at least ten feet in width may be used as screening. At planting, hedge materials must be at least two feet in height and coniferous trees must be at least four feet in height. All deciduous trees shall be a minimum of two and one-half inches in diameter with a height of at least five feet.

(E) *Installation and maintenance.* Required screening shall be installed at the time of construction. All required screening devices shall be installed and properly maintained so as not to become unsightly, hazardous, or less opaque than when originally constructed.

§ 153.104 RELOCATED STRUCTURES.

Structures to be relocated into any district within the city shall be considered as new construction and regulated accordingly, and subject to any existing city ordinance.

§ 153.110 BREWER TAPROOMS AND COCKTAIL ROOMS.

(A) *Brewer Taprooms.* A brewer licensed under Minnesota Statute Section 340A.301, Subd. 6(c), (i), or (j) may be issued an on-sale liquor license for the "on sale" of malt liquor subject to the following conditions:

(1) The on-sale of malt liquor may only be made during the days and hours that "on-sale" of liquor may be made.

(2) A brewer may only hold one (1) brewer taproom license under this chapter.

(3) The only beverage alcohol that may be sold or consumed on the premises of a brewery taproom will be the malt liquor produced by the brewer.

(4) The annual license fee shall be as established in the license fee schedule for on sale beer licenses.

(5) Licensed brewer taprooms may operate a restaurant on the premises without additional licensure.

(B) *Cocktail Rooms.* A micro distillery licensed under Minnesota Statutes, Section 340A.301(6)(c) may be issued an on-sale liquor license for the "on sale" of distilled spirits produced on the licensed premises subject to the requirements and rules contained in Minnesota Statutes, Chapter 340A and Minnesota Rules, Chapter 7515 and the following conditions:

(1) All other provisions of this chapter, and Chapters 259, 360 and 364 shall be applicable to such licenses and license holders unless inconsistent with the provisions of this section.

(2) The annual license fee shall be as established in the license fee schedule for on- sale beer licenses.

(3) Licensed cocktail rooms may operate a restaurant on the premises without additional licensure.

(4) Soft drinks and water may be provided without an additional license requirement.

§ 153.120 SPECIFIC DEVELOPMENT STANDARDS.

The purpose of this section is to establish specific development standards to provide supplemental regulations to address the unique characteristics of specific uses.

(A) *Auto and Marine; Sales, Leasing and Rental.*

(1) The use shall be served by a major collector or higher classification of roadway.

(2) An open-aired used auto and marine sales or rental lot as a stand-alone business is prohibited.

(3) Used automobiles may be sold or rented as a stand-alone business if the used vehicles and associated business are contained within a building.

(4) Used automobiles may be sold accessory to businesses other than new car dealerships. Outdoor vehicle display for used vehicles shall be limited to 30% of the total outdoor display area for a new car dealership. The display area shall be defined as the total number of parking spaces devoted to the sale of new vehicles only, not including the required off-street parking spaces needed for the public and employees.

(5) Outdoor vehicle display areas within the public right-of-way are prohibited.

(6) All areas on which motor vehicles are stored or displayed must be paved with concrete or a bituminous surface. No display, sale or storage of automobiles or other vehicles are permitted on landscaped areas.

(7) Outdoor vehicle display shall be in an orderly fashion, with access aisles provided as needed. Outdoor vehicle display shall not reduce the amount of off-street parking provided on-site, below the level required for the principal use. The outdoor storage of inoperable, junk vehicles and vehicles with expired tabs is prohibited

(8) Music or amplified sounds shall not be audible from adjacent residential properties.

(9) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening or other site improvements consistent with the character of the neighborhood.

(10) Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use included dispensing of fuel for automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to eliminate the escape of gas vapors.

(B) *Auto and Marine; Service and Repair.*

(1) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces.

(2) All work shall be performed within a completely enclosed building.

(3) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.

(4) The sale of vehicles shall be prohibited, unless permitted by this article or allowed by conditional use.

(5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors.

(6) Any automobile service station activities shall be subject to the applicable standards for automobile convenience facilities.

(C) *Car wash.*

(1) Water from the car wash shall not drain across any sidewalk or into any public right-of-way.

(2) Vacuum facilities shall be located in an enclosed structure or located at least 50 feet from any residential property line to avoid noise impacts.

(3) The premises, all adjacent streets, sidewalks and alleys and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(D) *Daycare Center.*

(1) The building and any exterior fenced areas shall meet the setback requirements for a principal structure in the zoning district in which the use is located.

(2) The play area shall be located away from the main entrance to the daycare facility and shall be contained with a fence at least five feet in height.

(3) For child daycare centers, at least 50 square feet of outside play area shall be provided for each child under care. For adult daycare facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.

(4) The use shall provide a designated area for the short-term parking of vehicles engaged in loading and unloading of children under care. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.

(5) The facility shall meet all applicable building and fire codes and be licensed as required by the State of Minnesota.

(E) *Drive-in restaurants.*

(1) The site shall accommodate vehicle stacking in accordance with the provisions of this article.

(2) Any speaker system shall not be audible from any residentially zoned property or any residential use.

(F) *Home Occupations.*

(1) No home occupation shall require internal or external alterations or involve construction features not customarily found in dwellings except where required to comply with local and state fire and police recommendations.

(2) Conduct of the home occupation does not generate more noise, vibration, glare, fumes, odors, or electrical interference than normally associated with residential occupancy in the neighborhood.

(3) The home occupation is not of a scale requiring the use of a commercial vehicle for the delivery of materials to or from the premises.

(4) The home occupation may increase vehicular traffic flow and parking by no more than one additional vehicle at a time and any need for parking generated by the conduct of a home occupation shall be met off the street, other than in a required front yard.

(5) No outdoor display of goods or outside storage of equipment or materials shall be permitted.

(6) Home occupations shall not include employment of persons not residing on the premises.

(7) The area used for the home occupation may not exceed twenty-five percent (25%) of the total floor area of the dwelling.

(8) Home occupations may have one wall sign per dwelling not exceeding one square foot in area.

(G) *Pawnshop.*

(1) The use shall be located at least 3,000 feet from all existing pawnshops, currency exchanges, consignment/secondhand stores and precious metal dealerships.

(2) The window and door area of any existing first floor façade along a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into and out of the building at eye level.

(3) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.

(4) All receipt, sorting and processing of goods shall occur within a completely enclosed building.

(5) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet of the use shall be inspected regularly for the purposes of removing litter found thereon.

(H) *Sexually Oriented Businesses.*

(1) Conditions outlined in §120.04, Conditional Use Permit Required; Conditions, in Chapter 120, Sexually Oriented Businesses, as may be amended from time to time, are adopted by reference.

(2) The use shall be located at least 1,000 feet from any other adult entertainment use.

(3) Activities classified as obscene as defined by M.S. § 617.241, or successor statute, are prohibited.

(4) No more than one adult entertainment use shall be located on the property.

(5) Sign messages shall be generic in nature and shall only identify the type of business which is being conducted. Signs shall not contain material classified as advertising.

OFF-STREET PARKING AND LOADING

§ 153.130 EXISTING SPACE; USE.

(A) *Existing space.* Off-street parking or loading facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter for a similar new building or use. Off-street parking or loading facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter.

(B) *Use of parking facilities.*

(1) The required parking or loading space in any district shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

§ 153.131 COMPUTATION.

In computing the number of parking or loading spaces required, the following rules shall govern.

(A) Floor space shall mean the gross floor area of the specific use.

(B) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(C) For uses not specifically listed in this chapter, uses for which a specific number of spaces have not been defined, or for joint parking facilities serving two or more different uses, the Planning Commission shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed in App. A of this chapter. Issuance of building permit for the above situations shall be subject to approval by the Planning Commission of all site plans.

§ 153.132 YARDS; SETBACKS.

Off-street parking and loading facilities shall be subject to the front yard, side yard, and rear yard regulations for the use district in which the parking is located, with the following exceptions.

(A) In any of the residence districts, no parking or loading space shall be located within 15 feet of any property line. Driveways, garages, and carports in conjunction with any single- or two-family residence shall be exempted from this requirement; however, they shall not be located less than five feet from the property line, except by variance obtained in the

manner provided in this code. Variances in the case of driveways may be allowed down to zero feet setback from the property line. Recreational vehicles parked in conformance with § 153.065(B)(2) of this code are also exempted from the above yard setback regulations.

(B) In any commercial use which abuts any of the classes of residence districts, no parking or loading space shall be located within 20 feet of any property line.

(C) In the I-1 light industrial district, in no instance shall parking or loading space be located within 15 feet of a side or rear property line except in the case of parking space which abuts parking space on the adjoining property, in which case no setback shall be required.

§ 153.133 ACCESS.

(A) Parking and loading space shall have proper access from a public road.

(B) The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.

(C) In all commercial districts or industrial districts, direct access shall be provided to a collector as shown on the adopted city street plan or to a related service road.

(D) All parking and loading areas shall be designed in such a manner that no vehicle entering or leaving a parking space shall be required to back onto or from any thoroughfare except from single- and two-family residences on local streets.

§ 153.134 CONSTRUCTION AND MAINTENANCE STANDARDS.

(A) All parking areas and access drives shall be surfaced with a durable and dustless material capable of carrying a wheel load of five tons (or 10,000 pounds) per axle and approved by the City Engineer or Building Inspector. Parking areas and access drives in commercial and industrial districts shall be constructed utilizing an approved bituminous mixture, concrete, or other water sealed surface.

(B) All parking areas shall be so graded and drained as to dispose of all surface water accumulation. Parking areas in the R-3, R-4, R-5, commercial, and industrial districts shall have surface drainage as approved by the City Engineer.

(C) The operator of the principal building or use shall maintain parking and loading areas, access drives, and yard areas in a neat and adequate manner.

§ 153.135 LIGHTING.

(A) *In general.* No lighting shall create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with

the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(B) *Specific standards.* Lighting shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half ($\frac{1}{2}$) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.

(4) Lighting shall not create a hazard for vehicular or pedestrian traffic.

§ 153.136 SITE PLAN.

Any application for a building permit or for a certificate of occupancy shall include a site plan or plot plan drawn to scale and dimensioned showing off-street parking and loading space to be provided in compliance with this chapter.

§ 153.137 APPLICATION OF REGULATIONS.

Off-street parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this chapter.

§ 153.138 OFF-STREET PARKING; DESIGN STANDARDS.

In addition to the general regulations of §§ 153.130 - 153.137 above, the following specific regulations shall apply to off-street parking.

(A) *Size.*

(1) Each off-street parking space shall contain a minimum area of not less than 400 square feet, to include parking, maneuvering, and access. Actual stall size shall conform to the table in App. B of this chapter, depending upon the stall pattern selected.

(2) Provision shall be made in the parking area for adequate snow storage or removal to ensure that the required number of spaces are available at all times during the year.

(3) Striping shall be provided and maintained.

(B) *Screening.* Off-street parking areas abutting residence districts shall be screened by a buffer of adequate design. Plans of the screening shall be submitted for approval as part of the required site plan, and this screening shall be installed as part of the initial construction. All screening shall conform to the standards established by § 153.103 of this code. Where any business or industrial use (structure, parking, or storage) is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property in conformance with the standards established in § 153.103. Screening shall also be provided where those uses are across the street from a residential district.

(C) *Location.* Required off-street parking space shall be provided either on the same lot or adjacent lots as the principal building or use is located.

§ 153.139 JOINT FACILITIES.

(A) Required parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall be not less than the sum of the separate requirements for each use.

(B) Joint use of parking facilities by the following uses or activities under the following conditions may be approved.

(1) (a) For the purpose of this section, the following uses are considered as primarily daytime uses: banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing, wholesale, and similar uses.

(b) The following are to be considered as primarily nighttime or Sunday uses: auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars, or restaurants.

(2) (a) Up to 50% of the parking facilities required for a theater, bowling alley, dance hall, or bar or restaurant, may be supplied by the off-street parking facilities provided by primarily daytime uses.

(b) Up to 50% of the off-street parking facilities required for any use specified as primary daytime uses may be supplied by the parking facilities provided by primarily nighttime or Sunday uses.

(c) Up to 50% of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by primarily daytime uses.

(3) *Conditions required for joint use.*

(a) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 300 feet of the parking facilities;

(b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed; and

(c) A properly drawn legal instrument, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Zoning Administrator within sixty (60) days after approval of the joint parking use by the city.

§ 153.140 LOADING AREAS; DESIGN STANDARDS.

In addition to the general regulations of §§ 153.130 - 153.137 of this code, the following specific regulations shall apply to loading areas.

(A) *Size.* Fifty percent of the required number of truck berths shall be 50 feet in length, 12 feet in width, and 15 feet in height. All loading areas shall consist of a maneuvering area in addition to the berth and shall not use any of that portion of the site containing parking stalls. Maneuvering areas shall be of a size so as to permit the backing of truck tractors and coupled trailers into a berth, without blocking the use of other berths or drive or maneuvering areas.

(B) *Screening.* All berths shall be screened from view from the property street frontage or from the zoning district boundary when the adjacent property or property across the street frontage or side street frontage is zoned or used for residential purposes. The screening shall be accomplished by a buffer fence not less than seven feet in height.

(C) *Location.* All required loading or unloading into or out of trucks in excess of one ton capacity shall be conducted at facilities specifically designed or designated for that purpose. These facilities shall be located upon the zoning lot of the principal use requiring them. All berths beyond one shall be separate from areas used for off-street parking.

§ 153.141 MINIMUM PARKING AND LOADING SPACE REQUIREMENTS.

Off-street parking and loading areas of sufficient size to provide parking for patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use. App. A of this chapter designates the minimum number of parking and loading spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity. Uses not specifically listed must provide the number of spaces as required by § 153.131(C) of this code.

PLANNED UNIT DEVELOPMENTS

§ 153.150 PURPOSE AND APPLICABILITY.

(A) *Purpose.* The purpose of the planned unit development (PUD) zoning district is to provide a district that grants flexibility from certain subdivision and zoning regulations in order to realize public benefits that may not otherwise be achieved through non-PUD development.

(B) *Applicability.* PUD zoning within any district may be considered by the Planning Commission and the City Council when it would result in one of the following public benefits:

(1) Flexibility in land development to benefit from new technology in building design and construction and land development;

(2) Variety in the organization of site elements, building densities, land use and housing types;

(3) Higher standards of site and building design through the use of trained and experienced land planners, registered architects, or landscape architects to prepare plans for all planned unit developments;

(4) Preservation and enhancement of desirable site characteristics, natural resources and open space;

(5) More efficient and effective use of land, open space, and public facilities; and

(6) Other public benefits as recognized by the city.

§ 153.151 PERMITTED USES.

Within a planned unit development (P.U.D.), no land or buildings shall be used except for one or more of the following uses:

(A) The uses listed as permitted or conditional uses in the district(s) in which the development is proposed;

(B) Educational, religious, cultural, recreational, or commercial facilities that are designed and intended to serve the residents of the planned unit development. The burden of proof shall rest upon the applicant to show that these non-residential uses, when located in a residence district, are designed and intended for the primary use of the residents in the P.U.D., provided further that no such commercial uses shall be constructed until 75% of the total dwelling units contained in the entire project are completed. Completed shall mean qualifying for a certificate of occupancy.

(C) Use(s) normally more appropriate in other zoning districts shall not occupy more than 15% of the land area within the district(s) in which the development is proposed.

§ 153.160 GENERAL REGULATIONS AND REQUIREMENTS.

(A) *Development.* Planned unit development projects shall be developed in accordance with an overall design and an integrated general development plan, be consistent with the intent and purposes of this chapter, and not adversely affect the property adjacent to the land included in the project.

(B) *Intensity of development.*

(1) *Overall site coverage.* Permitted maximum site coverage in the planned development district shall not exceed the maximum permitted site coverage in the original district; however, site coverage may be calculated on the total land involved in the planned development.

(2) *Individual lots.* Deviation from the applicable requirements for lot area, lot dimensions, yards, setbacks, location of parking areas, and public street frontage may be allowed, but only if the deviation is consistent with the total design of the planned development.

(C) *Roadways.* Private roadways within the project shall be installed to city specifications for public roadways.

(D) *Public Benefit.*

(1) The PUD results in at least one of the public benefits as outlined in §§ 153.150.

(2) The PUD is consistent with and advances the community-wide goals of the comprehensive plan.

§ 153.161 GENERAL DEVELOPMENT PLAN.

(A) *Rezoning and Master Development Plan Review.*

(1) As with any rezoning, the decision to rezone a property to PUD is a policy decision that the city council may make in its legislative capacity. In evaluating a proposal to rezone a property to PUD, the council will consider its compliance with the standards outlined in subdivisions 4 and 5 of this ordinance.

(2) The process to rezone a property to PUD is generally subject to the procedures outlined in section §§ 153.225 of this ordinance for a zoning amendment, except that:

(a) Prior to concept plan review or introduction of the rezoning ordinance, city staff will establish a public hearing notification area. This area will include all properties located wholly or partially within 400 feet of the property proposed to be rezoned PUD and further extended to existing natural or manmade boundaries such as wetlands, creeks, lakes, roadways, intersections, railroads or different land use classifications.

(b) At the time of concept plan review or ordinance introduction, the council will determine whether the notification area is appropriate. The council may require that the area be enlarged or retracted prior to the public hearing before the planning commission. In no case will the notification area be less than 400 feet.

(c) At least 10 days prior to the public hearing before the planning commission, notice regarding the rezoning will be published in the official newspaper and sent by mail to the notification area as approved by the council.)

(3) *Plans.* The proponents of a planned unit development project shall submit a general development plan along with the application for a rezoning and secure the approval of the Planning Commission and City Council. The general development plan shall be drawn to scale with topography of a contour interval not greater than two feet. The plan shall show:

- (a) The proposed site and existing developments on adjacent properties;
- (b) The proposed size, location, and arrangement of buildings;
- (c) Parking areas and stall arrangement;
- (d) Entrance and exit drives;
- (e) Landscaping;
- (f) Structural and yard dimensions;
- (g) Proposed sewer and water systems; and
- (h) Recreation areas.

(4) Approval of the master development plan constitutes approval of the items outlined above.

(5) An approved master development plan is the legal control governing development of property within a PUD.

(6) The city council may attach conditions to a master development plan approval as it determines necessary or convenient to accomplish the purposes of the PUD.

(B) *Site and Building Plan Review Process.*

(1) Site and building plan review and approval of final site and building plans is subject to the procedures outlined in §§ 153.055 of this ordinance.

(2) Final site and building plans must be in substantial compliance with the approved master development plan.

(C) Applicants may combine master development plan review and site and building plan review. In such cases, all information required for both processes must be submitted simultaneously.

(D) The city council may attach conditions to a final site and building plan approval as it determines necessary or convenient to accomplish the purposes of the PUD.

(E) Changes to approved plans. If the rezoning is approved, the general development plan is attached to and is a part of the rezoning. Any substantial change to the plan will require a resubmission for review and approval by the Planning Commission and City Council.

§ 153.162 COMPLIANCE REQUIRED.

The owner or developer must comply with all the requirements of the city and this chapter regarding lighting, noise abatement, traffic control and regulations, maintaining order, and keeping the premises free from debris, and any other conditions as may be attached to the conditional use permit by the Planning Commission or City Council.

§ 153.163 PERMIT EXPIRATION AND RENEWAL.

(A) If construction on the planned unit development has not begun within one year of the issuance date of the permit, or other date as specified in the permit, the permit shall expire and become null and void. The permit may be renewed for an additional period as the City Council, upon submission of an application by the owner or developer, may determine. In reviewing extension requests, the city will consider the following:

(1) whether there have been changes to city code or policy that would affect the previous approval; and

(2) whether an extension would adversely affect the neighboring property owners.

§ 153.164 AMENDMENTS.

(A) A major amendment to an approved master development plan may be approved by the city council after review by the planning commission. The process to review and

approve a major amendment is subject to the procedures outlined in §§ 153.225 of this ordinance for a zoning amendment. A major amendment is any amendment that:

- (1) substantially alters the location of buildings, parking areas or roads;
- (2) increases or decreases the number of residential dwelling units by more than 5 percent;
- (3) increases the gross floor area of non-residential buildings by more than 5 percent or increases the gross floor area of any individual building by more than 10 percent;
- (4) increases the number of stories of any building;
- (5) increases the square-footage of grading on any individual lot by more than 1,000 square feet;
- (6) decreases the amount of open space by more than 5 percent or alters it in such a way as to change its original design or intended use; or
- (7) creates non-compliance with any special condition attached to the master development plan.

(B) Any other amendment may be made through review and approval by a majority vote of the planning commission.

NON-CONFORMING STRUCTURES, LOTS, AND USES

§ 153.180 EXISTING NON-CONFORMING BUILDINGS AND USES.

The lawful use of buildings or land existing at the effective date of this chapter which does not conform to the provisions of this chapter shall be allowed to continue indefinitely.

§ 153.181 NON-CONFORMING LOTS OF RECORD.

Any lot which was held in a single ownership of record at the time of the adoption of this chapter, and which does not meet the requirements of this chapter as to area, width, or other open space, may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of that area, width, or open space are within 70% of the requirements for them under the terms of this chapter. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

§ 153.182 ALTERATION OF NON-CONFORMING USES.

- (A) A legal non-conforming use may not be expanded.
- (B) A legal non-conforming use may be continued, through repair, replacement, restoration, maintenance, or improvement, unless:
 - (1) The non-conformity or occupancy is discontinued for a period of more than one year; or
 - (2) any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged.
- (C) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

CONDITIONAL USE PERMITS

§ 153.200 PURPOSE.

The principal objective of this zoning chapter is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required in the social and economic welfare of the city. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this chapter. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These conditional uses require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community.

§ 153.201 CONDITIONAL USES.

Conditional use permits may be issued for any of the following:

- (A) Any of the uses or purposes for which these permits are required or permitted by the provisions of this chapter;
- (B) Public utility or public service uses or public building in any district when found to be necessary for the public health, safety, convenience, or welfare;

(C) Commercial excavating of natural materials used for building or construction purposes, in any district; or

(D) To permit the location of any of the following uses in a district from which they are excluded by the provisions of this chapter: library, community center, church, hospital, any institution of an educational, philanthropic, or charitable nature, cemetery, or mausoleum.

§ 153.202 APPLICATION PROCEDURE.

(A) *Initiation.* An application for a conditional use shall be in triplicate and may be made by any governmental unit, department, board, or commission or by any person or persons having a freehold interest, or a contractual interest which may become a freehold interest, applicable to the parcel described in the application.

(B) *Application content.* An application shall be by written petition in the form prescribed by the Planning Commission, signed by the applicant, and shall be filed with the Zoning Administrator. A fee as established by resolution of the City Council shall be required for the filing of the petition.

(1) In addition to the written petition, the following shall be required with an application for a conditional use:

(a) Complete details of the proposed site development, including location of buildings, driveways, parking spaces, garages, refuse disposal areas, loading areas, dimensions of the lot, lot area, and yard dimensions. The plans shall identify all adjoining properties; and

(b) An elevation of at least one building in detail and any sides facing onto all classes of residence districts, if different from the single elevation required.

(2) The following additional information may be required by the Zoning Administrator, Planning Commission, or City Council:

(a) Complete landscaping plans, including species and size of trees and shrubs, proposed and required screening;

(b) A site plan indicating final contours at two-foot vertical intervals;

(c) Proposed sewer and water connections;

(d) Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;

(e) Complete plans for proposed sidewalks to service parking, recreation, and service areas within the proposed development;

(f) Complete structural, electrical, and mechanical plans for the proposed buildings; and

(g) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.

(3) Twelve copies of all required plans shall be submitted at the time of application.

(C) *Hearing notice.* Notice of the time and place of the public hearing shall be given not more than 30 nor less than ten days in advance by publishing a notice in the official newspaper of the city and by like notification, at least ten days prior to the date of public hearing, to the owner or owners of property within 350 feet of the subject property. This notice shall describe the particular conditional use and shall contain a brief description thereof. City assessor tax records shall be deemed sufficient for the location or certification of ownership of the adjacent properties.

(D) *Public hearing.* The public hearing shall be held.

(E) *Findings and recommendations.* The Planning Commission shall then make its findings and recommendations to the City Council within 30 days following the end of the public hearing.

(1) The City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:

(a) The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

(b) The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;

(c) The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located;

(d) The use is one of the conditional uses specifically listed for the district in which it is to be located;

(e) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;

(f) The use will not lower property values or impact scenic views in the surrounding area;

(g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;

(h) Sufficient off-street parking and loading space will be provided to serve the proposed use;

(i) The use includes adequate protection for the natural drainage system and natural topography;

(j) The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and

(k) The proposed use will not stimulate growth incompatible with prevailing density standards.

(2) If no recommendation is transmitted by the Planning Commission within 60 days after the date of the hearing, the City Council may take action without awaiting the recommendations.

(F) *Conditions.* The City Council may impose conditions and safeguards upon the premises benefitted by a conditional use as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood. Violation of the conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this chapter and punishable under § 153.227.

(G) *Term.* No conditional use permitting the erection or alteration of a building shall be valid for a period longer than one year unless the building is erected or altered within that period, unless a longer time is specified when permit is issued. An extension may be applied for, in writing, before the City Council.

ADMINISTRATION AND ENFORCEMENT

§ 153.220 PLANNING COMMISSION.

A Planning Commission is hereby created which shall carry out duties as specified in this chapter and as authorized by M.S. § 462.354, subd. 1, as it may be amended from time to time. The Planning Commission shall consist of not less than five and not more than seven members. A chairperson and a vice chairperson shall be elected by the Commissioners at the first meeting of the year or at the first meeting following the resignation of the chairperson or vice chairperson. The term of office of each Commissioner shall be for a period of three years, but members shall serve at the pleasure of the Council. The City Council shall have the authority and power to fill vacancies that may from time to time exist and shall have the authority to fill vacancies resulting from the expiration of members' terms. The terms of office of the Planning Commissioners now holding office, pursuant to a prior ordinance, are hereby confirmed.

§ 153.221 ZONING ADMINISTRATOR.

(A) The Zoning Administrator is hereby established, and the City Administrator, Clerk/Treasurer shall occupy that position.

(B) It shall be the duty of the Zoning Administrator to enforce the chapter through the proper legal channels. In addition, the Zoning Administrator shall:

- (1) Examine all applications pertaining to use of land, buildings, or structures, and approve same when the application conforms with the provisions of this chapter;
- (2) Keep a record of all non-conforming uses;
- (3) Keep a record of all conditional uses;
- (4) Periodically inspect buildings and uses of land to determine compliance with the terms of this chapter. In regard to performance standards, the Zoning Administrator may require the services of a testing laboratory to determine compliance. The cost of employing the laboratory shall be paid for by the owner if a violation of this chapter is established, otherwise by the city;
- (5) Notify, in writing, any person responsible for violating a provision of this chapter, indicating the nature of the violation and ordering the action necessary to correct it;
- (6) Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions, or alterations; order discontinuance of illegal work being done; or take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions;
- (7) Maintain permanent and current records of this zoning chapter, including all maps, amendments, conditional uses, and variations;
- (8) Maintain a current file of all permits, all certificates, and all copies of notices of violation, discontinuance, or removal for such time as necessary to insure a continuous compliance with the provisions of this chapter, and, on request, provide information to any person having a proprietary or tenancy interest in any specific property; and
- (9) Review all applications made for variance and approve or disapprove in writing on the application before sending the application to the Planning Commission, and provide clerical and technical assistance to the Planning Commission.

§ 153.222 BUILDING PERMITS.

(A) From and after the effective date of this chapter, it shall be unlawful to proceed with the construction, alteration, repair, enlargement, demolition, or removal of any building, provided however the valuation exceeds an amount set forth in the insurance limits schedule,

without first obtaining a building permit. Repairs or remodeling less than an amount set forth in the insurance limits schedule shall not require a building permit, provided neither the size or occupancy of the structure, nor the structural framework, is altered.

(B) No building permit shall be issued unless the building is designed and arranged to conform to the provisions of this chapter.

§ 153.223 CERTIFICATE OF OCCUPANCY.

(A) No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the building and use appears to comply with all of the provisions of this chapter applicable to the building or premises or the use in the district in which it is to be located.

(B) No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Zoning Administrator, and no permit shall be issued to make the change unless it is in conformity with the provisions of this chapter.

(C) Application for a certificate of occupancy shall be made coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection, reconstruction, or structural alteration is completed.

(D) The Zoning Administrator may, where necessary, require the services of a qualified testing laboratory to determine anticipated compliance with performance standards prior to issuance of a certificate of occupancy. The cost of employing the laboratory shall be paid by the developer of the property.

§ 153.224 VARIANCES.

(A) *Purpose.* The city council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the comprehensive plan. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes, but is not limited to, direct sunlight for solar

energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.

(B) The city council may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(C) *Application.* An application for a variance shall be filed with the Zoning Administrator and shall state the unique circumstances claimed as a basis for the variance. The application shall contain at least the following information:

- (1) The signature of each owner of affected property or his agent.
- (2) The legal description of the property and the common address.
- (3) A description of the variance requested and a statement demonstrating that the variance would conform to the requirements necessary for approval.
- (4) The present use.
- (5) Any maps, drawings and plans that the Zoning Administrator considers to be of value in considering the application.

(D) *Referral To Planning Commission.* The application shall be referred to the planning commission for study concerning the effect of the proposed variance upon the comprehensive plan, and upon the character and development of the surrounding neighborhood. The planning commission shall make a recommendation to the city council to grant or deny the variance, and may recommend imposing conditions in the granting of the variance. The conditions may include considerations such as location, character and other features of the proposed building.

(E) *Approval; Denial.* Variances require the approval of a majority vote of the city council. Variances may be denied by motion of the city council and such motion shall constitute a determination that the findings required for approval do not exist. No application for a variance which has been denied in whole or in part shall be resubmitted within six (6) months of the date of the order of denial, except upon grounds of new evidence or upon proof of change of conditions. The city council may impose conditions upon the granting of a variance. The conditions may include considerations such as location, aesthetics and other features of the proposed buildings. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

(F) *Decision Period.* All applications shall be reviewed consistent with Minnesota statutes section 15.99.

(G) *Revocation.* A violation of any condition attached to the approval of a variance shall constitute a violation of this title and shall constitute sufficient cause for the termination of the variance by the city council.

(H) *Expiration.* If the development does not proceed within one year of the date on which the variance was granted, such variance shall become void, except that, on application, the city council may extend the variance for such additional period as it deems appropriate.

§ 153.225 AMENDMENT.

(A) *Procedure.* This chapter may be amended whenever the public necessity and convenience and the general welfare require amendment by following the procedure specified as follows.

(1) Proceedings for amendment of this chapter shall be initiated by:

(a) A petition of the owner or owners of the actual property, the zoning of which is proposed to be changed;

(b) A recommendation of the Planning Commission; or

(c) Action of the City Council.

(2) To defray administrative costs of processing of requests for an amendment to this chapter, a fee as established by resolution of the City Council shall be paid by the petitioner.

(3) Before any amendment is adopted, the Planning Commission shall hold at least one public hearing. A notice of the time, place, and purpose of the hearing shall be published at least ten days and at most 30 days prior to the day of the hearing. In addition, when an amendment involves changes in district boundaries, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of the affected property and property situated wholly or partially within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this division has been made. If no recommendation is transmitted by the Planning Commission within 60 days after the hearing, the City Council may take action without awaiting the recommendation.

(4) The City Council, upon receiving reports of the Planning Commission, may hold public hearings on the amendments as it deems advisable. After those hearings, if any, and within 60 days of its receipt, the Council may vote upon the adoption of any proposed amendment or it may refer it back to the Planning Commission and staff for further consideration. In considering the recommendations, due allowance shall be made for existing

conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire city, and for the uses to which the property affected is being devoted at the time. The amendment shall be effective only if four-fifths of all members of the Council concur in its passage.

(B) Changing district boundaries; petition content. Any petition presented to the Planning Commission requesting a change in district boundaries shall contain the following information:

(1) The name or names and addresses of the petitioner or petitioners, and their signatures to the petition;

(2) A specific legal description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within the area, and a legal description of the property owned by each;

(3) The present district classification of the area and the proposed district classification;

(4) The present use of each separately owned tract within the area and the intended use of any tract of land therein, if the petitioners or the owners have particular uses presently in mind;

(5) An explanation of how the rezoning will conform with the general zoning pattern of the neighborhood and the zoning plan of the entire city; and

(6) Accompanying the petition shall be three copies of a map showing the property to be rezoned, the present zoning of the surrounding area for at least a distance of 350 feet, including the street pattern of that area, and the names and addresses of the owners of the lands in each area as the same appear on the records of the County Auditor; all of which shall be provided by the petitioner.

(C) *Lapse of variance by non-use.*

(1) Whenever within one year after the granting in whole or in part of a petition for the transfer of land from one district to another, or for a variance, if the owner or occupant shall not have substantially completed the erection or alteration of a building, structure, or other use, as described in the petition, then the variance shall become null and void unless a petition for extension of time in which to complete the proposed construction, alteration, or other use has been granted as provided herein.

(2) The petition to extend time shall be in writing and filed with the City Administrator, Clerk/Treasurer more than 20 days before the expiration of one year from the date the original petition was approved, shall state facts showing a good faith attempt to use the variance, and shall state the additional time requested to complete the construction, alteration, or other use. The petition shall be presented to the Planning Commission for hearing and decision in the same manner as the original request for variance.

(3) In determining under this division (C) whether the petitioner has made a good faith attempt to use the variance, the Planning Commission or City Council may consider such factors as the design, size, expense, and type of the proposed construction, alteration, or other use.

(4) It shall be within the power of the Planning Commission or City Council, at the time of granting the original request for a variance, to grant also a two-year period for substantial construction of the building, structure, or other use utilizing the same.

§ 153.226 ENFORCEMENT.

In addition to the enforcement responsibilities of the Zoning Administrator pursuant to § 153.221 of this code, this zoning chapter shall be administered and enforced by the Building Inspector and Police Department.

§ 153.227 VIOLATIONS.

Violation of this chapter is a misdemeanor offense.

CHAPTER 153 – APPENDIX A: SCHEDULE OF OFF-STREET PARKING AND LOADING REQUIREMENTS

(A) Parking requirements.

<i>Category</i>	<i>Use</i>	<i>Parking Requirements</i>
Commercial	Bank, business, or professional office	4 spaces per each 1,000 square feet of gross floor area
Commercial	Beauty or barber shop	2 spaces per chair plus 1 space per 3 employees
Commercial	Bowling alley	5 spaces per lane
Commercial	Car wash, machine	10 spaces per lane
Commercial	Day care center	1 space per employee plus 5 additional spaces per building
Commercial	Laundromat	1 space per each 2 washing machines
Commercial	Liquor store	4 spaces per each 1,000 square feet of gross floor area
Commercial	Medical or dental clinic	6 spaces per 1,000 square feet of gross floor area
Commercial	Mortuary	1 space per each 4 seats
Commercial	Motel	1 space per unit plus 1 space per employee
Commercial	Restaurant, drive-in	35 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, carry-out	10 spaces per each 1,000 square feet of gross floor area
Commercial	Restaurant, sit-down	15 spaces per each 1,000 square feet of gross floor area
Commercial	Retail store, department store	10 spaces per each 1,000 square feet of gross floor area
Commercial	Roller rink	5 spaces per each 1,000 square feet of gross floor area
Commercial	Service station	3 spaces per each service bay plus 1 per each employee on major shift
Commercial	Shopping center	5.5 spaces per each 1,000 square feet of gross floor area
Commercial	Supermarket	5 spaces per each 1,000 square feet of gross floor area
Educational, cultural, and institutional	Church, theater, or auditorium, with permanent seats	1 space per each 3 seats or 5 feet of pew space

<i>Category</i>	<i>Use</i>	<i>Parking Requirements</i>
Educational, cultural, and institutional	Church, theater, or auditorium, without permanent seats	1 space per 100 square feet gross floor area
Educational, cultural, and institutional	Elementary school	2 spaces per classroom
Educational, cultural, and institutional	Hospital, nursing or convalescent home	1 space per each 4 beds plus 1 space per each 2 employees on the major shift
Educational, cultural, and institutional	Junior high school	2 spaces per classroom
Educational, cultural, and institutional	Senior high school	1.5 spaces per classroom plus 1 space per 5 students, based on design capacity
Industrial	Related to personnel; or related to floor area	Either 1 space per 1.5 plant employees, 1 space per managerial employee, and 1 space per 10 managerial employees for visitors; or 1 space per 1,000 square feet of gross floor area used for warehousing and distribution, 2 spaces per 1,000 square feet of gross floor area used for manufacturing, and 2.5 spaces per 1,000 square feet of office floor area
Residential	Elderly housing	1 space per 2 units
Residential	Medium density dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Mobile home park	2 spaces per unit
Residential	Multiple-family dwelling	2.5 spaces per unit, 1 enclosed per unit
Residential	Single-family residence	2 spaces per unit, 1 enclosed
Residential	Two-family residence	2 spaces per unit, 1 enclosed per unit

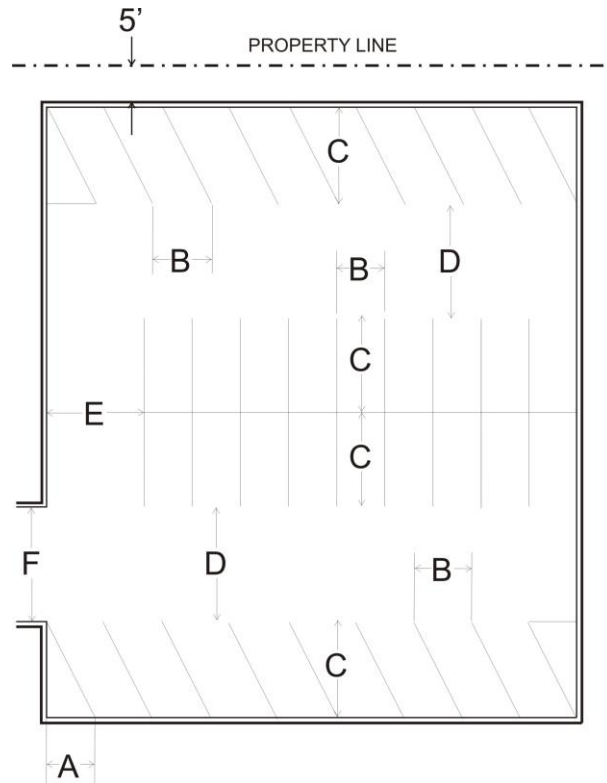
(B) Loading requirements.

<i>Category</i>	<i>Use</i>	<i>Loading Requirements by Structure Size</i>	
		<i>Size in Square Feet</i>	<i>Spaces</i>
Commercial	All	Less than 5,000	1
Commercial	All	5,000 to 10, 000	2
Commercial	All	10,000 to 20,000	3
Commercial	All	20,000 to 40,000	4
Commercial	All	Each part of 50,000 over 40,000	1 additional

<i>Category</i>	<i>Use</i>	<i>Loading Requirements by Structure Size</i>	
		<i>Size in Square Feet</i>	<i>Spaces</i>
Educational, cultural, and institutional	Church, theater, or auditorium	Under 100,000	1
Educational, cultural, and institutional	Church, theater, or auditorium	Over 100,000	2
Educational, cultural, and institutional	Elementary school	-	1
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Under 10,000	1
Educational, cultural, and institutional	Hospital, nursing or convalescent home	10,000 to 50,000	2
Educational, cultural, and institutional	Hospital, nursing or convalescent home	Each part of 50,000 over 50,000	1 additional
Educational, cultural, and institutional	Junior high school	-	1
Educational, cultural, and institutional	Senior high school	-	1
Industrial	All	Less than 10,000	1
Industrial	All	10,000 to 20,000	2
Industrial	All	20,000 to 40,000	3
Industrial	All	40,000 to 70,000	4
Industrial	All	70,000 to 110,000	5
Industrial	All	Each part of 50,000 over 110,000	1 additional
Residential	Elderly housing	-	1
Residential	Medium density dwelling	-	None
Residential	Mobile home park	-	None
Residential	Multiple-family dwelling	-	1
Residential	Single-family residence	-	None
Residential	Two-family residence	-	None

CHAPTER 153 – APPENDIX B: OFF-STREET PARKING STALL DIMENSIONS

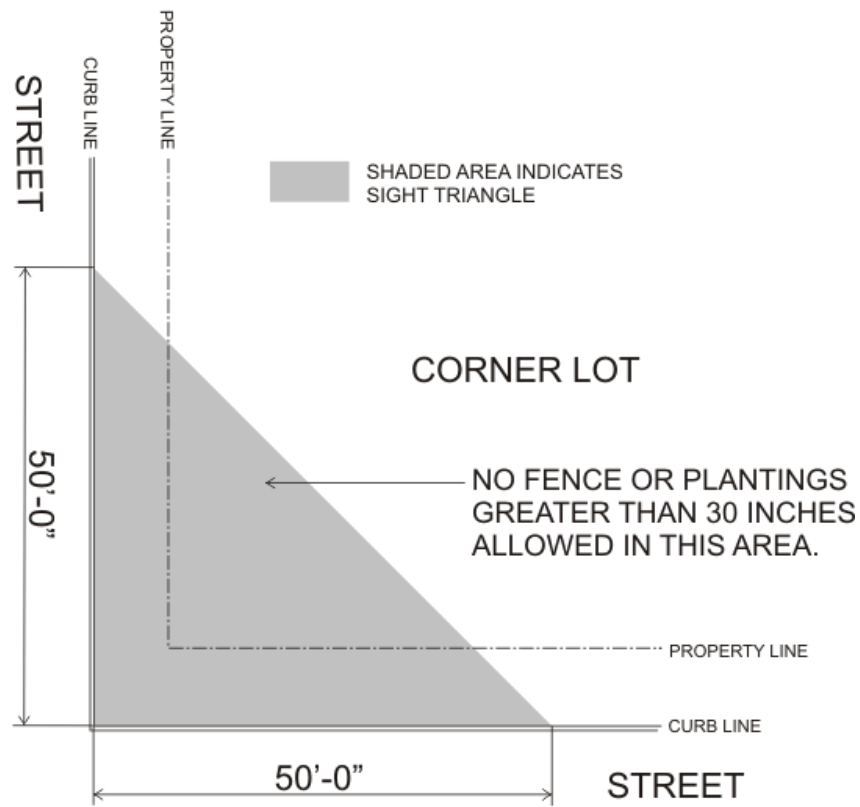
(A) Stall pattern. Each off-street parking space shall contain a minimum area of not less than 400 square feet, to include parking, maneuvering, and access. Actual stall size shall conform to the table in division (B) depending upon the stall pattern selected.



(B) Dimension table.

<i>Parking Stall Dimensions by Stall Angle</i>					
<i>Dimension, as in division (A)</i>	<i>45 Degrees</i>	<i>50 Degrees</i>	<i>55 Degrees</i>	<i>60 Degrees</i>	<i>90 Degrees</i>
A, offset	18 feet	15 feet, 8 inches	13 feet, 4 inches	11 feet	1 foot, 6 inches
B, car space	12 feet	11 feet, 4 inches	10 feet, 8 inches	10 feet	9 feet
C, stall depth	16 feet	16 feet, 8 inches	17 feet, 4 inches	18 feet	20 feet
D, stall depth	18 feet	18 feet, 4 inches	18 feet, 8 inches	19 feet	19 feet
E, overhang	2 feet	2 feet, 1 inch	2 feet, 2 inches	2 feet, 3 inches	2 feet, 9 inches
F, driveway	13 feet	14 feet, 6 inches	16 feet	17 feet, 6 inches	24 feet
G, turnaround	17 feet	16 feet	15 feet	14 feet	14 feet
H, extra	6 feet	5 feet	4 feet	3 feet	0 feet

CHAPTER 153 – APPENDIX C: INTERSECTION SIGHT DISTANCE TRIANGLE



SIGHT DISTANCE

NOT TO SCALE

CHAPTER 153 – APPENDIX D: SCHEDULE OF PERMITTED USES BY DISTRICT

(A) Residential districts. The following uses are allowed in the various residential districts either as permitted, accessory, or conditional uses.

<i>Use</i>	<i>Details</i>	<i>District</i>		
		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Boarding or rental of rooms	Note: family members, as defined in this chapter, may enter into rental agreements	C	C	C
Boarding or rental of rooms	Note: family members, as defined in this chapter, may enter into rental agreements	C	C	C
Cemetery		C	C	C
Churches, chapels, temples		C	C	C
Dwellings	Cluster developments	-	-	C
Dwellings	Medium density dwellings	-	P	P
Dwellings	Mobile homes	-	-	C
Dwellings	Multiple-family dwellings over six units per building	-		C
Dwellings	Single-family detached dwellings	P	P	P
Dwellings	Two-family dwellings	C	P	P
Essential public service and utility structures or uses		P	P	P
Fallout shelter		A	A	A
Family daycare	Within the residence of the daycare provider	P	P	P
Living quarters of persons employed on the premises		-	-	A
Off-street parking lots or garages				A
Parks and recreation	Private owned or operated areas	C	C	C
Parks and recreation	Private recreation facilities for the enjoyment of residents and guests only	A	A	A
Parks and recreation	Public owned or operated areas	P	P	P
Private garage		A	A	A
Professional offices and studios		C	C	C

<i>Use</i>	<i>Details</i>	<i>District</i>		
		<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Schools	Day schools or nurseries	C	C	C
Schools	Public or private	C	C	C
Swimming pool		A	A	A
Tool house, shed and similar storage		A	A	A
Uses customarily incidental to the permitted or conditional uses allowed in the district		A	A	A
Other public or semi-public facilities		C	C	C
Key: A = accessory uses; P = permitted uses; C = conditional uses				

(B) Commercial districts.

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Accessory uses customarily incident to the permitted or conditional uses allowed in the district	A	A	A
Assembly uses, including auditoriums, religious and philanthropic uses	C	C	C
Auto and marine; sales, leasing and rental as regulated in §§ 153.120. (See § 114.60(D) re: licensing)	-	C	-
Auto and marine; service, parts, repair and wash,	C	C	-
Boarding and lodging houses	C	-	-
Brewer Taprooms and Cocktail Rooms	P	P	C
Bus stations or terminal	P	P	P
Business, commercial, or trade schools	P	P	P
Clinics, medical offices	P	P	P
Commercial recreation such as bowling alleys, billiard halls, miniature golf, and the like	C	C	-
Convalescent and nursing homes	-	-	C
Day care facilities as regulated in §§153.120	C	C	C
Drive-in restaurants, or similar uses providing goods and services to patrons in autos	C	C	-

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Dry cleaning and laundry establishments with no more than four employees for cleaning or pressing	P	P	-
Dry cleaning and laundry collection stations, and self-service	P	P	-
Equipment rental	-	P	-
Financial institutions	P	P	C
Greenhouses, nurseries	-	P	-
Hospitals	-	C	-
Laboratories; medical, dental	P	P	P
Medical equipment rental	-	P	C
Mortuaries, funeral homes, monument sales	C	P	-
Motels, hotels, or apartment hotels	C	C	-
Off-sale liquor stores	P	P	-
Off-street parking and loading as regulated in §§ 153.130 <i>et seq.</i>	A	A	A
Offices (administrative, executive, professional, governmental, medical, research); without merchandising services	P	P	P
Offices (as above); with merchandising services	C	P	C
Pawnshops, secondhand goods stores (excluding motor vehicles) as regulated in §§ 153.120 (see Ch. 113, Pawnshops, or Ch. 114, Secondhand Goods Dealers, for licensing)	C	C	-
Personal services and repair establishments such as barber and beauty shops, shoe repair, and the like	P	P	P
Pet and animal shops, clinics, taxidermists	P	P	-
Plumbing and heating showrooms and shops	-	P	-
Printing, publishing, and related distribution agencies	C	C	-
Private clubs and lodges	C	C	-
Restaurants, night clubs, and the like	P	P	C
Retail shops and stores (excluding autos, boats, and the like) such as apparel, appliances, beverage, book, carpet, drugs, furniture, grocer, hardware, jewelry, paint, tobacco, sporting goods	P	P	C
Schools and studios; artistic, music, photo, decorating, dancing, health and the like	C	C	C
Sexually oriented businesses as defined in Ch. 121 and regulated in §§ 153.120(H)	C	-	-
Signs as regulated by this chapter	A	A	A
Theaters (indoor only)	P	P	-
Vending machines for ice, milk, and the like	P	P	-

<i>Use</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
Key: A= accessory uses; P = permitted uses; C = conditional uses			

(C) Light industrial district.

<i>Use in I-1</i>	<i>Category</i>
Automobile repair	C
Bottling establishments	C
Brewer taprooms and cocktail rooms	P
Building material sales and storage	P
Camera and photographic supplies manufacturing	P
Cartage, express, freight terminals	C
Cartography and book binding	P
Dry cleaning and laundry establishments	P
Electrical service shops	P
Engraving, printing, and publishing	P
Governmental and public utility buildings and structures	P
Jewelry manufacture	P
Light manufacturing	P
Medical, dental, and optical laboratories	P
Off-street parking and loading as regulated by §§ 156.050 <i>et seq.</i>	A
Offices, office buildings	P
Printing, publishing	P
Retail and service establishments essential to the operation of an I-1 district and providing goods and services primarily for the use of persons employed in the district	C
Signs as regulated by this chapter	A
Storage, warehousing, or wholesaling business	P
Any manufacturing, production, processing, cleaning, storage, servicing, repair, and testing of materials, goods, or products similar to the permitted uses (P) listed above which conform with the performance standards	C
All uses customarily incident to the permitted (P) or special (S) uses above	A
Key: A= accessory uses; P = permitted uses; C = conditional uses	

(1) Conditional uses in this division shall be governed by the criteria enumerated in § 153.202(E) of this code, relating to conditional uses.

APPENDIX E: SCHEDULE OF DIMENSIONAL REQUIREMENTS BY DISTRICT

(A) Minimum residence district dimensional requirements.

(1) Lot area.

<i>Minimum Lot Area by Residence District (Square Feet)</i>				
<i>Use</i>	<i>Details</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Dwelling, medium density*	One-bedroom	-	3,400 per unit	4,300 per unit
Dwelling, medium density*	Two- bedroom	-	3,600 per unit	4,500 per unit
Dwelling, medium density*	Three- bedroom	-	4,000 per unit	4,800 per unit
Dwelling, multiple-family*	One-bedroom	-	-	1,650 per unit
Dwelling, multiple-family*	Two-bedroom	-	-	1,750 per unit
Dwelling, multiple-family*	Three- bedroom	-	-	1,950 per unit
Dwelling, single-family		10,000 per unit	10,000 per unit	10,000 per unit
Dwelling, two-family		7,500 per unit	7,500 per unit	7,500 per unit
Dwelling with more than two units per structure		-	20,000 total	20,000 Total
Notes: * See § 153.042 for lot area allowances in R-3 district				

- (2) Lot depth and width.

<i>Minimum Lot Depth and Width by Residence District (Feet)</i>				
<i>Use</i>	<i>Details</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Dwelling, medium density	Depth	-	130	130
Dwelling, medium density	Width	-	130	130
Dwelling, multiple-family	Depth	-	130	130
Dwelling, multiple-family	Width	-	130	130
Dwelling, single-family	Depth	120	120	120
Dwelling, single-family	Width	75	75	75
Dwelling, two-family	Depth	120	120	120
Dwelling, two-family	Width	75	75	75

- (3) Maximum lot coverage.

<i>Maximum Percentage of Lot Coverage of All Structures in Residence Districts</i>			
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Any	35%	35%	50%

- (4) Front yard.

<i>Minimum Front Yard in Residence Districts (Feet)</i>			
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Dwelling	35	35	35
Other uses	50	50	50

- (5) Side and rear yards.

<i>Minimum Side and Rear Yards in Residence Districts (Feet)</i>				
<i>Use</i>	<i>Dimensions</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Accessory uses	Rear yard	5	15	15
Accessory uses	Side yard	5	5	10
Dwelling, medium density	Rear yard	-	30	30
Dwelling, medium density	Side yard	-	15	15
Dwelling, multiple-family	Rear yard	-	-	35
Dwelling, multiple-family	Side yard	-	-	20
Dwelling, single-family	Rear yard	40	40	30
Dwelling, single-family	Side yard	10	10	10
Dwelling, two-family	Rear yard	40	40	40
Dwelling, two-family	Side yard	10	10	10

- (6) Maximum building height.

<i>Maximum Building Height in Residence Districts (Feet)</i>			
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Accessory structure	15	15	15
Principal structure	35 feet or three stories, whichever is greater		

- (7) Distance between structures on a lot.

<i>Minimum Distance Between Buildings on Same Lot in a Residence District (Feet)</i>			
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Principal buildings	-	35	35

(B) Minimum non-residence district dimensional requirements.

<i>Dimension</i>	<i>District</i>			
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>	<i>I-1</i>
Building height; maximum	4 stories, or 45 feet	2 stories, or 35 feet	2 stories, or 35 feet	50 feet
Lot coverage by all buildings; maximum	35%	35%	35%	35%
Impervious surface coverage; maximum	75%	75%	75%	75%
Lot depth; minimum	200 feet	105 feet	150 feet	200 feet
Lot width; minimum	100 feet	100 feet	100 feet	150 feet
Setback, front yard; minimum	40 feet	40 feet	40 feet	40 feet
Setback, rear yard; minimum	30 feet	30 feet	30 feet	35 feet
Setback, rear yard, if adjacent to any residence district; minimum	30 feet	30 feet	30 feet	50 feet
Setback, side yard; minimum	15 feet	15 feet	15 feet	25 feet
Setback, side yard, if adjacent to any residence district; minimum	40 feet	40 feet	40 feet	50 feet

CHAPTER 154: ANTENNAS AND TOWERS

§ 154.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. Equipment used for transmitting or receiving telecommunications, television, or radio signals, which is located on the exterior of, or outside of, any building or structure.

TOWER. Any pole, spire, or structure, or any combination thereof, to which an antenna is attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires, and braces.

§ 154.002 PERMIT REQUIRED; EXEMPTIONS.

(A) *Permit required.* No antenna or tower of any kind shall hereafter be erected, constructed, or placed, or re-erected, reconstructed, or re-placed, anywhere within the city without first making an application for and obtaining from the city a permit therefor.

(B) *Exemptions.* No permit shall be required for the following:

- (1) All towers and antennas which do not exceed six feet in height;
- (2) Antennas and towers used by the city for city purposes; or
- (3) Antennas or towers erected temporarily for test purposes, emergency communication, or for broadcast remote pickup operations, provided that all requirements of §§ 154.04, 154.05, and 154.06 are met, with the exception of § 154.04(F), which is waived. Temporary antennas shall be removed within 72 hours.

§ 154.003 APPLICATION; FEE.

All applications for a permit required by this chapter shall be by building permit and shall be accompanied by a fee in the amount as set from time to time by Council resolution.

§ 154.004 CONSTRUCTION REQUIREMENTS AND RESTRICTIONS.

All antennas and towers for which a permit is required shall comply with the following requirements.

(A) Antennas and towers shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring and connections, with all applicable city and state statutes, regulations, and standards.

(B) No antenna or tower shall exceed a height equal to the distance from the base of the antenna or tower to the nearest overhead electrical power line (except individual service drops), less five feet.

(C) Antennas and towers shall be protected to discourage climbing by unauthorized persons.

(D) No antenna or tower shall have affixed to it in any way any lights, reflectors, flashers, or other illuminating device, or any signs, banners, or placards of any kind, except one sign not over ten square inches indicating the name of the manufacturer and installer.

(E) No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or similar structure.

(F) All towers shall be constructed of corrosive-resistant steel or other corrosive-resistant, non-combustible materials. Towers shall not be constructed or made of wood, including timber or logs.

(G) No part of any antenna or tower, nor any lines, cables, equipment, wires, or braces used in connection with any tower or antenna shall, at any time, extend across or over any part of a street, sidewalk, or alley.

(H) Each tower or antenna erected within the city shall be inspected at least every five years to insure continued maintenance and safety of the structure. An inspection fee, as set from time to time by Council resolution, shall be charged for the inspection.

(I) Any person erecting an antenna or tower within the city shall show proof of liability insurance covering personal injury or property damage in the event that damage or injury is caused by the structure.

§ 154.005 LOCATION RESTRICTIONS.

(A) No part of any tower or antenna shall be constructed, located, or maintained, at any time, permanently or temporarily, within any setback required by Ch. 156 of this code for a principal or accessory structure for the zoning district in which the antenna or tower is located.

(B) No antenna or tower shall be constructed, located, or maintained at any time, permanently or temporarily, in the front yard of any residential district.

(C) No person shall erect more than one antenna or tower on a residential parcel within the city.

§ 154.006 TELECOMMUNICATIONS FACILITIES.

(A) *Purpose and intent.* The purpose of this section is to establish predictable and balanced regulations for the siting and screening of wireless telecommunication equipment in order to accommodate the growth of wireless communication systems within the city while protecting the public against any adverse impacts on the city's aesthetic resources and the public welfare. This section recognizes that these wireless communication systems provide a valuable service to the public but that they are not a public utility. This section creates two categories of support structures for antennas. The first category consists of existing towers, water towers, and high density residential and non-residential buildings, which the ordinance favors in order to minimize the number of free-standing towers needed to serve the community. The second category consists of all other support structures. The structures in this second category are all classified as free-standing telecommunications towers even if they are intended to replace existing light poles, utility poles, or similar structures. Free-standing towers are subject to increased standards to minimize their visual impact. One such standard is that towers must use state-of-the-art stealth design techniques to disguise the towers and soften their views. A telecommunications company that does not currently use stealth technology will need to develop this capability in order to place free-standing towers in this city. This ordinance does not accept the lowest common denominator and challenges the telecommunications companies to improve their technology.

This ordinance allows minimal use of the public right-of-way for telecommunication antennas because that space should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way have the potential of being very visible to the traveling public. In order to locate in a public right-of-way, telecommunications companies must use improved technology to reduce the size and visibility of their facilities.

(B) *Definitions.* For the purposes of this section, the terms below have the meaning given to them, unless the context clearly indicates a different meaning:

ACCESSORY EQUIPMENT. The wires, cables, and other equipment or facilities that are used with antennas.

ANTENNA. A device used for transmitting or receiving telecommunication, television or radio signals that is used for personal wireless telecommunication service or any other purpose, except a device used for the private enjoyment of those on the premises where it is located, such as amateur radio antennas and antennas receiving television signals for viewing on site. "Antenna" also does not include a lightning rod.

ANTENNA SUPPORT STRUCTURE. An existing structure that is a telecommunications tower, high density residential or non-residential building, water tower, or electric transmission tower carrying over 200 kilo volts of electricity, that can be used for the location of antennas without increasing the mass of the existing structure.

ENGINEER. An engineer licensed by the state of Minnesota, or an engineer acceptable to the city if licensing is not available.

STEALTH DESIGN. State-of-the-art design techniques used to blend the object into the surrounding environment and to minimize the visual impact as much as reasonably possible. Examples of stealth design techniques include eliminating all horizontal projections; architecturally screening roof-mounted antennas and accessory equipment; integrating telecommunications facilities into architectural elements; nestling telecommunications facilities into the surrounding landscape so that the topography or vegetation reduces their view; using the location that would result in the least amount of visibility to the public, minimizing the size and appearance of the telecommunications facilities; and designing telecommunications towers to appear other than as towers, such as light poles, power poles, flag poles, and trees.

TELECOMMUNICATIONS FACILITIES. Antennas, accessory equipment, and telecommunications towers.

TELECOMMUNICATIONS TOWER or TOWER. A free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas, except towers used for amateur radio operations.

(C) *Administrative Approval.*

(1) The Zoning Administrator may grant administrative approval of the following telecommunication facilities:

(a) Telecommunications facilities located on electric transmission towers carrying over 200 kilo volts of electricity.

(b) Telecommunication facilities located on an antenna support structure that has already been approved by a conditional use permit as the location for a telecommunication facility, if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission or city council.

(c) A one-time 15-foot extension of an existing monopole telecommunications structure or one-time replacement of an existing monopole by a tower no greater than 15-feet taller than the existing monopole may be administratively approved if the proposed facility does not involve a variance and is not accompanied by any other matter requiring consideration by the planning commission and city council; and

(d) Telecommunication facilities that are attached to an existing public utility structure within a right-of-way if:

1. the telecommunication facility does not extend above the top of the existing utility structure and the height of the existing utility structure is not increased to accommodate the telecommunication facility;

2. any replacement utility structure does not exceed the height of the existing utility structure, including the telecommunication facility, and does not exceed the diameter of the existing utility structure by more than 50 percent;

3. the telecommunication facility is no larger than three cubic feet and has no individual surface larger than four square feet;

4. the telecommunication facility uses stealth design as much as possible, but in no event extends outward from the utility structure beyond two and one-half feet or three feet for an antenna that is one half inch in diameter or less;

5. there is no ground mounted equipment;

6. there is no interference with public safety communications or with the original use of the public utility structure; and

7. the telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of the public utility structure.

(2) Administrative review and approval is subject to the following:

(a) Submittal of a complete site and building plan review application, accompanied by a registered land survey, complete site plan, building elevations, and antenna elevations and be signed by a registered architect, civil engineer, landscape architect or other appropriate design professional.

(b) Submittal of an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of the applicant's system. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis; and

(c) Submittal of any necessary easements and easement exhibits, which have been prepared by an attorney knowledgeable in the area of real estate and which are subject to the city attorney's approval.

(3) The Zoning Administrator will render a decision within 30 days and serve a copy of the decision upon the applicant by mail.

(4) Any person aggrieved by a decision of the Zoning Administrator may appeal the decision to the Planning Commission.

(D) *Conditional Use.* Telecommunications facilities that are not eligible for administrative approval under subdivision 3 are permitted only as a conditional use in all zoning districts and must be in compliance with the provisions of this section.

(1) Conditional use telecommunication facilities are subject to the review procedures outlined in section 153.201 of this ordinance.

(2) Conditional use telecommunications facilities are subject to the following standards:

(a) *Residential and commercial zoning districts.*

1. Telecommunication facilities may be located only on public or institutional property: in R-1 and R-2 residential districts and on property guided for low-density residential in planned unit development districts subject the standards listed in subparagraphs 2 through 5 which follow.

2. An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;

3. A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs; and

4. A telecommunications tower and antennas, including attachments other than lighting rods, must not exceed 75 feet in height, measured from grade. The city council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

5. Telecommunications facilities may be located in public right-of-way of a major collector or arterial roadway as defined in the comprehensive plan, if they meet all of the following requirements:

a. The facility is not located adjacent to residentially zoned property unless the applicant demonstrates by providing a study prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and no other location is feasible in a non-residential zone;

b. The facility must use as many stealth design techniques as reasonably possible. In particular, the antennas must be designed to minimize their size and appearance. Economic considerations alone are not justification for failing to provide stealth design techniques.

(b) *Industrial districts.*

1. Antennas may be located in industrial districts on an antenna support structure, a public utility facility, or a telecommunications tower and may be on any right-of-way. Antennas on a right-of-way must also comply with the requirements in subdivision E(11) below.

2. In industrial districts, a telecommunications tower, including attachments other than lighting rods, may not exceed 150 feet in height, measured from grade. The city council may allow towers up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

3. No part of a tower in an industrial district may have a horizontal area of more than 500 square feet.

4. An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis.

5. A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant's reasonable capacity and coverage needs.

(E) *General Standards.* The following standards apply to all telecommunications facilities.

(1) *Vertical projection on antenna support structures.* Antennas mounted on an antenna support structure must not extend more than 15 feet above the height of the structure to which they are attached. Wall or facade-mounted antennas may not extend above the cornice line and must be constructed of a material or color that matches the exterior of the building.

(2) *Horizontal projection.* Antennas must not project out from the side of the antenna support structure or tower, unless it is physically impossible to locate the antennas within the structure or tower, in which case they must not project out by more than three feet by more than three feet.

(3) *Setbacks.* A tower adjacent to a R-1, R-2, or R-3 zoning district must meet the building setback that is established for the district where it is to be located, but only from the residential zone. This setback is not required for a tower in a right-of-way. The city may waive this setback requirement if necessary to implement stealth design techniques or if

the residentially zoned property is public or institutional property. An accessory equipment cabinet that is greater than 120 square feet in size must be at least ten feet from all property lines.

(4) *Height.* The height of an antenna and tower must be the minimum necessary to meet the applicant's coverage and capacity needs, as verified by an electrical engineer or other appropriate professional. The city council may waive this requirement if additional height is appropriate for co-location opportunities.

(5) *Exterior surfaces.* Towers and antennas must be painted a non-contrasting color consistent with the surrounding area such as: blue, gray, brown, or silver, or have a galvanized finish to reduce visual impact. Metal towers must be constructed of, or treated with, corrosion-resistant material

(6) *Ground-mounted equipment.* Ground-mounted accessory equipment or buildings must be architecturally designed to blend in with the surrounding environment, including the principal structure, or must be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the character of the surrounding neighborhood. No more than one accessory building is permitted for each tower. Additional space needed for the co-location of antennas must be added to an existing accessory building in a manner to make it appear as one building. Design of the building or equipment cabinet, screening and landscaping are subject to a site plan review under section 300.27 of this code.

(7) *Construction.* Telecommunications facilities must be in compliance with all building and electrical code requirements. A tower must be designed and certified by an engineer to be structurally sound and in conformance with the building code. Structural design, mounting and installation of the telecommunications facilities must be in compliance with the manufacturer's specifications.

(8) *Co-location opportunity.* If a new tower over 60 feet in height is to be constructed:

(a) the tower must be designed to accommodate both the applicant's antennas and antennas for at least one additional comparable user;

(b) the tower must be designed to accept antennas mounted at additional heights;

(c) the applicant, the tower owner, the landowner, and their successors must allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, must submit a dispute over the potential terms and conditions to binding arbitration, and must sign the conditional use permit agreeing to these requirements. The city council may waive these co-location requirements if necessary to implement stealth design.

(9) *External messages.* No advertising message or identification sign larger than two square feet may be affixed to the telecommunications facilities.

(10) *Lighting.* Telecommunications facilities may not be artificially illuminated unless required by law or by a governmental agency to protect the public's health and safety or unless necessary to facilitate service to ground-mounted equipment.

(11) *Rights-of-way.* All telecommunication facilities in a public right-of-way must comply with the following:

(a) Telecommunications facilities located within a right-of-way must not negatively impact the public health, safety and welfare, interfere with the safety and convenience of ordinary travel over the right-of-way, or otherwise negatively impact the right-of-way or its users. In determining compliance with this standard, the city may consider one or more of the following factors:

1. the extent to which right-of-way space where the permit is sought is available, including the placement of the ground equipment;
2. the potential demands for the particular space in the right-of-way;
3. the availability of other locations in a right-of-way that would have less public impact;
4. the extent to which the placement of the telecommunications facilities minimizes impacts on adjacent property; and
5. the applicability of ordinances or other regulations of the right-of-way that affect location of equipment in the right-of-way;

(b) The facility, including attachments other than lighting rods, may not exceed 60 feet in height measured from grade in residential and commercial zones, or 75 feet in industrial zones. The city council may waive this height standard for a facility used wholly or partially for essential public services, such as public safety;

(c) The support structure for the antennas cannot exceed the diameter of the closest public utility pole by more than 50 percent, but in no event may exceed 18 inches in diameter;

(d) Antennas and other components must not project out from the side of the support structure by more than two feet in residential and commercial districts or three feet in industrial districts;

(e) The support structure for the antennas must match the materials and color of the closest public utility structures in the right-of-way, if required by the director of planning;

(f) Ground mounted equipment will be allowed only if:

- circulation;
1. the equipment will not disrupt traffic or pedestrian
 2. the equipment will not create a safety hazard;
 3. the location of the equipment minimizes impacts on adjacent property; and
 4. The equipment will not adversely impact the health, safety, or welfare of the community;

(g) Ground mounted equipment must be:

1. set back a minimum of 10 feet from the existing or planned edge of the pavement;
2. separated from a sidewalk or trail by a minimum of 3 feet;
3. set back a minimum of 50 feet from the nearest intersection right-of-way line;
4. set back a minimum of 50 feet from the nearest principal residential structure;
5. separated from the nearest ground mounted telecommunication facilities in a right-of-way by at least 330 feet;
6. no larger than 3 feet in height above grade and 27 cubic feet in size in residential districts;
7. no larger than 5 feet in height above grade and 81 cubic feet in size in non-residential districts; and
8. screened by vegetative or other screening compatible with the surrounding area if deemed necessary by the director of planning;

(h) The antennas cannot interfere with public safety communications;

(i) The telecommunication facility must be removed and relocated when the road authority requires the removal and relocation of public utility structures; and

(j) Telecommunications facilities within a right-of-way must receive a right-of-way permit from the appropriate road authority.

(12) *On-site employees.* There must be no employees on the site on a permanent basis. Occasional or temporary repair and service activities are allowed.

(13) *Landowner authorization.* When applicable, the applicant must provide written authorization from the property owner. The property owner must sign the conditional

use permit agreeing to the permit conditions, agreeing to remove the telecommunication facilities when they are unused, obsolete, or become hazardous, and agreeing to the city's right to assess removal costs under paragraph (14) below.

(14) *Removal.* Obsolete telecommunications facilities must be removed within 90 days after cessation of their use at the site, unless an exemption is granted by the city council. Unused telecommunications facilities and all related equipment must be removed within one year after cessation of operation at the site, unless an exemption is granted by the city council. Telecommunications facilities and related equipment that have become hazardous must be removed or made not hazardous within 30 days after written notice to the current owner and to any separate landowner, unless an exemption is granted by the city council. Notice may be made to the address listed in the application, unless another one has subsequently been provided, and to the taxpayer of the property listed in the Anoka or Ramsey county tax records. Telecommunications facilities and all related equipment that are not removed within this time limit are declared to be public nuisances and may be removed by the city. The city may assess its costs of removal against the property.

(15) *Historic Places.* No telecommunication tower may be located within 400 feet of the boundary of any property that contains a facility or structure listed on the national register of historic places. Antennas may be located in this restricted area only if they are hidden from public view.

§ 154.007 HEIGHT RESTRICTIONS.

(A) No ground-mounted antenna, tower, or tower with an antenna shall exceed 75 feet in height, measured from the base of the tower or antenna, whichever is lower, to the highest point of the antenna or tower, whichever is higher.

(B) Towers mounted on a building or structure shall not extend over 25 feet above the highest point of the roof of the building or structure.

(C) The City Council may waive these restrictions if additional height is appropriate for co-location opportunities.

§ 154.008 VARIANCES.

Variances from the literal provisions of this chapter shall be processed and granted or denied in the same manner as variances are handled under § 153.224 of this code.

§ 154.008 ABANDONMENT.

At such time as the antenna or tower erected shall not be used for its intended purpose for a period of one year, it shall be deemed to be abandoned and must be removed within 90 days of notice by the city.

§ 154.009 VIOLATIONS; REMEDIES NOT EXCLUSIVE.

(A) *Misdemeanor.* Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor.

(B) *Remedies not exclusive.* In addition to the penalties imposed by this chapter, the city may exercise, with or separately from those penalties, all and any other legal and equitable remedies then available to the city by this chapter, or by statute, or by other ordinances of the city, or by applicable rules or regulations, to enforce this chapter, including, without limitation, injunction.

(C) *Costs of enforcement.* The person or persons violating this chapter shall be jointly and severally liable for all costs incurred by the city in enforcing this chapter against those persons, including, without limitation, attorney's fees, witness fees, and administrative expenses, with interest on those fees and expenses from the dates incurred until paid at the highest rate then allowed by law, and shall also be jointly and severally liable for all costs, including attorney's fees, of collecting the fees, expenses, and interest, with interest of the costs and collection from the dates incurred until paid, at the same rate as is payable on the fees and expenses.

CHAPTER 155: MOBILE HOMES AND MOBILE HOME PARKS

§ 155.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEPENDENT MOBILE HOME. A mobile home which does not have a flush toilet and a bath or shower.

INDEPENDENT MOBILE HOME. A mobile home which has a flush toilet and a bath or shower.

MOBILE HOME. Any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

MOBILE HOME PARK. Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for that accommodation.

MOBILE HOME SPACE. A plot of ground within a mobile home park designated for the accommodation of one mobile home.

PERSON. Any natural individual, firm, trust, partnership, association, or corporation.

§ 155.002 LICENSE AND PERMIT REQUIREMENTS.

(A) It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the city unless that person shall first obtain a conditional use permit in the manner provided by Ch. 156 of this code. Any mobile home park in existence on the effective date of this chapter may be continued without expansion or enlargement thereof; provided, however, it must comply with any conditions of this chapter that are applicable to it.

(B) Any conditional use permit granted for the maintenance and operation of a mobile home park shall be in force and effect only during times when the owner or operator thereof has complied with all regulations of the state and has obtained all permits required by the state or any department thereof.

(C) No person may occupy or use a mobile home as a dwelling in the city unless that mobile home is in a duly licensed mobile home park. In the event the Council determines that an exigency exists, it may grant a special permit to allow the temporary use of a mobile home at other locations subject to conditions to be attached to protect the public health and welfare.

(D) Each mobile home park shall include a recreation area, to be approved by the City Council, consisting of not less than 5% of the gross area of the mobile home park. In

addition, the park developer shall pay an amount as set from time to time by Council resolution for each mobile home space within the park to the city for the city park system.

§ 155.003 SITE REQUIREMENTS.

In addition to any conditions or requirements imposed by the conditional use permit, the mobile home park shall conform to the following requirements.

(A) The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(B) Mobile home spaces shall be provided consisting of a minimum of 3,000 square feet for each space which shall be at least 40 feet wide and clearly defined; provided, however, that mobile home parks in existence on the effective date of this chapter which provide mobile home spaces that have a width or area less than that herein above prescribed, may continue to operate with spaces of the existing width and area, but in no event shall any mobile home space be less than 27 feet wide and have an area of less than 1,050 square feet. It is further provided that any mobile home containing more than 1,200 square feet shall be placed on two 3,000-foot spaces.

(C) Mobile homes shall be so harbored on each space that there shall be at least ten-foot clearance between mobile homes. No mobile home shall be located closer than ten feet from any building within the park or from any property line bounding the park.

(D) All mobile home spaces shall abut upon a driveway of not less than ten feet in width, which shall have unobstructed access to a public street, alley, or highway.

(E) Walkways not less than two feet wide shall be provided from the mobile home spaces to the service buildings.

(F) All driveways and walkways within the park shall be hard surfaced and lighted at night with electric lamps of not less than 25 watts each, spaced at intervals of not more than 100 feet.

(G) Each park shall provide service buildings to house those toilet, bathing, and other sanitation facilities and laundry facilities as are hereinafter more particularly prescribed.

(H) An electrical outlet supply at least 100 volts shall be provided for each mobile home space.

§ 155.004 SANITATION FACILITIES.

(A) Each park accommodating dependent mobile homes shall be provided with toilets, baths or showers, slop sinks, and other sanitation facilities.

(B) The above-mentioned facilities shall conform to the following requirements.

(1) Toilet facilities for males shall consist of not less than one flush toilet, and one urinal, for the first 15 dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of 15, not less than one additional flush toilet and one additional urinal for every additional dependent mobile home or fractional number thereof.

(2) Toilet facilities for females shall consist of not less than one flush toilet for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional flush toilet for every ten additional dependent mobile homes or fractional number thereof.

(3) Each sex shall be provided with not less than one lavatory and one shower or bathtub with individual dressing accommodations for the first ten dependent mobile homes or any less number thereof, and for dependent mobile homes in excess of ten, not less than one additional lavatory and one additional shower or bathtub with individual dressing accommodations for every ten additional dependent mobile homes or fractional number thereof.

(4) Each toilet and each shower or bathtub with individual dressing accommodations for which provision is made in divisions (B)(1), (B)(2), and (B)(3) shall be in a private compartment or stall.

(5) The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall.

(6) There shall be provided in a separate compartment or stall not less than one flush toilet bowl receptacle for emptying bed pans or other containers of human excreta and an adequate supply of hot running water for cleansing those bed pans or containers.

§ 155.005 LAUNDRY FACILITIES.

(A) Laundry facilities shall be provided in either of the following ratios:

(1) Not less than one double laundry tray and one conventional wringer-type washing machine for the first 25 mobile home spaces or any less number thereof, and for mobile home spaces in excess of 25, not less than one additional conventional wringer-type washing machine for every 25 additional home spaces or fractional number thereof; or

(2) Not less than one single laundry tray and one automatic or semi-automatic type washing machine for the first 25 mobile home spaces or any less number thereof, and for mobile home spaces in excess of 25, not less than one additional automatic or semi-automatic type washing machine for every 25 additional mobile home spaces or fractional number thereof.

(B) An ample number of electrical outlets shall be provided supplying current sufficient to operate each washing machine. Drying spaces shall be provided sufficient to accommodate the laundry of the mobile home occupants if automatic drying equipment is not supplied.

(C) The laundry facilities shall be either in a separate building or, if in the same building where sanitation facilities are housed, shall be separated from the rooms housing the sanitation facilities by a soundproof wall.

§ 155.006 SERVICE BUILDINGS.

(A) Service buildings housing sanitation and laundry facilities or any of this type of facilities, shall be permanent structures complying with all applicable codes and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

(B) The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of moisture-proof material, including painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68°F. The floors of the service buildings shall be of water impervious material.

(C) Service buildings housing sanitation facilities shall be located not closer than ten feet nor farther than 200 feet from any mobile home space upon which a dependent mobile home is harbored.

(D) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

§ 155.007 SEWAGE AND REFUSE DISPOSAL.

(A) Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks, and laundries in service and other buildings within the park shall be discharged into the public sewer system in compliance with applicable ordinances.

(B) Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the mobile home harbored in that space and having any or all of those facilities. The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system.

(C) All mobile homes must be connected so as to discharge these wastes into the city system.

§ 155.008 GARBAGE RECEPTACLES.

Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 300 feet from any mobile home space. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

§ 155.009 FIRE PROTECTION.

Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size, and number and so located within the park as to satisfy applicable reasonable regulations of the Fire Department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

§ 155.010 ANIMALS AND PETS.

No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.

§ 155.011 REGISTER OF OCCUPANTS.

(A) It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) The name and address of each mobile home occupant;
- (2) The name and address of the owner of each mobile home and motor vehicle by which it is towed;
- (3) The make, model, year, and license number of each mobile home and motor vehicle;
- (4) The state, territory, or country issuing those licenses;
- (5) The date of arrival and of departure of each mobile home; and
- (6) Whether or not each mobile home is a dependent or independent mobile home.

(B) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant

registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

§ 155.012 SUPERVISION.

The owner or operator or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the owner or operator, for the violation of any provision of this chapter to which the owner or operator is subject.

§ 155.013 PERMIT REVOCATION.

The City Council may revoke any conditional use permit to maintain and operate a park when the owner or operator has been found guilty by a court of competent jurisdiction of violating any provision of this chapter. After such a conviction, the owner or operator may be reissued a conditional use permit if the circumstances leading to conviction have been remedied and the park is being maintained and operated in full compliance with the law.

§ 155.014 VIOLATIONS.

Any violation which is continued for more than one day after notice of the violation from any city official shall constitute a separate and distinct misdemeanor for each day thereafter that the violation continues.

CHAPTER 156: FLOODPLAIN MANAGEMENT DISTRICT

§ 156.001 STATUTORY AUTHORIZATION AND PURPOSE

(A) *Statutory Authorization.* The Legislature of the State of Minnesota, has, in M.S. Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

(B) *Purpose.*

(1) This ordinance regulates development in the flood hazard areas of Spring Lake Park, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(2) *National Flood Insurance Program Compliance.* This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

(3) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

§ 156.002 GENERAL PROVISIONS

(A) *Lands to Which Ordinance Applies.* This ordinance applies to all lands within the jurisdiction of the City of Spring Lake Park shown on the Flood Insurance Rate Maps adopted in Section 2.2 as being located within the boundaries of the Floodplain District. The Floodplain District is an overlay district that is superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

(B) *Adoption of Flood Insurance Study and Maps.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Map enumerated below, all dated December 16, 2015 and all prepared by the Federal Emergency Management Agency. These materials are on file in the Office of the Administrator, Clerk/Treasurer.

- 27003C0338E
- 27003C0382E
- 27003C0401E

(C) *Interpretation.* The boundaries of the Floodplain District are determined by scaling distances on the Flood Insurance Rate Map.

(1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations must be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

(2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

(D) *Abrogation and Greater Restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(E) *Warning and Disclaimer of Liability.* This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Spring Lake Park or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(F) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

(G) *Annexations.* The Flood Insurance Rate Map panels adopted by reference into (B) above may include floodplain areas that lie outside of the corporate boundaries of the City of Spring Lake Park at the time of adoption of this ordinance. If any of these floodplain areas are annexed into the City after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

§ 156.003 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance must be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

BASE FLOOD ELEVATION. The elevation of the “regional flood,” as defined. The term “base flood elevation” is used in the flood insurance survey.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes, and other structures, recreational vehicles, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment.

FARM FENCE. A fence as defined by Minn. Statute §344.02 Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are not permitted in the Floodplain District.

FLOOD FRINGE. The portion of the floodplain located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study, Anoka County, Minnesota and Incorporated Areas.

FLOODPLAIN. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

HISTORIC STRUCTURE. Defined in 44 Code of Federal Regulations, Part 59.1, as may be amended from time to time.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include the term **RECREATIONAL VEHICLE**.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence (with the exception of farm fences), stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term **RECREATIONAL VEHICLE** is synonymous with the term “travel trailer/travel vehicle.”

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance / 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term “base flood” used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a **HISTORIC STRUCTURE** provided that the alteration will not preclude the structure’s continued designation as a **HISTORIC STRUCTURE**.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer of the City or his/her designee.

§ 156.004 ESTABLISHMENT OF FLOODPLAIN DISTRICT

(A) *Areas included.* The Floodplain District for the City of Spring Lake Park includes those areas designated as AE Zones on the Flood Insurance Rate Maps adopted in §156.002(B). The Floodplain District is an overlay district to all existing land use districts. The requirements of this ordinance apply in addition to other legally established regulations of the community. Where this ordinance imposes greater restrictions, the provisions of this ordinance apply.

(B) *Compliance.* No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full

compliance with the terms of this ordinance and other applicable regulations. Within the Floodplain District, all uses not listed as permitted uses in § 156.005 are prohibited.

§ 156.005 PERMITTED USED AND STANDARDS IN THE FLOODPLAIN DISTRICT

(A) *Permitted Uses.* The following uses are permitted within the Floodplain District without a permit provided that they are allowed in any underlying zoning district and not prohibited by any other ordinance; and provided that they do not require structures, fill, obstructions, excavations, drilling operations, storage of materials or equipment or any other form of development as defined in this ordinance. If the use does require fill, obstruction, excavation, storage of materials or any other form of development as defined in this ordinance, a permit and compliance with § 156.005(B) of this ordinance is required. The permit requirement may be waived if there is an application for a public waters work permit from the Department of Natural Resources.

(1) Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting. Farm fences that do not obstruct flood flows are permitted.

(2) Outdoor plan nurseries and horticulture.

(3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

(4) Lawns, gardens, parking areas and play areas.

(5) Railroads, roads, bridges, utility transmission lines, pipelines and other public utilities, provided that the Department of Natural Resources is notified at least ten (10) days prior to issuance of any permit.

(B) *Standards for Permitted Uses.*

(1) The use must have low flood damage potential.

(2) The use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected. This provision applies to structures (temporary or permanent), fill (including fill for roads and levees), deposits, obstructions, storage of materials or equipment, and all other uses.

(3) Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(4) Public utilities, roads, railroad tracks and bridges to be located within the floodplain must be designed in accordance with §156.005(B)(2) and §156.005(B)(3) above, or must obtain a Conditional Letter of Map Revision meeting the requirements of 44 CFR 603(d).

(a) When failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, such facilities must be elevated to the regulatory flood protection elevation.

(b) Where failure or interruption of service would not endanger public health or safety, minor or auxiliary roads, railroads or utilities may be constructed at a lower elevation.

(5) New or replacement water supply systems and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

§ 156.006 ADMINISTRATION

(A) *Zoning Administrator.* A Zoning Administrator, or other official designated by the City Council, must administer and enforce this ordinance.

(B) *Development Approvals.* Any construction, enlargement, alteration, repair, improvement, moving or demolition of any building or structure must comply with the requirements of this ordinance. No mining, dredging, filling, grading, paving, excavation, obstruction, drilling operation or other form of development as defined in § 156.003 of this ordinance are allowed, other than the uses permitted in § 156.005(A) and the activities allowed under § 156.007.

(C) *Permit Required.* A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

(1) Expansion, change, enlargement, or alteration of a nonconforming use as specified in §156.007 of this ordinance. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in § 156.003 of this ordinance.

(2) Any use that requires fill, obstruction, excavation, storage of materials, or any other form of development as defined in § 156.003 of this ordinance.

(D) Permit applications must be submitted to the Zoning Administrator on forms provided for that purpose and shall include the following where applicable: plans drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

(E) Prior to granting a permit, the Zoning Administrator must verify that the applicant has obtained all necessary state and federal permits.

(F) *Variances.*

(1) An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and § 153.224 of the Zoning Ordinance.

(2) A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(3) The following additional variance criteria of the Federal Emergency Management Agency must be met:

a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) The Zoning Administrator must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(5) A copy of all decisions granting variances must be forwarded to the Commissioner of the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(6) The Zoning Administrator must notify the applicant for a variance that:

- 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
- 2) Such construction below the base or regional flood level increases risks to life and property.

(7) The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(G) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statute, Chapter 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(H) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

§ 156.007 NONCONFORMITIES

(A) Continuation of Non-conformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in § 156.003 of this ordinance, are subject to the provisions of §§ 156.007(A)(1) – 156.007(A)(4) of this ordinance.

(1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity. There shall be no expansion to the outside dimensions of any portion of a nonconforming structure located within the Floodplain District.

(2) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of § 156.007(B) of this ordinance.

(3) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

(4) If any nonconformity is substantially damaged, as defined in § 156.003 of this ordinance, it may not be reconstructed unless it is located in the flood fringe portion of the floodplain and it is reconstructed in accordance with the standards of § 156.007(B) of this ordinance.

(5) Any substantial improvement, as defined in § 156.003 of this ordinance, to a nonconforming structure, then the existing nonconforming structure must be located in the flood fringe portion of the floodplain and meet the requirements of § 156.007(B) of this ordinance.

(B) *Standards for Reconstruction of Nonconforming Structures.* The following standards and procedures apply to nonconforming structures in the flood fringe portion of the floodplain, as allowed under § 156.007(A).

(1) All structures, including manufactured homes, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure.

(2) Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(3) Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(4) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(5) *On-site Sewage Treatment and Water Supply Systems.* Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

(6) *Certification.* The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of

this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(7) *Record of First Floor Elevation.* The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

§ 156.008 PENALTIES AND ENFORCEMENT

(A) *Violation Constitutes a Misdemeanor.* Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) constitutes a misdemeanor and is punishable as defined by law.

(B) *Other Lawful Action.* Nothing in this ordinance restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

(C) *Enforcement.* In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

§ 156.009 AMENDMENTS

(A) *Floodplain Designation: Restrictions on Removal.* The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

(B) *Amendments Require DNR and FEMA Approval.* All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner of the DNR must approve the amendment prior to community approval.

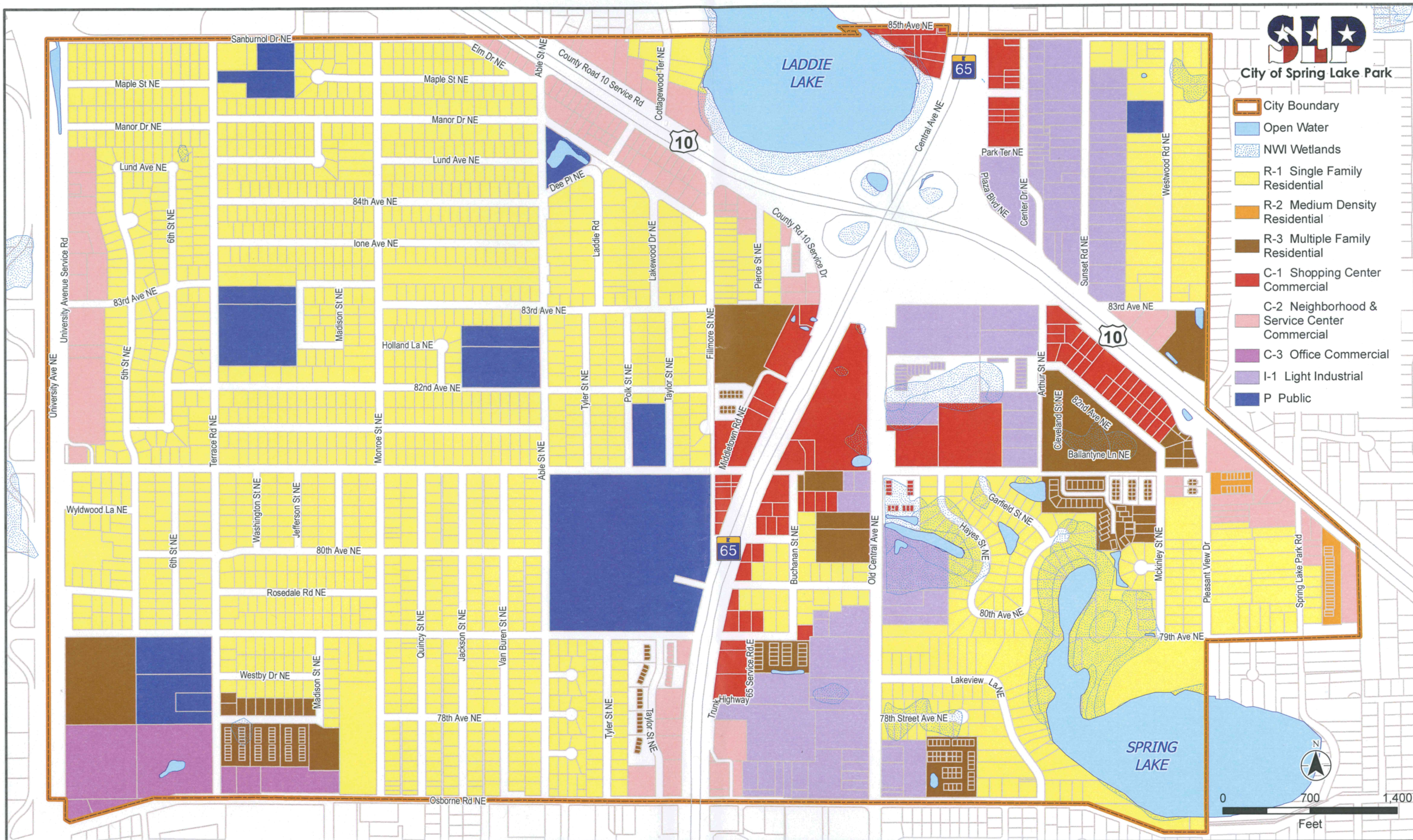
(C) *Map Amendments Require Ordinance Amendments.* The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in §156.002(B) of this ordinance.

EXHIBIT B
OFFICIAL ZONING MAP FOR THE CITY OF SPRING LAKE PARK



City of Spring Lake Park

- City Boundary
- Open Water
- NWI Wetlands
- R-1 Single Family Residential
- R-2 Medium Density Residential
- R-3 Multiple Family Residential
- C-1 Shopping Center Commercial
- C-2 Neighborhood & Service Center Commercial
- C-3 Office Commercial
- I-1 Light Industrial
- P Public



October 6, 2015



V:\1938\active\193803266\GIS\Projects\Zoning draft 11X17.mxd

Draft

OFFICIAL ZONING MAP

Spring Lake Park, MN

The information on this map has been compiled by Stantec staff from a variety of sources and is subject to change without notice. Stantec makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information.

Planning and Zoning Commission Minutes

Public Comments Received at Planning and Zoning Commission
Hearing

Public Hearing – Zoning Code
Summary of Feedback

Bob Nelson, 7805 Jackson Street NE

Mr. Nelson objected to the language as proposed under new Section 153.065 Storage; Parking. He expressed serious misgivings about not allowing residents of multi-family properties to be able to park commercial vehicles and recreational vehicles in the parking lot of a multi-family dwelling. He informed me of his belief that all residents, regardless of where they live, should have the ability to own a recreational vehicle and store the recreational vehicle on their property. He also stated his belief that the owner of the multi-family property should determine whether or not a tenant is able to park a recreational or commercial vehicle on the property, not the City.

He asked that the Commission consider amending this portion of the new zoning and revert this section back to the language currently in effect.

November 21, 2015

Dear Administrator Buchholz,

Re: Planning & Zoning Meeting Monday, November 23, 2015
Public Hearing Section 153 Zoning

Please submit the enclosed letter to the following:
P&Z Commission: Chair: Vince Smith; Vice Chair:
Jeff Bernhagen; Commissioners: Lisa Dirks, Doug
Eischens; Larry Raymond; Rebecca Becker; Thomas Pho;
Mayor Cindy Hanson; City Council members: Jeanne Mason;
Bill Nash; Robert Nelson; Ken Wendling; Chief Doug
Ebeltoft; Building official / Code Enforcer: Barry
Brainard.

Thank you!

Sincerely,

Larry & Jean Pederson

November 21, 2015

Spring Lake Park City Hall
1301 81ST Ave. NE

Spring Lake Park, MN 55432

Attn: Daniel Buchholtz, Administrator, Clerk, Treasurer

Dear Administrator Buchholtz,

Re: Planning & Zoning Meeting Monday, November 23, 2015
Public Hearing Section 153 Zoning

Please be advised that we will be unable to attend the P & Z meeting. We would like to have this letter submitted as our comment and concerns.

Since the Proposed Land Usage Ordinance became available online at noon on Friday, November 20, 2015, we have only had time to scan the proposed updates. We are assuming that the Conditional Use Permit 153.200 will replace the previous Special Use Permit for Commercial / Industrial properties abutting Residential property?

We have lived at our current residence in SLP since 1976. We are very familiar with the SUP's for Commercial / Industrial properties abutting Residential

property because we are surrounded by multi-tenant buildings. These properties have presented many challenges through the years for the P&Z Commission, City Council, City Administrator, Code Enforcer, Police Department, and residents.

We are encouraged and confident that our current administration will take advantage of the new Zoning Conditional Permit to resolve the following:

- 1) Make property owners solely responsible and accountable for the tenants in their building with consequences to cease future, repeated and continuous violations of the Conditional (SUP) Permit.
- 2) Stop prospective new tenants from moving into the buildings and operating their business prior to submitting applications and documentation to the Administrator. Consequences for property owners not following this procedure should be enforced.
- 3) Make the application process even more complex, detailed and scrutinized, so that tenants moving into our community are on the "up and up". Again, ultimately the property owner is responsible and accountable.

4) Conditional Permit (SUP) - ENFORCEMENT

We are certain that the ENFORCEMENT of Violations of the stipulations of the Conditional Permit have been discussed and that a policy has been put into place to include immediate compliance or consequences. The process that is currently in place does NOT work. Violations of the current SUP continue on a daily basis with total disregard to the City Administrator, Code Enforcer and residents. There is a definite issue with enforcement when the Landowner and tenants willfully ignore the SUP stipulations. We are confident that everyone involved in this process had the foresight to make the necessary changes to the code to authorize the city to invoke whatever legal power that needs to be implemented to enforce the Conditional Permit. We are also certain with the new process that there will no longer be non-compliance delays for 10 months, 1 year, 3 years or 5 years !!! The city does not have the funds for court costs, so therefore please take this opportunity to establish the new Code enforcement. You can write as many stipulations as possible for a Conditional Permit, but if they cannot be ENFORCED what's the point? Remember, the residents wait for compliance as the tenants of the business continually repeat the offenses. There can only be peace and harmony when everyone follows the rules.

5) The new Conditional Permit should include a coordinated effort by the entire Administration, Code Enforcer, and Police Department, so that everyone is on the same page with ENFORCEMENT.

6) The new Conditional Permit needs to define in a multi-tenant building which business is responsible for a violation. If there is no signage ie in a parking lot to designate ownership, how can the Police officers, Code Enforcer, Administration record the violation of the SUP and correct the issue? Which tenant or tenants are causing another business located in the same complex to overflow parking on our city streets?

7) The new Conditional Permit needs a follow-up plan. Once a complaint is filed with the Administrator or Code Enforcer the Administration should take action from that point to resolve the issue to compliance. The residents should not have to file complaints day after day repeatedly to build a case / record.

8) Reviewing the new 153.120 / 153.82 the question arises - how many automotive / automotive related / Chop Shops does a city that is 2.2 square miles need? How many automotive / automotive related / Chop Shops will be allowed in a multi-tenant Commercial / Industrial building abutting Residential property?

We have 3 full service auto businesses abutting our property at present time with the potential of 12.

Please consider a moratorium on the number of automotive / automotive related businesses / Chop Shops in the City of Spring Lake Park as well as abutting Residential Property.

8) 153.202 E. Findings and recommendations. We would sincerely appreciate it if 1. (a); (b); (c); (e); and (f) would be effective for our situation in the future. We can quote many instances over the last 40 years where it has NOT been a positive experience.

We are hopeful that with the shared knowledge, experience, money spent for a consulting firm, a great administration that will continue working together, so that the City of Spring Lake Park will continue to be a welcoming community for future generations to enjoy.

Thank you.

Sincerely,

Larry & Jean Pederson

Residents of SLP for "almost" 40 years

RESOLUTION NO. 15-31

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 419, AN ORDINANCE REPEALING AND REPLACING CHAPTER 152, SIGNS AND BILLBOARDS, WITH A NEW CHAPTER 152, SUBDIVISION CONTROL; REPEALING AND REPLACING CHAPTER 153, ANTENNAS AND TOWERS, WITH A NEW CHAPTER 153, ZONING; REPEALING AND REPLACING CHAPTER 154, MOBILE HOMES AND MOBILE HOME PARKS, WITH A NEW CHAPTER 154, ANTENNAS AND TOWERS; REPEALING AND REPLACING CHAPTER 155, SUBDIVISION CONTROL, WITH A NEW CHAPTER 155, MOBILE HOMES AND MOBILE HOME PARKS; AND REPEALING CHAPTER 156, ZONING

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 419 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 by the City Council of the City of Spring Lake Park, Minnesota that the following summary of Ordinance No. 419 is approved for publication:

“On December 7, 2015, the City Council of the City of Spring Lake Park approved Ordinance No. 419, entitled ‘An Ordinance Repealing And Replacing Chapter 152, Signs And Billboards, With A New Chapter 152, Subdivision Control; Repealing And Replacing Chapter 153, Antennas And Towers, With A New Chapter 153, Zoning; Repealing And Replacing Chapter 154, Mobile Homes And Mobile Home Parks, With A New Chapter 154, Antennas And Towers; Repealing And Replacing Chapter 155, Subdivision Control, With A New Chapter 155, Mobile Homes And Mobile Home Parks; And Repealing Chapter 156, Zoning’.

The following is a summary of Ordinance No. 419, a copy of which is available in its entirety for review and/or photocopying during regular office hours at the City of Spring Lake Park, 1301 81st Avenue NE, Spring Lake Park, MN.

The intent of the Ordinance is to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations governing development and use of land.

The subdivision code was completely updated to reflect the City’s new subdivision process, submittal requirements and infrastructure requirements. The zoning code was amended to change references to ‘special uses’ to the more common term ‘conditional uses;’ change the approval of variances from approval by a variance committee to require recommendation from the Planning Commission with the option to appeal via the full

City Council; update language pertaining to signs, with the largest revision being for dynamic signs; add new language and standards pertaining to site and building design (i.e. landscaping and green space, parking lot design and lighting standards, lot coverage, and impervious surface requirements); implement a new planned unit development (PUD) ordinance which makes PUDs a zoning district, not a special use permit; add micro-breweries and taprooms as uses in the zoning code; revise language for the sections of the code dealing with non-conforming uses to align with State Law; consolidate six residential zoning districts to three; rename the I-1 district from Commercial/Industrial to Light Industrial; rename the Planning and Zoning Commission to Planning Commission; amend Appendix D to remove the phrase 'other uses the Council determines to be compatible with existing and permitted uses in this district' as the phrase was overly broad and imprecise; and reformat the code. The antennas and towers chapter was amended to add a new section on wireless communication towers requiring, among other things, that wireless communication carriers co-locate on shared towers. The mobile homes and mobile home park chapter was reformatted with minor updates.

The Ordinance also changes any references in the Spring Lake Park Code of Ordinance to 'special use(s)' to 'conditional use(s)' and changes any references to the 'Planning and Zoning Commission' to 'Planning Commission.'

The Ordinance also replaces the current zoning map with a new zoning map that reflects the reduction in the number of residential zoning districts and the renaming of the I-1 Zoning District."

The foregoing Resolution was moved for adoption by Councilmember _____.

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 7th day of December, 2015.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

MEMORANDUM

TO: MAYOR HANSEN AND MEMBERS OF THE CITY COUNCIL
FROM: DANIEL R. BUCHHOLTZ, CITY ADMINISTRATOR
SUBJECT: FLOODPLAIN MANAGEMENT ORDINANCE
DATE: NOVEMBER 25, 2015

The Federal Emergency Management Agency (FEMA) has approved new Flood Insurance Rate Maps for cities within Anoka County that will take effect on December 16, 2015. Previously, the city did not have any lands located within a floodplain. However, the new Flood Insurance Rate Maps now show a small floodplain area abutting Laddie Lake. In order for residents and businesses to continue to participate in the National Flood Insurance Program, the City must adopt a floodplain ordinance by December 16, 2015.

The only areas of floodplain within the City are on the former Nicklow property (the site of the Laddie Lake Pub, which the City owns) and the rear yards of properties along Cottagewood Drive. Since this newly identified floodplain area has very little impact on the future development/redevelopment of these areas, City staff chose to recommendation adoption of the more streamlined/restrictive ordinance.

The proposed ordinance governs activities that can occur within the floodplain. City Planner Carlson reviewed the draft ordinance and noted that it is similar to floodplain ordinances adopted in other communities. The Minnesota Department of Natural Resources has also reviewed the draft ordinance and has granted conditional approval.

A public hearing was held by the Planning and Zoning Commission on November 23, 2015 at 7:00pm to consider the proposed floodplain ordinance. Councilmember Ken Wendling inquired as to the square footage of the floodplain within Spring Lake Park. The answer to that question is +/- 1,370 square feet for the former Nicklow property and +/- 45,000 square feet on the four properties along Cottagewood Drive. After the conclusion of the hearing, the Planning and Zoning Commission unanimously recommended approval of the proposed floodplain ordinance to the City Council.

In order for residents throughout the City to continue participating in the National Flood Insurance Program, staff recommends the City Council adopt Ordinance 420.

If you have any questions, please don't hesitate to contact me at 763-784-6491.



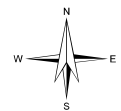
Legend

Flood Zone

AE (100 Yr)

0.2 PCT ANNUAL CHANCE FLOOD HAZARD (500 Yr)

City Boundary



2335 Highway 36 West
St. Paul, MN 55113

City of Spring Lake Park

Flood Zone Map

Location Plan

Date
09/03/2015

Job No.
193801776

Scale

0 75 150 300 Feet



ORDINANCE NO. 420

AN ORDINANCE REGULATING LAND USE BY ESTABLISHING A FLOODPLAIN MANAGEMENT DISTRICT

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Statutory Authorization and Purpose

- (A) *Statutory Authorization.* The Legislature of the State of Minnesota, has, in M.S. Chapter 103F and Chapter 462, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.
- (B) *Purpose.*
 - (1) This ordinance regulates development in the flood hazard areas of Spring Lake Park, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - (2) *National Flood Insurance Program Compliance.* This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 - 78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
 - (3) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 2. General Provisions

- (A) *Lands to Which Ordinance Applies.* This ordinance applies to all lands within the jurisdiction of the City of Spring Lake Park shown on the Flood Insurance Rate Maps adopted in Section 2.2 as being located within the boundaries of the Floodplain District. The Floodplain District is an overlay district that is superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

- (B) *Adoption of Flood Insurance Study and Maps.* The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Map enumerated below, all dated December 16, 2015 and all prepared by the Federal Emergency Management Agency. These materials are on file in the Office of the Administrator, Clerk/Treasurer.
- 27003C0338E
 - 27003C0382E
 - 27003C0401E
- (C) *Interpretation.* The boundaries of the Floodplain District are determined by scaling distances on the Flood Insurance Rate Map.
- (1) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations must be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
 - (2) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.
- (D) *Abrogation and Greater Restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (E) *Warning and Disclaimer of Liability.* This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Spring Lake Park or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (F) *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- (G) *Annexations.* The Flood Insurance Rate Map panels adopted by reference into (B) above may include floodplain areas that lie outside of the corporate boundaries of the City of Spring Lake Park at the time of adoption of this ordinance. If any of these floodplain areas are annexed into the City after the date of adoption of this

ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

Section 3. Definitions.

Unless specifically defined below, words or phrases used in this ordinance must be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

BASE FLOOD ELEVATION. The elevation of the “regional flood,” as defined. The term “base flood elevation” is used in the flood insurance survey.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes, and other structures, recreational vehicles, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of materials or equipment.

FARM FENCE. A fence as defined by Minn. Statute §344.02 Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are not permitted in the Floodplain District.

FLOOD FRINGE. The portion of the floodplain located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study, Anoka County, Minnesota and Incorporated Areas.

FLOODPLAIN. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

HISTORIC STRUCTURE. Defined in 44 Code of Federal Regulations, Part 59.1, as may be amended from time to time.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED HOME** does not include the term **RECREATIONAL VEHICLE**.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence (with the exception of farm fences), stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term **RECREATIONAL VEHICLE** is synonymous with the term “travel trailer/travel vehicle.”

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance / 100-year recurrence interval. **REGIONAL FLOOD** is synonymous with the term “base flood” used in the Flood Insurance Study.

REGULATORY FLOOD PROTECTION ELEVATION. An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a **HISTORIC STRUCTURE** provided that the alteration will not preclude the structure’s continued designation as a **HISTORIC STRUCTURE**.

ZONING ADMINISTRATOR. The appointed Administrator, Clerk/Treasurer of the City or his/her designee.

Section 4. Establishment of Floodplain District.

- (A) *Areas included.* The Floodplain District for the City of Spring Lake Park includes those areas designated as AE Zones on the Flood Insurance Rate Maps adopted in Section 2.2. The Floodplain District is an overlay district to all existing land use

districts. The requirements of this ordinance apply in addition to other legally established regulations of the community. Where this ordinance imposes greater restrictions, the provisions of this ordinance apply.

- (B) *Compliance.* No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations. Within the Floodplain District, all uses not listed as permitted uses in Section 5 are prohibited.

Section 5. Permitted Uses and Standards in the Floodplain District.

- (A) *Permitted Uses.* The following uses are permitted within the Floodplain District without a permit provided that they are allowed in any underlying zoning district and not prohibited by any other ordinance; and provided that they do not require structures, fill, obstructions, excavations, drilling operations, storage of materials or equipment or any other form of development as defined in this ordinance. If the use does require fill, obstruction, excavation, storage of materials or any other form of development as defined in this ordinance, a permit and compliance with Section 5(B) of this ordinance is required. The permit requirement may be waived if there is an application for a public waters work permit from the Department of Natural Resources.
 - (1) Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting. Farm fences that do not obstruct flood flows are permitted.
 - (2) Outdoor plan nurseries and horticulture.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
 - (4) Lawns, gardens, parking areas and play areas.
 - (5) Railroads, roads, bridges, utility transmission lines, pipelines and other public utilities, provided that the Department of Natural Resources is notified at least ten (10) days prior to issuance of any permit.
- (B) *Standards for Permitted Uses.*
 - (1) The use must have low flood damage potential.

- (2) The use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected. This provision applies to structures (temporary or permanent), fill (including fill for roads and levees), deposits, obstructions, storage of materials or equipment, and all other uses.
- (3) Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (4) Public utilities, roads, railroad tracks and bridges to be located within the floodplain must be designed in accordance with Sections 5(B)(2) and 5(B)(3) above, or must obtain a Conditional Letter of Map Revision meeting the requirements of 44 CFR 603(d).
 - a. When failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, such facilities must be elevated to the regulatory flood protection elevation.
 - b. Where failure or interruption of service would not endanger public health or safety, minor or auxiliary roads, railroads or utilities may be constructed at a lower elevation.
- (5) New or replacement water supply systems and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

Section 6. Administration.

- (A) *Zoning Administrator.* A Zoning Administrator, or other official designated by the City Council, must administer and enforce this ordinance.
- (B) *Development Approvals.* Any construction, enlargement, alteration, repair, improvement, moving or demolition of any building or structure must comply with the requirements of this ordinance. No mining, dredging, filling, grading, paving, excavation, obstruction, drilling operation or other form of development as defined in Section 3 of this ordinance are allowed, other than the uses permitted in Section 5(A) and the activities allowed under Section 7.
- (C) *Permit Required.* A permit must be obtained from the Zoning Administrator prior to conducting the following activities:
 - (1) Expansion, change, enlargement, or alteration of a nonconforming use as specified in Section 7 of this ordinance. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other

planned work, constitutes a substantial improvement as defined in Section 3 of this ordinance.

- (2) Any use that requires fill, obstruction, excavation, storage of materials, or any other form of development as defined in Section 3 of this ordinance.

Permit applications must be submitted to the Zoning Administrator on forms provided for that purpose and shall include the following where applicable: plans drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

Prior to granting a permit, the Zoning Administrator must verify that the applicant has obtained all necessary state and federal permits.

(D) *Variances.*

- (1) An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 156.184 of the Zoning Ordinance.
- (2) A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (3) The following additional variance criteria of the Federal Emergency Management Agency must be met:
 - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (4) The Zoning Administrator must submit hearing notices for proposed variances to the Department of Natural Resources sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
 - (5) A copy of all decisions granting variances must be forwarded to the Commissioner of the Department of Natural Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
 - (6) The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) Such construction below the base or regional flood level increases risks to life and property.
 - (7) The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.
- (E) *Notifications for Watercourse Alterations.* Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statute, Chapter 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (F) *Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.* As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

Section 7. Nonconformities.

- (A) *Continuance of Non-conformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 3 of this ordinance, are subject to the provisions of Sections 7(A)(1) – 7(A)(4) of this ordinance.

- (1) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its nonconformity. There shall be no expansion to the outside dimensions of any portion of a nonconforming structure located within the Floodplain District.
 - (2) The cost of all structural alterations or additions to any nonconforming structure over the life of the structure may not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Section 7(B) of this ordinance.
 - (3) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
 - (4) If any nonconformity is substantially damaged, as defined in Section 3 of this ordinance, it may not be reconstructed unless it is located in the flood fringe portion of the floodplain and it is reconstructed in accordance with the standards of Section 7(B) of this ordinance.
 - (5) Any substantial improvement, as defined in Section 3 of this ordinance, to a nonconforming structure, then the existing nonconforming structure must be located in the flood fringe portion of the floodplain and meet the requirements of Section 7(B) of this ordinance.
- (B) *Standards for Reconstruction of Nonconforming Structures.* The following standards and procedures apply to nonconforming structures in the flood fringe portion of the floodplain, as allowed under Section 7(A).
- (1) All structures, including manufactured homes, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure.
 - (2) Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

- (3) Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (4) All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (5) *On-site Sewage Treatment and Water Supply Systems.* Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.
- (6) *Certification.* The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.
- (7) *Record of First Floor Elevation.* The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

Section 8. Penalties and Enforcement.

- (A) *Violation Constitutes a Misdemeanor.* Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) constitutes a misdemeanor and is punishable as defined by law.
- (B) *Other Lawful Action.* Nothing in this ordinance restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator

within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

- (C) *Enforcement.* In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

Section 9. Amendments.

- (A) *Floodplain Designation: Restrictions on Removal.* The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
- (B) *Amendments Require DNR and FEMA Approval.* All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner of the DNR must approve the amendment prior to community approval.
- (C) *Map Amendments Require Ordinance Amendments.* The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2(B) of this ordinance.

Section 10 This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this _____ day of December, 2015.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

+

Daniel R. Buchholtz, Administrator, Clerk/Treasurer



July 9, 2015

The Honorable Cindy Hansen
Mayor, City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, MN 55432

Dear Mayor Hansen,

ANOKA COUNTY, MINNESOTA FLOOD INSURANCE STUDY

You recently received a letter from the Federal Emergency Management Agency (FEMA) dated June 16, 2015, about your floodplain regulations. This letter, known as the Letter of Final Determination (LFD), explains that the Flood Insurance Rate Maps (FIRMs) for your community, as well as the Anoka County Flood Insurance Study, are now complete and will become effective on December 16, 2015 (which is 6 months from the date of the LFD).

This letter is intended to explain the statement in the LFD that "your community is required... to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d)....by the effective date of the FIRM." In other words, *your community must amend your floodplain ordinance, or adopt a new ordinance, by December 16, 2015, in order to continue participating in the National Flood Insurance Program (NFIP).* The DNR, as the State Coordinating Agency for the NFIP, will be assisting you in this effort.

The DNR will advise your staff as to what type of floodplain ordinance your community should adopt. We will be contacting you within the next few weeks with a draft ordinance tailored to your community. I urge you to respond as soon as possible to initiate this process so as to prevent your community from being suspended from the National Flood Insurance Program should you not meet the 6-month deadline.

We strongly encourage your community to complete a draft of a new or revised floodplain ordinance and forward it to my attention by September 16, 2015 (the midpoint of the 6-month adoption period).

This allows time for our review and approval, for your community to complete the adoption/publication process, and for an adopted/certified copy of the ordinance to be sent to the Federal Emergency Management Agency's Chicago Regional Office by December 16, 2015.

All communities will eventually receive one set of paper copies of the Anoka County Flood Insurance Study and the respective flood insurance rate map panels from FEMA. Many communities prefer to have the final study/maps available when they initiate the ordinance adoption/amendment process. We anticipate that electronic versions of the final maps will be available within the next month, and we will make them available on our ftp site:

ftp://ftp.dnr.state.mn.us/pub/waters/floodplain/County_data/Anoka/ These posted documents will include pdfs for viewing and printing, as well as shapefiles for GIS use.



Mayor Hansen
July 9, 2015
Page two

FEMA has advised us that, without exception, a community will be suspended from the National Flood Insurance Program if the required floodplain ordinance documents are not received in its Chicago Regional Office by the study/map effective date. A suspended community may be reinstated if the community: 1) submits the required floodplain ordinance language; and 2) documents that no improper floodplain development has occurred since the study/map effective date or that any improper floodplain development has been properly mitigated. During the suspension period, no flood insurance policies can be written or renewed in the community. This would have a serious impact on people exposed to flood damage or those who are trying to purchase homes in the designated 100-year floodplain, where flood insurance is a requirement of the loan.

While our office in St. Paul will be the main contact for the ordinance update, we will coordinate with DNR Area Hydrologist Kate Drewry of our St. Paul regional office. Ms. Drewry will continue to be your main contact for day-to-day assistance with administering your floodplain management ordinance and for questions about other DNR water-related programs and permits. Please feel free to contact Ms. Drewry at any time at (651) 259-5753 or kate.drewry@state.mn.us. If you have questions for me, you may contact me at the address in the footer of page one, at (651) 259-5713, or at ceil.strauss@state.mn.us.

Sincerely,



Ceil Strauss, CFM
State Coordinator, National Flood Insurance Program

ec: Terri Yearwood, DNR Eco-Waters' Regional Manager
Jeanne Daniels, DNR Eco-Waters' District Manager
Kate Drewry, Area Hydrologist
Barbara Nelson, Floodplain Administrator



October 30, 2015

The Honorable Cindy Hansen
Mayor, City of Spring Lake Park
1301 81st Ave. NE
Spring Lake Park, MN 55432

Dear Mayor Hansen,

CONDITIONAL STATE APPROVAL OF FLOODPLAIN ORDINANCE & REQUIRED NEXT STEPS

The Department of Natural Resources (DNR) received notification via email on October 12, 2015, from City Administrator Daniel Buchholtz, that the City plans to adopt the sample ordinance provided by the DNR on August 28, 2015. The City's floodplain ordinance is being amended in order to incorporate the *Flood Insurance Study, Anoka County, Minnesota and Incorporated Areas* and the accompanying Flood Insurance Rate Map panels with an effective date of December 16, 2015.

The draft floodplain management ordinance is in compliance with *Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota*, Minnesota Rules, Parts 6120.5000 to 6120.6200. Therefore, in accordance with Minnesota Statutes, Chapter 103F, I hereby give conditional state approval of the draft floodplain management ordinance. To the best of my knowledge, this draft ordinance is also in compliance with the floodplain management standards of the Federal Emergency Management Agency.

This approval is valid upon adoption of the draft ordinance by the city and receipt by this office of ***one (1) copy each of the adopted ordinance (signed and stamped with the community seal), the affidavit of publication, and the completed "Ordinance Certification Checklist"*** that I have enclosed. Please forward these documents to Ceil Strauss, the DNR's State NFIP Coordinator in St. Paul at the address below in the footer. Upon receipt and verification, Ms. Strauss will transmit one copy of these materials to Mr. John Devine at FEMA's Chicago Regional Office.

Please remember, FEMA must receive a signed, certified, and in-effect ordinance no later than December 16, 2015. To allow sufficient time for processing and transmittal, we request that you submit the requested materials to the DNR no later than December 11, 2015. ***If FEMA***



Ms. Cindy Hansen
October 30, 2015
Page two

has not received the documentation by the map effective date, FEMA will suspend the City from the National Flood Insurance Program.

Please be advised that any future amendments of this ordinance or change in the designation of flood prone areas require prior approval of the Commissioner. In addition, you are required to send copies of hearing notices and final decisions pertaining to variance, conditional uses, and ordinance amendments to this agency. Please send those to State NFIP Coordinator Ceil Strauss at the above address. Should you have any questions on this ordinance or related matters, please contact Ms. Strauss at (651) 259-5713 or ceil.strauss@state.mn.us.

While our office in St. Paul will continue to be the main contact for the ordinance update, your DNR Area Hydrologist will continue to be your main contact for day to day assistance with administering your floodplain management ordinance and questions about other DNR water-related programs and permits. Your Area Hydrologist is Kate Drewry, who can be contacted at 651-259-5753 or kate.drewry@state.mn.us.

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,



Jennifer Shillcox
Land Use Section Supervisor

Enclosures: Ordinance Certification Checklist

ec: John Devine, FEMA
Terri Yearwood, DNR Eco-Waters' Regional Manager
Jeanne Daniels, DNR Eco-Waters' District Manager
Kate Drewry, Area Hydrologist
Daniel Buchholtz, City Administrator



FEMA
OCT 30 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Cindy Hansen
Mayor, City of Spring Lake Park
1301 81st Avenue Northeast
Spring Lake Park, Minnesota 55432

Dear Mayor Hansen:

I am writing this letter as an official reminder that the City of Spring Lake Park, Minnesota, has until December 16, 2015, to adopt and have the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office approve floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(c) of the National Flood Insurance Program (NFIP) regulations.

The City of Spring Lake Park must adopt floodplain management measures, such as a floodplain management ordinance, that meet or exceed the minimum NFIP requirements (copy enclosed) by December 16, 2015, to avoid suspension from the NFIP. If suspended, your community becomes ineligible for flood insurance through the NFIP, new insurance policies cannot be sold, and existing policies cannot be renewed.

Under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction or acquisition of buildings in Special Flood Hazard Areas (SFHAs). This financial assistance includes certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants, as well as other similarly described assistance from FEMA and other agencies.

In addition, all loans individuals obtain from Federally regulated, supervised, or insured lending institutions that are secured by improved real estate located in SFHAs are also contingent upon the borrower obtaining flood insurance coverage on the building. However, purchasing and maintaining flood insurance coverage on a voluntary basis is frequently recommended for properties located outside SFHAs.

Your NFIP State Coordinator and FEMA would like to assist the City of Spring Lake Park to ensure it remains in good standing with the NFIP and avoids suspension from the Program. If your community is suspended, it may regain its eligibility in the NFIP by enacting the floodplain management measures established in 44 CFR Section 60.3 of the NFIP regulations. As stated in my previous correspondence, I recommend you contact your NFIP State Coordinator or the FEMA Regional Office if the City of Spring Lake Park is encountering difficulties in enacting its measures.

The Honorable Cindy Hansen

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I recognize that your community may be in the final adoption process or may have recently adopted the appropriate floodplain management measures. Please submit these measures to the Floodplain Management Program at the Minnesota Department of Natural Resources, Division of Water. Ceil Strauss, CFM, the NFIP State Coordinator, is accessible by telephone at (651) 259-5713, in writing at 500 Lafayette Road, Saint Paul, Minnesota 55155-4032, or by electronic mail at ceil.strauss@state.mn.us.

The FEMA Regional staff in Chicago, Illinois, is also available to assist you with your floodplain management measures. The FEMA Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Federal Insurance and Mitigation Division, FEMA Region V, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

In the event your community does not adopt and/or submit the necessary floodplain management measures that meet or exceed the minimum NFIP requirements, I must take the necessary steps to suspend your community from the NFIP. This letter is FEMA's final notification before your community is suspended from the Program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rachel Sears".

Rachel Sears, Chief
Floodplain Management Branch
Federal Insurance and Mitigation Administration

Enclosure

cc: Andrew Velasquez, III, Regional Administrator, FEMA Region V
Ceil Strauss, CFM, NFIP State Coordinator, Minnesota Department of Natural Resources
Daniel Buckholtz, City Administrator, City of Spring Lake Park

§ 59.24 Suspension of community eligibility.

(a) A community eligible for the sale of flood insurance shall be subject to suspension from the Program for failing to submit copies of adequate flood plain management regulations meeting the minimum requirements of paragraphs (b), (c), (d), (e) or (f) of § 60.3 or paragraph (b) of §§ 60.4 or 60.5, within six months from the date the Federal Insurance Administrator provides the data upon which the flood plain regulations for the applicable paragraph shall be based. Where there has not been any submission by the community, the Federal Insurance Administrator shall notify the community that 90 days remain in the six month period in order to submit adequate flood plain management regulations. Where there has been an inadequate submission, the Federal Insurance Administrator shall notify the community of the specific deficiencies in its submitted flood plain management regulations and inform the community of the amount of time remaining within the six month period. If, subsequently, copies of adequate flood plain management regulations are not received by the Administrator, no later than 30 days before the expiration of the original six month period the Federal Insurance Administrator shall provide written notice to the community and to the state and assure publication in the

FEDERAL REGISTER under part 64 of this subchapter of the community's loss of eligibility for the sale of flood insurance, such suspension to become effective upon the expiration of the six month period. Should the community remedy the defect and the Federal Insurance Administrator receive copies of adequate flood plain management regulations within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. If the Federal Insurance Administrator receives notice from the State that it has enacted adequate flood plain management regulations for the community within the notice period, the suspension notice shall be rescinded by the Federal Insurance Administrator. The community's eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(b) A community eligible for the sale of flood insurance which fails to adequately enforce flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be subject to probation. Probation shall represent formal notification to the community that the Federal Insurance Administrator regards the community's flood plain management program as not compliant with NFIP criteria. Prior to imposing probation, the Federal Insurance Administrator (1) shall inform the community upon 90 days prior written notice of the impending probation and of the specific program deficiencies and violations relative to the failure to enforce, (2) shall, at least 60 days before probation is to begin, issue a press release to local media explaining the reasons for and the effects of probation, and (3) shall, at least 90 days before probation is to begin, advise all policyholders in the community of the impending probation and the additional premium that will be charged, as provided in this paragraph, on policies sold or renewed during the period of probation. During this 90-day period the community shall have the opportunity to avoid probation by demonstrating compliance with Program requirements, or by correcting Program deficiencies and remedying all violations to the maximum extent possible. If, at the end of the 90-day period, the Federal Insurance Administrator determines that the community has failed to do so, the probation shall go into effect. Probation may be continued for up to one year after the community corrects all Program deficiencies and remedies all violations to the maximum extent possible. Flood insurance may be sold or renewed in the community while it is on probation. Where a policy covers property located in a community placed on probation on or after October 1, 1986, but prior to October 1, 1992, an additional premium of \$25.00 shall be charged on each such policy newly issued or renewed during the one-year period beginning on the date the community is placed on probation and during any successive one-year periods that begin prior to October 1, 1992. Where a community's probation begins on or after October 1, 1992, the additional premium described in the preceding sentence shall be \$50.00, which shall also be charged during any successive one-year periods during which the community remains on probation for any part thereof. This \$50.00 additional premium shall further be charged during any successive one-year periods that begin on or after October 1, 1992, where the preceding one-year probation period began prior to October 1, 1992.

(c) A community eligible for the sale of flood insurance which fails to adequately enforce its flood plain management regulations meeting the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5

and does not correct its Program deficiencies and remedy all violations to the maximum extent possible in accordance with compliance deadlines established during a period of probation shall be subject to suspension of its Program eligibility. Under such circumstances, the Federal Insurance Administrator shall grant the community 30 days in which to show cause why it should not be suspended. The Federal Insurance Administrator may conduct a hearing, written or oral, before commencing suspensive action. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the FEDERAL REGISTER under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. In the event of impending suspension, the Federal Insurance Administrator shall issue a press release to the local media explaining the reasons and effects of the suspension. The community's eligibility shall only be reinstated by the Federal Insurance Administrator upon his receipt of a local legislative or executive measure reaffirming the community's formal intent to adequately enforce the flood plain management requirements of this subpart, together with evidence of action taken by the community to correct Program deficiencies and remedy to the maximum extent possible those violations which caused the suspension. In certain cases, the Federal Insurance Administrator, in order to evaluate the community's performance under the terms of its submission, may withhold reinstatement for a period not to exceed one year from the date of his receipt of the satisfactory submission or place the community on probation as provided for in paragraph (b) of this section.

(d) A community eligible for the sale of flood insurance which repeals its flood plain management regulations, allows its regulations to lapse, or amends its regulations so that they no longer meet the minimum requirements set forth in §§ 60.3, 60.4 and/or 60.5 shall be suspended from the Program. If a community is to be suspended, the Federal Insurance Administrator shall inform it upon 30 days prior written notice and upon publication in the FEDERAL REGISTER under part 64 of this subchapter of its loss of eligibility for the sale of flood insurance. The community eligibility shall remain terminated after suspension until copies of adequate flood plain management regulations have been received and approved by the Federal Insurance Administrator.

(e) A community eligible for the sale of flood insurance may withdraw from the Program by submitting to the Federal Insurance Administrator a copy of a legislative action that explicitly states its desire to withdraw from the National Flood Insurance Program. Upon receipt of a certified copy of a final legislative action, the Federal Insurance Administrator shall withdraw the community from the Program and publish in the FEDERAL REGISTER under part 64 of this subchapter its loss of eligibility for the sale of flood insurance. A community that has withdrawn from the Program may be reinstated if it submits the application materials specified in § 59.22(a).

(f) If during a period of ineligibility under paragraphs (a), (d), or (e) of this section, a community has permitted actions to take place that have aggravated existing flood plain, mudslide (i.e., mudflow) and/or flood related erosion hazards, the Federal Insurance Administrator may withhold reinstatement until the community submits evidence that it has taken action to remedy to the maximum extent possible the increased hazards. The Administrator may also place the reinstated community on probation as provided for in paragraph (b) of this section.

(g) The Federal Insurance Administrator shall promptly notify the servicing company and any insurers issuing flood insurance pursuant to an arrangement with the Federal Insurance Administrator of those communities whose eligibility has been suspended or which have withdrawn from the program. Flood insurance shall not be sold or renewed in those communities. Policies sold or renewed within a community during a period of ineligibility are deemed to be voidable by the Federal Insurance Administrator whether or not the parties to sale or renewal had actual notice of the ineligibility.

§ 60.3 Flood plain management criteria for flood-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under § 59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's

FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in § 59.1 in accordance with the eligibility procedures under § 65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

[41 FR 46975, Oct. 26, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 60.3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

3

RESOLUTION NO. 15-32

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 420, AN ORDINANCE REGULATING LAND USE BY ESTABLISHING A FLOODPLAIN MANAGEMENT DISTRICT

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 420 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 by the City Council of the City of Spring Lake Park, Minnesota that the following summary of Ordinance No. 420 is approved for publication:

“On December 7, 2015, the City Council of the City of Spring Lake Park approved Ordinance No. 420, entitled ‘An Ordinance Regulating Land Use by Establishing a Floodplain Management District.’

The following is a summary of Ordinance No. 420, a copy of which is available in its entirety for review and/or photocopying during regular office hours at the City of Spring Lake Park, 1301 81st Avenue NE, Spring Lake Park, MN.

The ordinance, enacted under authority granted by M.S. Chapter 103F and 462, regulates development in the flood hazard areas of Spring Lake Park. The ordinance applies to all lands within the city shown on the Flood Insurance Rate Maps issued by FEMA.

These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base. The ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program so as to maintain the community’s eligibility in the NFIP. In addition, the ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.”

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 7th day of December, 2015.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

MEMORANDUM

TO: MAYOR HANSEN AND MEMBERS OF THE CITY COUNCIL
FROM: DANIEL R. BUCHHOLTZ, CITY ADMINISTRATOR
SUBJECT: 2016 FEE SCHEDULE
DATE: NOVEMBER 19, 2015

Attached to this memorandum is the proposed fee schedule for 2016.

The majority of the fee schedule is unchanged from 2015. However, there are several fees that were either added to the fee schedule or increased. Below is a summary of those fees.

Zoning/Development

- Escrows were added to many of the City's zoning/development fees. This reflects the previously stated position of the City Council that our planning applications should be reviewed by the City Planner to ensure that any development complies with City Code and is in the best interest of the city.
- The Park Dedication Fee for Commercial/Industrial properties was reduced from 7.5% of fair market value of unimproved land to 3% of fair market value. Many cities have a lower park dedication fee for commercial/industrial property than for residential property as it is much more difficult to quantify the amount of park and recreation services that employees and employers will utilize. This will match the new fee percentage that is now required in the subdivision ordinance.
- The Park Dedication Fee for Residential will increase from \$1,000 per unit to \$1,897 per unit. This conforms to the conclusion of the Park Dedication study the City Council approved at its November 16 meeting.
- Variance fees for R-1 properties increased due to a change in process from a Variance Committee to full Planning Commission review. The change in process is outlined in the new Zoning Code.
- A new fee was added for those requesting zoning letters from City staff. These requests have become more prevalent and the requesting party should compensate the City for the time it takes to research and draft the letter.
- The cost to process a major subdivision was changed from \$250.00 plus \$5/lot to a flat fee of \$400 plus a \$5,000 escrow. This will ensure that funds are available to pay for the City Planner's review of new plats.

Licenses

- New liquor licenses were added to the fee schedule to reflect the licenses authorized by our new liquor ordinance. Those are: Brewer Tap Room - \$400; On-Sale Brewer Pub License - \$400; Off-Sale Brewer Pub License - \$100; Cocktail Room License - \$400; Culinary Class Limited On-Sale Malt Liquor/Wine License - \$300; Consumption and Display – City Fee -- \$250; and Temporary Intoxicating On-Sale - \$50/event.
- An animal impound fee of \$50 was added to the fee schedule. This brings the fee schedule into conformance with the City's animal control contract.

Spring Lake Park Athletic Fields

- A \$10/rostered player/sports season fee was added for athletic field use by youth sports teams was added to the fee schedule to compensate the City for the time spent preparing fields for use by various athletic associations.

Water, Sewer, Street and Other Fees

- Water Availability Charge, a development fee, was increased from \$750 per unit to \$900 per unit to reflect increases in the cost of the City's water infrastructure. The city portion of the Sewer Availability Charge was increased from \$60.00 per unit to \$75.00 per unit to reflect increases in the cost of the City's sanitary sewer infrastructure.
- Water Meter Installation Fees were increased as follows: 5/8" meter from \$25.00 to \$35.00; 3/4" to 1" meter from \$35.00 to \$50.00; and over 1" meter from \$50.00 to \$100.00. This more accurately reflects the City's staff cost when installing meters.

In addition, City staff updated the Code references found in the fee schedule based on the ordinance amendments the City Council approved over the past year.

Staff believes the proposed fee schedule accurately reflects the cost to provide these specialized services to residents, businesses and other customers of the City.

ORDINANCE NO. 421

AN ORDINANCE ADOPTING A FEE SCHEDULE FOR THE CITY OF SPRING LAKE PARK

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Adoption of Fee Schedule. The City Fee Schedule, as outlined in Exhibit A, is hereby adopted.

Section 2. Prerequisite. If any section, provision or part of this ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of this ordinance as a whole, or any section, provision or part thereof not adjudged unconstitutional or invalid.

Section 3. Effective Date of Ordinance. This ordinance shall be effective on January 1, 2016 after its final passage, approval and publication as provided by law.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this 7th day of December, 2015.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk

EXHIBIT A

CITY OF SPRING LAKE PARK **2016 FEE SCHEDULE**

1. PERMIT FEE - VALUATION TABLE

Permit fee to be based on job cost valuation. The determination of value or valuation shall be made and approved by the building official. The value to be used in computing the building permit and plan review fees shall be the total of all construction work for which the permit is issued, as well as all finish work including painting, roofing, electrical, plumbing, and heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

Valuation	Permit Fee
\$1 to \$500	\$31
\$501 to \$2,000	\$31 for the first \$500 value, plus \$4 for each additional \$100 value or fraction thereof
\$2,001 to \$25,000	\$79.44 for the first \$2,000 plus \$16.34 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000	\$445.38 for the first \$25,000 plus \$12.18 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000	\$731.80 for the first \$50,000 plus \$8.80 for each additional \$1,000 or fraction thereof
\$101,001 to \$500,000	\$1,128.64 for the first \$100,000 plus \$7.24 for each additional \$1,000 or fraction thereof
\$500,001 to \$1,000,000	\$3,671.86 for the first \$500,000 plus \$6.20 for each additional \$1,000 or fraction thereof.
\$1,000,001 and up	\$6,368.06 for the first \$1,000,000 plus \$5.16 for each additional \$1,000 or fraction thereof.
Inspections outside of normal business hours	\$61.70
Re-inspection & miscellaneous inspection fees	\$61.70
Additional plan review fee required for revisions	\$61.70

2. ELECTRICAL

As established in the Minnesota State Board of Electricians, March 1, 1972 Edition of Laws and Regulations Licensing Electricians and Inspections of Electrical Installations as Amended.

3. HEATING, VENTILATION, AIR CONDITIONING

Item	Fee
Residential - Minimum HVAC	\$40.00 (+ \$5.00 surcharge)
Residential - Heating & AC Install	\$50.00 (+ \$5.00 surcharge)
Residential - Air Conditioning (Only)	\$40.00 per unit (+ \$5.00 surcharge)
Residential - Furnaces (Only)	\$40.00 per unit – New/Replace (plus \$5.00 surcharge)
Residential - Air Exchanger	\$40.00 per unit
Residential - Sheet Metal / Duct Work	\$40.00 (+ \$5.00 surcharge)
Residential - Gas Appliance Installation	\$40.00 (+ \$5.00 surcharge)
Residential - Gas, oil piping	\$40.00 per unit (+ \$5.00 surcharge)
Residential - Steam, hot water heating	\$40.00 per unit (+ \$5.00 surcharge)
Commercial - Minimum HVAC	\$80.00 (+ \$5.00 surcharge)
Commercial - HVAC	2% of contract price (+ surcharge at .0005 times)

4. PLUMBING

Item	Fee
Residential - Minimum	\$45.00 plus \$9.00 each fixture after 5 (plus \$5.00 surcharge)
Commercial – Minimum	\$85.00 plus \$9.00 each fixture after 5 (plus \$5.00 surcharge)
Fire Suppression - Plan Check Fee	65% of permit fee (for new construction of 20 heads or more only)
Fire Suppression - Residential	\$45.00 plus \$4.50 for each ten sprinkler heads or fraction thereof over the ten heads.
Fire Suppression - Commercial	1.5% of the contract price plus surcharge at .0005 times the contract price
Irrigation Systems - residential	\$45.00 (plus \$5.00 surcharge)
Irrigation Systems Commercial	\$85.00 (plus \$5.00 surcharge)

5. MISCELLANEOUS PERMIT FEES

Item	Fee	Reference
Billboards	\$250 per billboard side	§152
Temporary Signs	\$35.00 per side per 14 day period (Maximum of 3 permits or six weeks per year)	§152
Permanent Signs	\$60.00 for the first 40 square feet plus \$1.00 for each additional square feet thereafter	§152
Fire Alarm Systems	\$100.00	§91.03
Tank Installation (fuel, oil, gas, etc.)	\$100.00 per tank (no surcharge)	§93
Tank Removal (fuel, oil, gas, etc.)	\$50.00 per tank (no surcharge)	§93
Temporary Structures (Tents < 200 sq. ft.)	\$50.00	§150.049
Moving Principal Structure	\$175.00 per building (plus \$5.00 surcharge)	§150.120
Moving Accessory Structure (400 sq. ft. or less)	\$25.00	§150.120
Moving Accessory Structure (< than 400 sq. ft.)	\$50.00 per building (plus \$5.00 surcharge)	§150.120

6. SURCHARGES

Building Surcharge: Where the fee for the permit is based upon valuation, the surcharge is as follows:

A. Building Surcharge (For valuation-based permits, the surcharge is as follows)

Valuation of Work	Surcharge Computation
\$1,000,000 or less	.0005 x valuation
\$1,000,000 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,000 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,000 to \$4,000,000	\$1,200 + .0002 x (Value - \$3,000,000)
\$4,000,000 to \$5,000,000	\$1,400 + .0001 x (Value - \$4,000,000)
Greater than \$5,000,000	\$1,500 + .00005 x (Value - \$5,000,000)
For fixed-fee permits	\$5.00 per permit (or .0005 of the permit fee if fee exceeds \$1,000).

B. Heating, Plumbing and Sewer Surcharge

Residential	\$5.00 per permit (or .0005 of the permit fee if fee exceeds \$1,000).
Commercial	Use the above Valuation Table

7. BUILDING INSPECTIONS / CODE ENFORCEMENT

Item	Fee	Reference
Contractor Licenses	\$65.00 per Year State License	§150.015
Contractor's License Verification Fee	\$5.00 per Permit	§150.015
Investigation Fee	Equivalent to permit fee (when work commences without an approved permit)	§150.015
Permit/Plan Review Refund Policy	All but \$40 of the permit fee can be refunded within 100 days of application if work has not commenced. No plan review fee may be refunded after review has been completed.	§150.002
Plan Review Fee	65% of permit fee for all commercial permits and for residential permits for new dwellings, dwelling additions, garages, garage additions, decks, sheds over 216 square feet, and major remodeling. Additional Plan Review Fee required by changes, additions or revisions to plans \$61.70/ hr. (Minimum charge one half hour) Plan review for outside consultants for plan checking and inspections, or both. Actual costs including admin. & overhead costs.	§150.002
Zoning Permit (Sheds<120, Fence, Driveways)	\$45.00	§153.102
Fire Inspection Fee	\$75.00/hr.	§93.02
Certificate of Occupancy fee	\$200.00 Commercial/Industrial Business \$150.00 Residential	§150.044
Demolition	\$200.00 – Commercial, \$100.00 - Residential	§153.222

8. ZONING / DEVELOPMENT

Item	Fee	Reference
Comprehensive Plan Amendment	\$750.00/amendment plus \$750 escrow	§153
Conditional Use Permit (CUP) R-1	\$100.00 plus \$150.00 Escrow	§153.200
Conditional Use Permit (CUP) All other	\$400.00 plus \$1,000.00 Escrow	§153.200
Conditional Use Permit (CUP) Amendment	Same as CUP Fee	§153.200
Site Plan/Concept Plan Review Fee	\$400.00 plus \$750.00 Escrow	§153.055
Park Dedication Fee – Commercial/Industrial	3% fair market of improved/unimproved land value or monetary fund by discretion of City.	§152.034
Park Dedication Fee - Residential	\$1,897.00 per unit	§152.034
Planned Unit Development (PUD)	\$750.00 plus \$1,000 Escrow	§153.150
Planned Unit Development (PUD) Amendment	\$375.00 plus \$1,000 Escrow	§153.150

Planned Unit Development (PUD) Refund Policy	All but \$40.00 of the permit fee can be refunded within 100 days of application if no work done.	\$153.150
Rezoning / Text Amendment	\$600.00 plus \$250.00 Escrow	\$153.225
Minor Subdivision & Lot Combination Fee	\$200.00 plus \$250.00 Escrow	\$152.001
Major Subdivision – Preliminary Plat	\$400.00 plus \$5,000 Escrow	\$152.001
Major Subdivision – Final Plat	\$400.00 plus \$1,000 Escrow	\$152.001
R-1 Variance	\$150.00 plus \$150 Escrow	\$153.224
All Other Districts Variance	\$375.00 plus \$500.00 Escrow	\$153.224
Street or Easement Vacation	\$250.00 per property	\$153.069
Zoning Letter	\$50.00	

Applicants are responsible for all costs incurred associated with the filing, review and processing of development applications. Such fees are to be paid in escrow up front or upon receipt of statement from the City of Spring Lake Park. Fees may include but are not limited to costs for consultants retained by the City, consultant planning services, attorney, and engineer fees. A deposit may also be required to cover costs of public notices, materials and staff time spent in the review, research or preparation of materials associated with this application. The applicant shall be responsible for all reasonable incurred costs in excess of the initial deposit amount. Payment of park dedication fees is required with subdivision applications. Application fees are not refundable.

9. MISCELLANEOUS FEES

Item	Fee	Reference
Copy of City Code & Comp. Plan	\$150.00	
Annual Financial Report	\$25.00	
Adopted Annual Budget	\$25.00	
Copy of any Code Chapter	\$10.00	
Zoning Code Photocopy	\$50.00	
Capital Improvement Plan	\$25.00	
Non-Resident Assessment Search Fee	\$25.00	
Administrative Fee for Certification to Tax roll	\$100.00	
Photocopies per Page	\$.50 per sheet	
Certified Copies	\$5.00 plus photocopy fee	
Non-Resident Notary Fee	\$2.00	
Video/DVD Copy Fee	\$20.00	
Filing Fee for Public Office	\$15.00 (no sales tax)	M.S. 205.13
Insufficient Funds (NSF) checks	\$35.00	
Mailed City Council Agendas	\$60.00/year	
Mailed Planning Commission Agendas	\$30.00/year	
Mailed City Council Minutes	\$150.00/year	
Mailed Planning Commission Minutes	\$75.00/year	
Mailed City Council Meeting Packets	\$250.00/year	
Mailed Planning Commission Meeting Packets	\$200.00/year	
Residential Address Labels	\$50.00	
Map Copies	Small - \$1.00 Large \$15.00 Zoning - \$5.00	
City Mowing	Cost plus \$50.00 Administration fee	
Credit Card Transaction Fees E-Billing with on-line Payment All other Transactions	\$2.00 per Transaction Min. of \$2.00 or 2.95% whichever is greater	
Scanning Fee	\$50.00 per building permit/zoning application if full size plans are not provided in electronic format	

10. Police Administration

Item	Fee	Reference
Excess Alarm Fee – Police Calls/year	1 st – 3 rd No Charge 4 th + - \$75.00 for each	\$91.05
Excess Alarm Fee – Fire Calls/year	1 st – 2 nd No Charge 3 rd - \$75.00 Each after doubles the previous charge	\$91.05
Driver License Record (Out of state)	\$6.00	
Finger Printing – Residents Only	\$20.00/set	
Digital Photos	\$10.00 plus costs	
Digital Recordings	\$30.00	
Electronic copies to Digital Media	\$50.00 per disc	

11. Administrative Offenses (Chapter 34)

Item	Fee	Reference
Abandoned, wrecked or inoperable vehicle	\$50.00	\$90.02
Animals	\$50.00	\$92.00
ATV Violation	\$35.00	\$70.30
Blocking Driveways	\$50.00	\$71.18
Building Code Violations	\$100.00	\$150.003
Deposit debris onto roadway	\$35.00 for 1 st offense, \$50.00 for 2 nd +	\$90.02
Expired License Plates – Motorized Vehicle	\$35.00	\$156.027
Fire Code Violations	\$100.00	\$93.10
Fire Hydrant	\$50.00	\$93.09
Fire Lane	\$50.00	\$93.09
Fire Prevention Violations	\$35.00	\$93.10
Fireworks Violations	\$100.00	\$94.18
Flammable Products	\$100.00	\$93
Garage Sale Violations	\$50.00	\$110.21
General Municipal Water and Water Violations	\$35.00	\$10.99
Handicap Parking Violation	\$200.00	\$71.30
Housing Code Violations	\$100.00	\$150
Illegal Garbage Dumping	\$100.00	\$51.09
Intoxicating Beverages in Parks and Other Public Areas	\$50.00	\$111.011
Junk or Debris	\$50.00	\$94.16
Keys in Ignition	\$35.00	\$70.01
License and Permit Violations	\$50.00	\$10.99
License Plat/Tabs Missing – Motorized Vehicle	\$35.00	\$153.065
Load Limit Violation	\$100.00	\$70.15
Loud Parties/Noise (City Noise Codes)	\$50.00	\$94.18
Missing Address Numbers	\$35.00	\$150.106
Other Illegal Parking	\$35.00	\$71.30
Outdoor Storage of Wood	\$35.00	\$94.03
Park Hours Violation	\$50.00	\$96.01
Public Nuisances	\$50.00	\$94.15
Regulated Business Activity	\$100.00	\$10.99
Rental Code Violations	\$50.00/Unit	\$150.079
Seasonal Parking Violation	\$35.00	\$71.19
Sign Code Violations	\$100.00	\$152

Snowmobile Violation	\$35.00	\$70.45
Subdivision Regulation	\$100.00	\$155
Trespass	\$100.00	\$110.12
Trucks Parking on Restricted Route	\$50.00	\$71.16
Waste Disposal Violations	\$50.00	\$51.26
Water Ban Violations	\$35.00	\$50.04
Weeds and Grass	\$35.00	\$94.35
Zoning Code Violations	\$100.00	\$156

12. Licenses (All licenses subject to a 10% late fee where applicable.)

A. General Business Licenses

Item	Fee	Reference
Administrative Application Fee	\$50.00	
Amusement Devices and Centers	\$15.00 per location plus \$15.00 per machine	\$115.01
Automobile Sales, New and Used	\$300.00/year	\$114.56
Amusement Rides, Carnivals, Circuses	\$130.00 for first day plus \$20.00 for each additional day	\$115.01
Boxing and Wrestling Processing Fee	Regulated by the State of Minnesota	
Cigarette and Tobacco License Fee	\$150.00/year	\$112
Food Sales & Service Application Fee	\$100.00/Application	\$117
Garbage and Rubbish Hauler	\$50.00/1 st Truck & \$15.00 additional	\$51.02
Pawn Shops		
Non-Refundable Application Fee (includes cost of investigation)	New - \$500.00 Renewal - \$100.00	\$113.16
New Manager Investigation Fee	\$150.00	\$113.16
Annual License	\$6,250.00	\$113.16
Billable Transaction Fee	\$.60 per transaction	\$113.16
Performance Bond	\$5,000.00	\$113.16
Peddlers / Transient Merchants		
Permits	Transient - \$100.00 SUP + \$150.00 Escrow Peddlers - \$60.00/day, \$200.00/month, \$500.00/year	\$110.03
Investigation fee	\$10.00 investigation fee for each new peddler	\$110.04
I.D. Card	\$5.00/person	\$110.09
Therapeutic Massage		
Partnership/Corporation License	\$350.00 + \$50 - 1 st Time Background Check	\$119.07
Technician License	\$100.00 + \$50 - 1 st Time Background Check	\$119.07

B. Liquor Licenses

Item	Fee	Reference
On-Sale Intoxicating	Class A - \$6,200/yr & Class B - \$9,300/yr	\$111.08
On-Sale Wine	\$500.00/yr	\$111.08
On-Sale Malt Liquor/3.2 Beer	\$300.00/yr	\$111.08
Brewer Tap Room	\$400.00/yr	\$111.08
On-Sale Brewer Pub License	\$400.00/yr	\$111.08
Off-Sale Brewer Pub License	\$100.00/yr	\$111.08
Cocktail Room License	\$400.00/yr	\$111.08
Culinary Class Ltd. On-Sale Malt Liquor/Wine	\$300.00/yr	\$111.08
Consumption and Display – City Fee	\$250.00/yr	\$111.08
Club	\$300.00/yr	\$111.08

Sunday On Sale	\$200.00	\$111.08
Two A.M. Closing Permit	\$100.00	\$111.19
Investigation Fee: Single Person	\$750.00 + \$250.00 Escrow	\$111.15
Investigation Fee: Partnership	\$750.00 + \$250.00 Escrow	\$111.15
Investigation Fee: Corporation	\$750.00 + \$250.00 Escrow	\$111.15
Temporary 3.2% Liquor License Fee	\$25.00/Event	\$111.08
Temporary Intoxicating Liquor License Fee	\$50.00/Event	\$111.08

C. Animal Licenses

Item	Fee	Reference
Spayed or neutered – Cats and Dogs	\$3.00/yr	\$92.03
Unsprayed or Unneutered – Cats and Dogs	\$5.00/yr	\$92.03
Duplicate tags	\$2.00 per	\$92.03
Kennel – Residential	\$50.00/year	\$92.07
Kennel – Commercial	\$100.00/year	\$92.07
Impound Fee	\$50.00 plus Animal Hospital fees as outlined in Animal Control agreement	\$92.04

D. Rental Housing Licenses

Item	Fee	Reference
Single Family	\$120.00	\$150.079
Duplex	\$175.00	\$150.079
Apartment	\$200.00 per Building plus \$25.00 per Unit	\$150.079
Reinspection Fee	\$50.00 each after 3 rd Inspection	\$150.079
Excessive Consumption Fee: rental/non-rental	\$35.00 per incident	\$150.192
Conversion Fee	\$500.00 includes 1 st year registration fee	\$150.080
Late Conversion Fee	\$700.00	\$150.080

E. Vacant Property Licenses

Item	Fee	Reference
Residential Unit	\$200.00	\$150.140
Monitoring Fee	\$20.00 per visit	\$150.144

13. SPRING LAKE PARK ATHLETIC FIELDS

Item	Fee	Reference
Picnic Shelter Reservation Fees:		
Under 50 People - Resident	\$25.00	
Under 50 People – non-resident	\$50.00	
Over 50 People - Resident	\$50.00	
Over 50 People – non-resident	\$100.00	
Field/Court Reservation Fee	\$50.00	
Special Event (Multiple Faculties)	\$100.00	
John Conde Park (Special Event) - Resident	\$25.00 plus \$100.00 Deposit	
John Conde Park (Special Event) – Non - Resident	\$50.00 plus \$100.00 Deposit	
Athletic Field/Rink Lighting Fee	\$40.00 per Hour	
Athletic Field Use by Youth Sports Teams	\$10 per rostered player per sports season	

14. WATER, SEWER, STREET AND OTHER FEES

Water	Fee	Reference
Water Availability Charge (WAC)	\$900.00/Unit (City to Determine number of Units)	§50.15
Water Connection/Disconnect and/or Demo Inspection Fee	Residential - \$50.00, Commercial – \$75.00	§50.15
Water Connection Inspection Fee – New Residential Connection	\$35.00 (plus WAC)	§50.15
Water Connection Inspection Fee – New Commercial Connection	\$60.00 (plus WAC)	§50.40
Connection and Reconnection Fee	\$100.00/Hour (\$150.00/Hour after Business Hours)	§50.15
Water Meter Installation Fee	5/8" meter - \$35.00 3/4" – 1" meter - \$50.00 Over 1" meter - \$100.00	§50.15
Water Meters and Parts	Cost plus 2%	§50.40
Call out Fee	Regular Business Hours N/C – After Business Hours O.T. Fees apply	§50.15
Estimated Water Meter Reading	1 st est. – \$0, 2 nd est. - \$10.00, 3 rd est. - \$15.00	
Sewer	Fee	Reference
Sewer Access Charge (SAC)	\$2,485.00/Unit (M.C. determines no. of units)	§50.16
SAC Administrative Fee	\$75.00/Unit	§50.16
Sewer Connection/Disconnection and/or Demo Inspection Fee	\$50.00 – Residential \$75.00 - Commercial	§50.16
Sewer Hook-up Fee – New Only	\$145.00 (plus SAC)	§50.16
Call out Fee	Regular Business Hours N/C – After Business Hours O.T. Fees apply	§50.15
Street	Fee	Reference
Load Limits Permit Fee	\$25.00/entry/truck	§70.17
Street Opening Permit	\$150.00 permit fee plus \$1000 Security Fee	
Right of Way Permit (ROW) - Excavation Permit	\$150.00	§151.01
ROW - Obstruction Permit	\$50.00	§151.01
ROW - Permit Extension	\$25.00	§151.01
ROW Security Fee	Subject to the Discretion of the Public Works Director	§151.01
Miscellaneous	Fee	Reference
Municipal Street Light	\$17.20/yr per water connection	§94.01
Recycling Fee	\$10.21/qtr per residential unit	§51.11

RESOLUTION NO. 15-33

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 421, AN ORDINANCE ADOPTING A FEE SCHEDULE FOR THE CITY OF SPRING LAKE PARK

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 421 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 by the City Council of the City of Spring Lake Park, Minnesota that the following summary of Ordinance No. 421 is approved for publication:

“On December 7, 2015, the City Council of the City of Spring Lake Park approved Ordinance No. 421, entitled ‘An Ordinance Adopting a Fee Schedule for the City of Spring Lake Park.’

The following is a summary of Ordinance No. 421, a copy of which is available in its entirety for review and/or photocopying during regular office hours at the City of Spring Lake Park, 1301 81st Avenue NE, Spring Lake Park, MN.

The ordinance establishes fees and charges for building permits and surcharges, code enforcement, development/impact fees, planning applications, administrative offenses, police administrative fees, licenses, athletic field use, water, sewer and street fees and other City fees and charges.”

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 7th day of December, 2015.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator



December 2, 2016

Honorable Mayor and City Council
City of Spring Lake Park
1301 Eighty-First Avenue NE
Spring Lake Park, MN 55432-2188

Re: 2016 Sewer Lining Project
Authorize Preparation of Plans and Bidding

Dear Mayor and Council:

In 2012 the City Council asked the Public Works and Engineering to develop a long-term plan for sanitary sewer lining. The city established a seven to ten year lining program. The lining program places a priority on the larger diameter sewers and on the areas where older sewers and higher ground water are known to exist. The seven to ten year program is set up to try to keep the annual lining projects within a cost range of \$150,000 to \$200,000.

The Public Works Director has determined priorities for lining in 2016. The proposed 2016 work generally includes the following streets/areas:

- CSAH 35/Old Central Avenue,
- Easement area between TH 65 (lift station 2) and Old Central Avenue.
- Possible other segments as directed by the Public Works Director and as the budget allows.

The estimated construction cost for the 2016 sewer lining project is \$175,000. If the City would like to take the next step in the project, **we request that the City Council order preparation of plans and specifications and authorize bidding for the 2016 Sanitary Sewer Lining Project.** Bid results will be presented to the Council for approval sometime this coming winter.

Please feel free to contact me if you have any questions or need any additional information.

Sincerely,
STANTEC

A handwritten signature in black ink that reads "Phil Gravel".

Phil Gravel

cc: Terry Randall, Public Works Director
Dan Buchholtz, City Administrator



December 1, 2015

Honorable Mayor and City Council
City of Spring Lake Park
1301 Eighty-First Avenue NE
Spring Lake Park, MN 55432-2188

Reference: 2016 Seal Coat and Crack Repair Project
Authorize Preparation of Plans and Bidding

Dear Mayor and Council:

As part of ongoing street maintenances, the city completes an annual street maintenance project consisting of crack repair and seal coating. Seal coating includes placing bituminous emulsion and small aggregate on the street surface.

We have reviewed the street system history with the Public Works Director to establish priority streets for crack seal and seal coat treatment in 2016. The target streets to be completed generally include the streets that received a seal coat in 2006. The project area is essentially the area bounded by Able Street, 81st Avenue, and Middletown Road. The actual final list may be adjusted based on final design and/or budget limits.

An alternative bid to include parking lots at city facilities may also be included in the project.

At this time, we request that the City Council authorization preparation of plans/specifications and bidding for the 2016 Seal Coat and Crack Repair project.

The estimated construction cost is less than \$100,000. The project schedule includes receiving bids this coming winter. The Council will be asked to consider award of Construction Contract in March.

Please feel free to contact me if you have any questions.

Sincerely,
Stantec

A handwritten signature in black ink that reads "Phil Gravel".

Phil Gravel

cc: Terry Randall, Public Works Director
Dan Buchholtz, City Administrator

CORRESPONDENCE



Protecting, maintaining and improving the health of all Minnesotans

November 13, 2015

Spring Lake Park City Council
c/o Mr. Dan Buchholz, Administrator
Spring Lake Park City Hall
1301 81st Avenue NE
Spring Lake Park, Minnesota 55432

Dear Council Members:

SUBJECT: Quarterly Results for Radiochemical Monitoring, Spring Lake Park, Anoka County,
PWSID 1020029

Enclosed are the results of the most recent radiochemical samples collected from your public water supply in accordance with Minnesota Rules, Chapter 4720 and the Safe Drinking Water Act.

Quarterly monitoring for radiochemicals will now be conducted on your water supply to determine if your supply meets the maximum contaminant level (MCL) for gross alpha and/or combined radium 226+228 at the Arthur Street Treatment Plant. Samples will be collected for four quarters and the test results will be averaged. If after four quarters the annual average of results from the entry point exceeds the MCL for either of these contaminants, you will be required to notify the public that the MCL has been exceeded and to take corrective action. The following is a summary of the results:

Sampling Site: Arthur Street Treatment Plant

Contaminant: **Combined Radium (-226 & -228)**

MCL: 5.4 pCi/L

<u>Date Collected</u>	<u>Results</u>	<u>Units</u>	<u>Sample#</u>	<u>Annual Average</u>
07/06/2015	7.10	pCi/L	15G0279-02	7.1

Contaminant: **Gross Alpha in Water**

MCL: 15.4 pCi/L

<u>Date Collected</u>	<u>Results</u>	<u>Units</u>	<u>Sample#</u>	<u>Annual Average</u>
07/06/2015	4.90	pCi/L	15G0279-02	4.9

All required radiochemical samples will be collected by your public water supply and submitted to the Minnesota Department of Health (MDH) laboratory for analysis. Sample bottle(s) will be mailed to you with a labform and date that you are scheduled to collect your next sample(s). The results will be reported to you as soon as they become available. We will notify you if any action by your system is required.


Spring Lake Park City Council
Page 2
November 13, 2015
PWSID 1020029

Also enclosed are radiochemical sample results collected from the Terrace Park Treatment Plant on July 6, 2015. These results are satisfactory.

Gross alpha and radium 226+228 are naturally occurring contaminants that are found in groundwater throughout central and southern Minnesota. Long-term elevated levels of exposure to these contaminants may result in an increased risk of cancer.

This report should be placed in your records and a copy maintained on or near the water supply premises and available for public inspection for not less than ten (10) years. If you have any questions, please contact Cindy Swanson at 651/201-4656, or email cindy.swanson@state.mn.us.

Sincerely,


for Karla R. Peterson, P.E., Supervisor
Community Public Water Supply Unit
Environmental Health Division
P.O. Box 64975
St. Paul, Minnesota 55164-0975

KRP:CLS
Enclosure

cc: Water Superintendent
Anna Schliep, MDH, St. Paul
Cindy Swanson, MDH, St. Paul
Isaac Bradlich, MDH, St. Paul



Final Report

Minnesota Department of Health
Public Health Laboratory
Environmental Laboratory Section
601 Robert St. N., P.O. Box 64899
St. Paul, MN 55164-0899
651-201-5300

PWSID: 1020029
System Name: Spring Lake Park
City: Spring Lake Park

Program Code: HC

Type: I

Date Received: 07/07/15 09:52
Rep. Temp. (°C): 13.6

Collector Name: Ken Prokott
Collector ID: None

MDH Sample Number: 15G0279-01

Location ID: E01
Sampling Point: Terrace Park Treatment Plant

Collect Date: 07/06/15
Collect Time: 08:00
Matrix: Drinking Water

Field Residual Chlorine Result: None
Field Fluoride Result: None
Field pH Result: None
Field PO₄ Result: None

Results were produced by the Minnesota Department of Health, except where noted.

Radiochemical Parameters

Analyte	Result	Reporting Limit	Counting Uncertainty	Units	Batch	Prepared	Analyzed	Init.	Method	Qualifiers
Gross Alpha	3.8	3.0	2.0189	pCi/L	B5H0081	08/05/15 09:07	08/10/15 00:00	JJF	EPA 900.0	
Radium-226	1.7	1.0	0.3453	pCi/L	B5F0838	07/10/15 10:16	08/14/15 00:00	SAP	EPA 903.0/904.0	
Radium-228	2.6	1.0	0.9079	pCi/L	B5F0838	07/10/15 10:16	07/22/15 18:25	SAP	EPA 903.0/904.0	QT

MDH Sample Number: 15G0279-02

Location ID: E05
Sampling Point: Arthur Street Treatment Plant

Collect Date: 07/06/15
Collect Time: 08:30
Matrix: Drinking Water

Field Residual Chlorine Result: None
Field Fluoride Result: None
Field pH Result: None
Field PO₄ Result: None

Results were produced by the Minnesota Department of Health, except where noted.

Radiochemical Parameters

Analyte	Result	Reporting Limit	Counting Uncertainty	Units	Batch	Prepared	Analyzed	Init.	Method	Qualifiers
Gross Alpha	4.9	3.0	2.2321	pCi/L	B5H0081	08/05/15 09:07	08/10/15 00:00	JJF	EPA 900.0	
Radium-226	3.2	1.0	0.4649	pCi/L	B5F0838	07/10/15 10:16	08/14/15 00:00	SAP	EPA 903.0/904.0	
Radium-228	3.9	1.0	1.1061	pCi/L	B5F0838	07/10/15 10:16	07/22/15 18:25	SAP	EPA 903.0/904.0	

FINAL REPORT

Report ID: 08182015150927

Generated: 8/18/2015 3:09:26PM

Authorized by:

Paul Moyer, Environmental Laboratory Manager
Public Health Laboratory, Minnesota Department of Health

*The results in this report apply only to the samples analyzed.
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Final Report

Minnesota Department of Health
Public Health Laboratory
Environmental Laboratory Section
601 Robert St. N., P.O. Box 64899
St. Paul, MN 55164-0899
651-201-5300

PWSID: 1020029

Results were produced by Minnesota Department of Health, except where noted.

Batch B5F0838 - Radiochemistry Ra-226 Ra-228 Prep

Blank (B5F0838-BLK1)

Prepared: 07/10/15 09:45 Analyzed: 08/14/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Radium-226	<	1.0	pCi/L							SAP	
Radium-228	<	1.0	pCi/L							SAP	

LCS (B5F0838-BS1)

Prepared: 07/10/15 09:45 Analyzed: 08/14/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Radium-226	9.2	1.0	pCi/L	10.14		90	90-110			SAP	
Radium-228	19.9	1.0	pCi/L	20.73		96	80-120			SAP	

LCS Dup (B5F0838-BSD1)

Prepared: 07/10/15 09:45 Analyzed: 08/14/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Radium-226	11.1	1.0	pCi/L	10.14		110	90-110	19	20	SAP	
Radium-228	21.6	1.0	pCi/L	20.73		104	80-120	8	20	SAP	

Duplicate (B5F0838-DUP1)

Source: 15G0279-01

Prepared: 07/10/15 09:45 Analyzed: 08/14/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Radium-226	1.6	1.0	pCi/L		1.7			7	20	SAP	
Radium-228	1.0	1.0	pCi/L		2.6			91	20	SAP	QT

Matrix Spike (B5F0838-MS1)

Source: 15G0279-02

Prepared: 07/10/15 09:45 Analyzed: 08/14/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Radium-226	8.9	1.0	pCi/L	5.07	3.2	113	80-120			SAP	
Radium-228	13.9	1.0	pCi/L	10.36	3.9	97	70-130			SAP	

Batch B5H0081 - Radiochemistry Alpha/Beta Prep

Blank (B5H0081-BLK1)

Prepared: 08/05/15 09:07 Analyzed: 08/10/15 00:00

FINAL REPORT

Report ID: 08182015150927

Generated: 8/18/2015 3:09:26PM

Authorized by:

Paul Moyer, Environmental Laboratory Manager
Public Health Laboratory, Minnesota Department of Health

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Final Report

Minnesota Department of Health
Public Health Laboratory
Environmental Laboratory Section
601 Robert St. N., P.O. Box 64899
St. Paul, MN 55164-0899
651-201-5300

PWSID: 1020029

Results were produced by Minnesota Department of Health, except where noted.

Batch B5H0081 - Radiochemistry Alpha/Beta Prep

Blank (B5H0081-BLK1)

Prepared: 08/05/15 09:07 Analyzed: 08/10/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Gross Alpha	<	3.0	pCi/L							JJF	

LCS (B5H0081-BS1)

Prepared: 08/05/15 09:07 Analyzed: 08/10/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Gross Alpha	49.7	3.0	pCi/L	52.91		94	80-120			JJF	

Duplicate (B5H0081-DUP1)

Source: 15F1609-01

Prepared: 08/05/15 09:07 Analyzed: 08/10/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Gross Alpha	0.2	3.0	pCi/L		<				20	JJF	

Matrix Spike (B5H0081-MS1)

Source: 15F1569-01

Prepared: 08/05/15 09:07 Analyzed: 08/10/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Gross Alpha	37.2	3.0	pCi/L	52.91	<	69	70-130			JJF	M2

Matrix Spike Dup (B5H0081-MSD1)

Source: 15F1569-01

Prepared: 08/05/15 09:07 Analyzed: 08/10/15 00:00

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Init.	Qualifiers
Gross Alpha	35.1	3.0	pCi/L	52.91	<	65	70-130	6	20	JJF	M2

Data Qualifiers and Definitions

M2	Matrix spike and/or matrix spike duplicate recovery was low; the associated laboratory control sample and/or laboratory control sample duplicate recovery was acceptable.
QT	RPD between sample duplicates not within acceptance limits. Analyte concentration within range for RER comparison and RER within acceptance limits.

FINAL REPORT

Report ID: 08182015150927

Generated: 8/18/2015 3:09:26PM

Authorized by:

*The results in this report apply only to the samples analyzed.
This report must not be reproduced, except in full, without the written approval of the laboratory.*

Paul Moyer, Environmental Laboratory Manager
Public Health Laboratory, Minnesota Department of Health



Final Report

Minnesota Department of Health
Public Health Laboratory
Environmental Laboratory Section
601 Robert St. N., P.O. Box 64899
St. Paul, MN 55164-0899
651-201-5300

PWSID: 1020029

Work Order Comments

Samples were received in proper condition.

FINAL REPORT

Report ID: 08182015150927

Generated: 8/18/2015 3:09:26PM

Authorized by:

*The results in this report apply only to the samples analyzed.
This report must not be reproduced, except in full, without the written approval of the laboratory.*

Paul Moyer, Environmental Laboratory Manager
Public Health Laboratory, Minnesota Department of Health

Achiever

Building skills, careers and
independence since 1964.

Dedicated to providing respectful and responsible services
that promote and enhance quality of life.

A look inside...

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opens new
storefront

Back... Fall fundraiser:
a smashing
success!

Newsletter of

Achieve
SERVICES, INC.


Volume 26, Number 2
Fall 2015

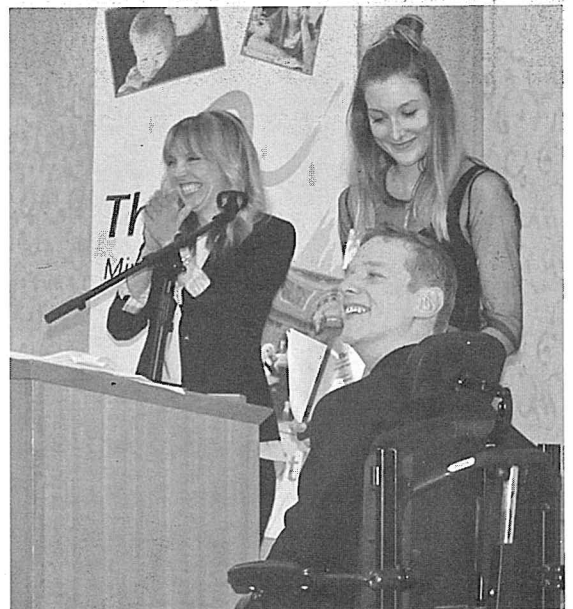
Jameson Crawford Arc Minnesota 2015 award recipient

Achieve participant, Jameson Crawford was recently presented with the Bill Sackter Citizenship Award by Arc Minnesota. This award is named after a man with intellectual disabilities who moved successfully from a state institution to live and work in the community and was featured in the 1980s movie, "Bill." The award honors an outstanding individual with intellectual or developmental disabilities who is an achieving, included member of the community.

Crawford has worked at Achieve for the last nine years as a data entry specialist and information technology contact. In addition, he is a board member of Achieve Clean where his creativity has generated ideas on how to improve and expand Achieve Clean's product line and to help design a new manufacturing facility for the detergent. Because of his expertise with computer spread sheets, the business is able to better keep track of employee payroll and product-related data. That's not all. He also is in charge of Achieve's eBay store, where he sells items for others for a fee.

On top of this work, Crawford visits his legislators regularly to provide them with insight into the needs of a person with disabilities. He is a strong self-advocate and valuable contributor to his community.

"Everyone at Achieve applauds Jameson for his accomplishments," said Tom Weaver, Achieve CEO. "He truly is an outstanding example and advocate for people with disabilities." 



Hiring workers with disabilities – *what's in it for you?*

It's no secret that hiring workers with disabilities benefits the workers with disabilities. It also increases diversity in the workplace and is seen as a generous and altruistic practice. That's not all.

A study by the Institute for Corporate Productivity (ICP)*, a company that analyzes practices of high-performance organizations, found that **business incentives are as valid as social concerns in hiring people with intellectual and developmental disabilities (IDD)** and that the practice actually has a positive effect on a company's bottom line.

You read that right. Hiring workers with disabilities produces measurable or observable business benefits. The study cites three reasons for the positive impact on profits.

First, hiring individuals with IDD adds highly motivated people to the workforce. The study found individuals with IDD to be dependable, engaged, motivated workers with great attendance, attention to quality and high productivity. It's obvious when people want to come to work and are glad to have a job that suits their skills and interests. This attitude is contagious and can lead to increased productivity – for a company's entire workforce.

Second, it promotes an inclusive culture that appeals to the talent pool that organizations want to attract. The study found that twice as many high-performance organizations address

diversity and inclusion at the highest level of their overall business strategy. More than half of the organizations that take this approach report high or very high engagement levels in at least 81 percent of their employees.

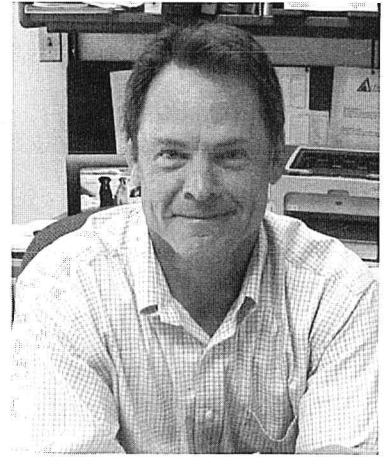
Finally, employing workers with IDD boosts a business's image. Customers see it as the right thing to do, which enhances the company's brand and can improve not only customer loyalty but lead to increased sales.

In addition to benefitting the bottom line, ICP reports that **employers hiring workers with disabilities find the challenges in doing so are fewer than expected and resources are greater than anticipated.** The concerns that respondents indicated might arise when hiring workers with IDD consistently outweighed those that actually occurred in categories such as a good job fit, need for extra supervision, productivity, need for specialized training, safety issues and special accommodations.

The study also described the enthusiasm of employers when asked about the talent and abilities people with disabilities bring to the workplace as palpable. They also said that positive anecdotal outcomes are numerous. Quotes from the study included:

Silicon Valley Bank:

"From a productivity standpoint, our employees with IDD are highly attentive, eager and earnest about applying themselves." (Matt Capaci, staffing manager)



Tom Weaver, Achieve CEO

Walgreens:

"Because of our investing efforts in employing individuals with IDD at the retail locations, customers often tell us that Walgreens has become their pharmacy of choice." (Steve Pemberton, divisional vice-president and chief diversity officer)

Fifth Third Bank:

"We've shown that workers with IDD can do complex work. They are prepared for the world of work, for orientation, for performance management." (Mitch Morgan, leadership development program manager)

Hiring workers with disabilities provides benefits for everyone involved. The business incentives are real, as are the positive outcomes expressed by employers who have experienced the situation firsthand. Hiring workers with disabilities may be the right thing to do, but it's also the smart thing to do – for businesses looking to increase profits and expand their bottom line.

*Martin K. et. al. (2014). *Employing People with Intellectual and Developmental Disabilities*. Institute for Corporate Productivity, Imintohire.org.



Court Approves Minnesota Olmstead Plan

In a document filed on September 29, 2015, the United States District Court, District of Minnesota approved Minnesota's Olmstead Plan. In part, the document reads:

"In approving this version of the Olmstead Plan, the Court emphasizes three key changes that make it a substantial improvement over prior submissions to the Court: (1) the addition of concrete baseline data and specific timelines to establish measurable goals; (2) improvements to each goal that make the Olmstead Plan not only measurable, but strategically tailored to make a significant impact in the lives of individuals with disabilities across the state; and (3) added commitments to make the Olmstead Plan an evolving document that will continue to respond to the changing needs of individuals in the state over time."

In its conclusion statement, the Court addressed concerns expressed by community members about the plan:

"The Court has received numerous submissions from concerned community members, parents, and advocates expressing fears that the Olmstead Plan will lead to fewer choices and diminished respect for individuals who choose not to fully integrate into community-based settings. Many individuals with disabilities in this state value living and working alongside other individuals with disabilities in settings such as group homes and sheltered workshops."


Background:

In 1999 the state of Georgia was sued for unnecessarily institutionalizing people with intellectual disabilities (Olmstead v. L.C.). The court ruled that the Americans with Disabilities Act requires states to provide services to people with disabilities in the "most integrated settings" appropriate for their needs.

In December 2011, the Minnesota Department of Human Services entered into a settlement that required the development of a Minnesota Olmstead Plan. The Minnesota Plan went through numerous revisions, with approval of the revised plan occurring on September 29, 2015.

"The Court emphasizes that the Olmstead decision is not about forcing integration upon individuals who choose otherwise or who would not be appropriately served in community settings."

In addition the Court stressed the importance of individual choice:

"The State must continue to assess its goals and priorities to ensure that they align with the goals and priorities of individuals with disabilities.... To fully effectuate its worthy aims, the State and Olmstead Implementation Office must utilize the safeguards built into the revised Olmstead Plan to ensure that individual choices are honored and respected." 

Made in the shade! Run, walk and roll fundraiser

For the second year, Achieve participated in **Made in the Shade**, a non-competitive event to raise funds for non-profit agencies serving people with disabilities. Goals of the event are to:

- Provide education, health and wellness, social opportunities and advocacy for people with disabilities.
- Help people with disabilities get and keep jobs in the community.
- Help people with

disabilities find safe, affordable housing.

Achieve netted \$3,312 from the event with Team Donahoe taking top honors with \$680 raised.



Free resources available for employers hiring workers with disabilities

Looking for qualified, dedicated employees who display a positive attitude, show low turnover and have a demonstrated ability to adapt to various work changes and environments? Consider hiring workers with disabilities. This skilled pool of workers is largely untapped. According to a 2013 Bureau of Labor Statistics report, in 2013, the unemployment rate for persons with a disability was 13.2 percent as compared to 7.1 percent for those without a disability.

Hiring workers with disabilities makes sound sense. But employers may be hesitant to take the first step. The good news is you don't have to go it alone. There are numerous resources available – without cost – to help with each step of recruitment, hiring and keeping qualified and effective employees with disabilities.

Here are a few:

Employer Assistance and Resource Network

(EARN) provides resources to help employers recruit, hire, retain and advance individuals with disabilities. The confidential service, though the U.S. Department of Labor's Office of Disability Employment Policy, is offered free to employers seeking to connect with qualified workers with disabilities. Website: askearn.org

Workforce Recruitment Program

(WRP) is a recruitment and referral program that connects employers with highly motivated college students and recent graduates with disabilities who are eager to prove their abilities in the workplace through summer or permanent jobs. Each year, WRP recruiters personally interview about 1,500 students and compile a database of their qualifications that is available to these agencies, as well as private employers, at no cost. Website: wrp.gov

Minnesota Department of Employment and Economic Development

contains information on finding qualified workers, reducing turnover, hiring incentives and tax credits. Also offers the option of working with a disability

employment specialist to help you streamline the process of finding, recruiting and hiring workers with disabilities. Website: mn.gov/deed

Disability Employment 101

is a publication that addresses how to find qualified workers with disabilities and highlights what various businesses have done to successfully integrate individuals with disabilities into the workforce. Jointly developed by the U.S. Department of Education and the U.S. Chamber of Commerce, it provides information about VR agencies and Disability and Business Technical Assistance Centers (DBTACs), as well as checklists and other resources to aid employers as they prepare to employ people with disabilities. Website: www2.ed.gov/about/offices/list/osers/products/employmentguide/index.html

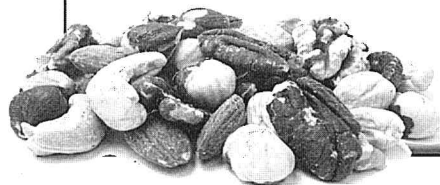
Day training and habilitation programs, like Achieve Services provide a quality pool of workers, as well as assistance with hiring, training job coaching and retention. Give us a call today to see how we can help find the resources to benefit you. 763-780-4909, or visit our website at: www.achieveservices.org 

RESERVE YOUR HOLIDAY NUTS

Assorted varieties packaged by Achieve participants just for you!

\$10 - whole cashews, almonds,
deluxe mixed nuts and pistachios
\$5 - country trail mix with chocolate

On sale for the holidays
beginning November 16
(763) 783-4909
www.achieveservices.org



Weaver featured on Health Connections Radio

Achieve CEO Tom Weaver was recently featured on AM 950 Health Connections Radio in a roundtable discussion about workers with disabilities. Four other leaders from local organizations joined Weaver in the discussion. They included: Michael Kraines, executive director at Choice, Inc., Lynn Megan, CEO at TSE, Inc., Mark Skaug, program director at Partnership Resources, Inc. and Terri Bauernfeind, program director, Partnership Resources, Inc.

The hour-long program explored various issues affecting employment and other opportunities for people with disabilities.

Weaver spoke about the importance of balance and meeting the needs of people of all abilities, particularly those with high needs, which Achieve has a history of serving. "Jobs in the community aren't necessarily appropriate for everybody," he said. "People with very high needs provide challenges that make it tough for them to work in the community, so we bring the work to our own shop."


While work is an important aspect of program aspect of Achieve, Weaver stressed that it is not the only service provided. "We provide a variety of services and one of those is employment," he said. "We also have people in the community volunteering, delivering Meals on Wheels. They may go fishing or do other things to increase their engagement in the community."

He also spoke about community support for programs like Achieve. "Our region is blessed with a lot of supportive employers. There are a lot of good business reasons to hire people with disabilities," he said.

Weaver spoke about meeting the needs of each individual in a way that is desired by them. "People with disabilities are like the rest of the population. One size does not fit all. Different forms and levels of engagement are appropriate for different people. We have to avoid putting everyone in the same box," he said.

Weaver said this is an unprecedented era of change for programs like Achieve saying Minnesota's Olmstead Plan places a lot of emphasis on opportunities for people with disabilities to be employed in the community. "I'm concerned this could eliminate some non-work opportunities for people with disabilities," he said. "The original Olmstead plan in Georgia clearly

recognized that community employment is no appropriate for everyone. Our concern is that as the Minnesota plan goes forward there are some realistic options for people who do not want or are not able to be employed in the community.

Weaver spoke of the importance of giving people with disabilities options and the ability to control their own services. "The government tends to step in and think it should decide what's best for people with disabilities," he said. "It's important to honor the choices of people with disabilities. You aren't doing anyone a service if you are taking opportunities away from them." 

Achieve Clean - Expanding and growing

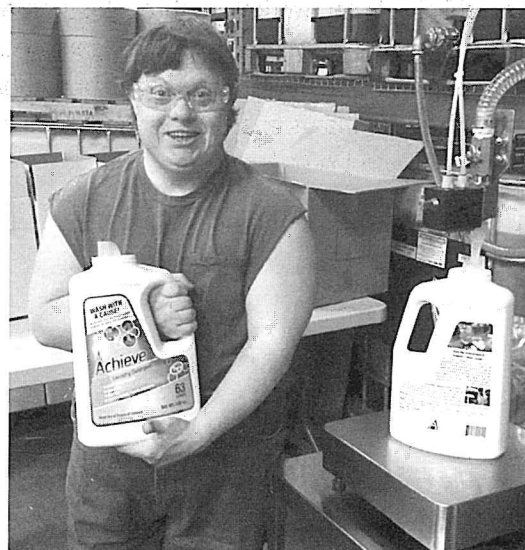
You asked and we listened! There are some exciting changes coming for Achieve Clean laundry detergent. We are testing a new, concentrated formula, which will allow for a smaller bottle but the same amount of loads in each bottle. Watch for the smaller bottles coming soon.

"We outgrew our space in Albertville," said Alex Carlson, business development specialist. "So we are in the process of transitioning to a new storefront in Fridley. The location will double as a production facility as well as a storefront for the sales of Achieve Clean and other Achieve products. It will also give customers the opportunity to come and refill their bottles."

In addition, Achieve Clean is for sale in four Coborn's stores – Ramsey, Big Lake, Elk River and Albertville as well as Arc's

Value Village in Richfield, Bloomington, Brooklyn Center, New Hope and St. Paul. Get your bottle today! For all the latest information, follow Achieve Clean on Facebook or check out our website at www.achieveclean.org.

Wash with a cause! 

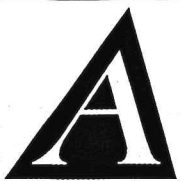


Achieve Services, Inc.
Human Service Center of Anoka County
1201 89th Avenue NE, Suite 105
Blaine, Minnesota 55434
phone (763) 783-4909
fax (763) 783-4725
www.achieveservices.org

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The Achiever is published quarterly by Achieve Services, Incorporated, a private, non-profit day training and habilitation service which provides work and other opportunities for people with developmental disabilities.

Writing and design by Jill Pertler

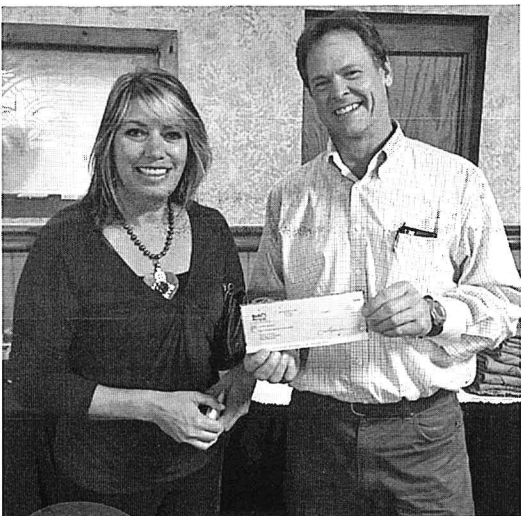
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Get on Board

Achieve FUNdraiser

Achieve recently held its annual fall fund-raiser at Blaine Entertainment Center. The Brookhall room was packed and fun was had by everyone in attendance.



During the event, Sheri Jondahl from Bell Mortgage presented Achieve CEO Tom Weaver with a check for \$1,000 in support of Achieve's program and services. In addition, Pete Schlichtmann, Achieve Employment Specialist, was recognized for his dedication and years of service.

More than \$4,400 was earned at the event, making the night a financial success.

"This event is always a lot of fun," said Achieve Director, Carol Donahoe. "It's a casual atmosphere and all attendees enjoy the games, music, auction and food. And it's all for a great cause!"





Anoka County Historical Society

November 9, 2015

SERVING:

Dear Friends,

Andover

As a friend and supporter of the Anoka County Historical Society, I don't need to tell you about the importance of local history in defining and shaping our community. From the mills on the Rum River in the mid-nineteenth century to the booming population growth we see today in former farm fields, Anoka County is defined by its heritage. Throughout this rich history, Anoka County has always come together to help its neighbors.

Anoka

Bethel

Blaine

It is in this spirit of Anoka County's willingness to come together that I ask for your support with two projects ACHS is undertaking. The first is a major remodel of the exhibition space to explore the concept of suburbanization. This research will culminate in rotating stories on a variety of broad topics including immunization, housing, schools, and agriculture, while also featuring groups like 4H, Scouts, and the Legion in order to tell those stories. Personal and business profiles will also add dimension to this work, creating material for our website, traveling displays, education boxes for the schools, and booklet publications. By rotating new stories every few months for the next few years, the exhibit hall will remain fresh and the ancillary work will accumulate into an invaluable resource for our community both online and in print.

Centerville

Circle Pines

Columbia Heights

Columbus

This is a large project and to accomplish our vision, we will work in phases. Beginning with research and writing, interviews, and document collection, the ACHS will work topic by topic to produce materials for use by individuals, groups, schools, and the generally curious. These costs will include staff time as well as reproduction costs, frames, easels, and other hardware. We are looking to raise \$4,500 toward this worthy project and are asking for your help to accomplish this:

Coon Rapids

East Bethel

Fridley

- A donation of \$75 will pay for the materials for one easel for the traveling exhibit
- A donation of \$100 provides funds for one education box
- A donation of \$250 will pay for the creation of one new booklet for sale

Ham Lake

Hilltop

Our second initiative revolves around bringing the history and hijinks of Prohibition to Anoka County. Since we went dry before many other counties, the 100th anniversary is upon us. By using this as an outreach opportunity to bring history to residents where they are, the ACHS intends to create a speakeasy template. This event template will be available to proprietors of all bars, Legions, restaurants, or similar establishments to host a fun and informative evening with costumed guests and even a possible visit from a "copper" to shut down the "mob activities."

Lexington

Lino Lakes

Linwood

Your year-end, tax-deductible donation to fund these needs will dramatically improve our ability to share the County's rich history with the public. No donation is too small and all donations will help ensure the Historical Society's continued success. We have enclosed a return envelope for your convenience and I thank you for your consideration. All of us at the Anoka County Historical Society wish you and your family the happiest of holidays and hope you will join us in celebrating over 150 years of Anoka County history!

Nowthen

Oak Grove

Ramsey

Warmest regards,

St. Francis

Rebecca Ebnet-Mavencamp

Spring Lake Park



Anoka County

HUMAN SERVICES DIVISION

Community Health & Environmental Services

Environmental
Services

November 30, 2015

City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, MN 55432

Dear Daniel Buchholtz:

Anoka County Environmental Services has licensed temporary food events for over 30 years. We inspect over ninety percent of events where temporary food licenses are issued. In the past, we issued licenses to non-profits and some municipalities with nominal or no fees charged. It is an expensive process to collect information from vendors, travel to the location and conduct inspections.

In order to reduce our costs and still provide this service, we have made changes to the manner in which we will license and charge fees for these events.

For non-profit entities having fundraising events with many food vendors, we have established the following criteria:

If the sponsor of the event distributes and collects completed license applications from all food vendors and returns them to Environmental Services at least one month prior to the event, the following fee schedule will apply:

\$60 for up to 10 vendors
\$80 for up to 20 vendors
\$2.50 for each additional over 20

If additional vendors are added after the one month deadline, an additional fee of \$20 per vendor will apply.

For municipalities sponsoring a "taste of" event, individual vendors will need to obtain their own license with the fee applicable to their individual operation. We will no longer issue a license covering all vendors to the sponsoring municipality.

If you have any questions, please contact me at 763 422-7068.

Sincerely,

Spencer J. Pierce, REHS
Manager, Environmental Services

Prevent. Promote. Protect.

Government Center ▲ 2100 Third Avenue, Suite 360 ▲ Anoka, MN 55303-5041 ▲ www.anokacounty.us
763-422-7063 ▲ FAX: 763-323-6150

Affirmative Action / Equal Opportunity Employer

Anoka County Public Safety Data System October 2015 Update

The Anoka County Joint Law Enforcement Council (JLEC), in partnership with the Anoka County Fire Protection Council (ACFPC), continues work to update the public safety records and information systems serving all law enforcement and fire agencies in Anoka County, as well as the Anoka County Jail and Central Communications; this system is commonly referred to as the Anoka County Public Safety Data System (PSDS).



This update is being provided to inform elected officials and other interested parties of the current status of the project and remaining steps to completion. The vision of the project is to create a public safety data system which enhances public safety by improving data sharing across agency boundaries, and disciplines, and at the same time achieves the financial and operational efficiencies made available through a shared, county-wide system.

Representatives from the Joint Law Enforcement Council and the Fire Protection Council, which includes elected officials from around Anoka County, make up the Governance Committee, a committee which directs the implementation and management of the Anoka County Public Safety Data System.

Components and Nature of the Public Safety Data System:

Through a needs-analysis and a vendor selection process, our main contractor was identified as TriTech Software Systems. TriTech supplies the software for County-wide dispatching (CAD) along with software for mobile data to officers, deputies, fire fighters and other mobile users in the field. They also supply the software for law enforcement records, from field users to records staff for all law enforcement agencies in Anoka County. As our primary vendor and contractor, TriTech is responsible for ensuring implementation and integration of other PSDS components: fire records (FDM company); jail records (PCI); crime-analysis tool which also has capabilities to share certain data with the public (BAIR); and an incident (emergency) management program (Rhodium). All of the hardware, along with support-costs and system management, are owned and supported by all member agencies.

Current Project Status:

Implementation for a project of this magnitude is multi-faceted and must be conducted in a concerted manner. Components are expected to interact and communicate with other components of the system. CAD and mobile has been implemented and has been live since December of 2014.



Data gathered from CAD and mobile users will be inputted into the records portion of either the law enforcement records program or the fire records program. The TriTech law enforcement data gathering program (Field Based Reporting—FBR) and records management system (RMS) are set to go live next month. Other Public Safety Data System programs are in various stages of implementation (FDM, PCI, Rhodium, and BAIR).



What happens next?

- Complete implementation and integration of all components of the Public Safety Data System;
- Ensure all components of the Public Safety Data System are functioning as expected;
- Review resource allocation and management structure, along with Governance processes, so as to properly manage and maintain the system and its data;
- Work with users and vendors to identify areas of improvement and to maximize the full potential of the system;
- Have long-term plans in place for: equipment and capital replacement; support for unexpected events (reserves); and, create policies and guidelines which reflect the goals of the system along with protecting the integrity of the system, the system data and the member agencies.

Questions or Comments?

Chris Olson
Blaine Police Chief/
Governance Committee Chair
COlson@ci.blaine.mn.us
763-785-6196

George Jensen
Anoka County Public Safety Data System/Manager
george.jensen@fridley.mn.gov
763-203-1738

Jerry Streich
Andover Fire Chief/
Governance Committee Member
j.streich@andovermn.gov
763-767-5129



505 Nicollet Mall
P.O. Bo 59038
Minneapolis, MN 55459-0038

November 9, 2015

To whom it may concern:

I am writing to inform you that Administrative Law Judge Eric L. Lipman is holding five public hearings on CenterPoint Energy's rate increase proposal. For more on the public hearings, please see the enclosed copy of our Notice of Public Hearings for CenterPoint Energy Minnesota Customers.

Please contact me if you have any questions or would like additional information about the filing. Additional information about our Rate Case is available at our website at CenterPointEnergy.com/RateCase.

Sincerely,

A handwritten signature in cursive script that reads "Christe Singleton".

Christe Singleton
District Director
612-214-6883

Enc.
Notice of Public Hearings for CenterPoint Energy Minnesota Customers

RATE INCREASE NOTICE

NOTICE OF PUBLIC HEARINGS FOR CENTERPOINT ENERGY MINNESOTA CUSTOMERS

CenterPoint Energy has asked the Minnesota Public Utilities Commission (MPUC) to increase its rates for natural gas distribution service. The requested increase is for \$54.1 million, or about 6.4 percent per year. The requested increase would add about \$5.15 to a typical residential customer's monthly bill.

CenterPoint Energy requested the rate changes described in this notice. The MPUC may either grant or deny the requested changes, in whole or in part, and may grant a lesser or greater increase than that requested for any class or classes of service.

The MPUC will likely make its decision on our rate request in the summer of 2016. If final rates are lower than interim rates, we will refund customers the difference with interest. If final rates are higher than interim rates, we will not charge customers the difference.

PUBLIC HEARINGS

Administrative Law Judge Eric L. Lipman is holding five public hearings on the company's proposal. Any CenterPoint Energy customer or other person may attend or provide comments at the hearings. You are invited to comment on the adequacy and quality of CenterPoint Energy's service, the level of rates or other related matters. You do not need to be represented by an attorney to provide comments during the public hearings.

Date	Time	Locations
Tuesday Dec. 1	1:00 p.m.	Civic Center, Mankato Room 1 Civic Center Plaza, Mankato, MN 56001
Tuesday Dec. 1	7:00 p.m.	Normandale Community College Kopp Student Center – Room K1450 9700 France Ave. S., Bloomington, MN 55431
Wednesday Dec. 2	1:00 p.m.	Earle Brown Conference Center Morgan Room – Lower Level 6155 Earle Brown Dr., Brooklyn Center, MN 55430
Wednesday Dec. 2	6:00 p.m.	Sabathani Community Center, 3rd floor, Room J 310 E. 38th St., Minneapolis, MN 55409
Thursday Dec. 3	7:00 p.m.	Central Lakes Community College, Room E203 501 W. College Dr., Brainerd, MN 56401

Bad weather? Find out if a meeting is canceled – call (toll-free) 1-855-731-6208 or 651-201-2213 or visit mn.gov/puc



SUBMIT WRITTEN COMMENTS

Comment Period Comments accepted through Jan. 22, 2016 at 4:30 p.m.

Comments must be received by 4:30pm on the close date

Comments received after comment period closes may not be considered

Online Visit mn.gov/puc, select *Speak Up!*, find this Docket (15-424), and add your comments to the discussion.

If you wish to include an exhibit or other attachment, please send your comments via U.S. Mail.

U.S. Mail Minnesota Public Utilities Commission
121 7th Place East, Ste. 350, St. Paul, MN 55101

Written comments are most effective when the following items are included:

1. The Docket Numbers in the subject line or heading
 - MPUC Docket Number G-008/GR-15-424
 - OAH Docket Number 1-8-2500-32829

2. Your name and connection to the Docket

3. The specific issues that concern you

4. Any knowledge you have about the issues

5. Your specific recommendation

6. The reason for your recommendation.

Important: Comments will be made available to the public on the MPUC's website, except in limited circumstances consistent with the Minnesota Government Data Practices Act. The MPUC does not edit or delete personally identifying information from submissions.

The chart below shows the effect of both the interim and proposed rate changes on monthly bills for residential, commercial and industrial customers with average natural gas use:

Customer Type (usage in therms)	Avg monthly usage in therms	Avg monthly bill: current	Avg monthly bill: interim	Avg monthly bill: proposed
Residential	76	\$56	\$59	\$61
Commercial/Industrial				
- up to 1,500/year	64	\$52	\$55	\$61
- 1,500 to 5,000/year	247	\$161	\$170	\$172
- 5,000 or more/year	1,254	\$756	\$799	\$756
Small Volume Dual Fuel Sales Service				
- up to 120,000/year	3,707	\$1,810	\$1,912	\$1,813
- 120,000 or more/year	12,675	\$6,006	\$6,345	\$6,019
Large Volume Dual Fuel Sales Service				
	42,761	\$17,570	\$18,563	\$17,725

**Figures above are rounded (to the nearest whole number)*

EVIDENTIARY HEARINGS

Formal evidentiary hearings on CenterPoint Energy's proposal start on Jan. 19, 2016, at the MPUC's offices at 121 7th Place East, St. Paul. The purpose of the evidentiary hearings is to allow CenterPoint Energy, the Minnesota Department of Commerce – Division of Energy Resources, the Minnesota Office of Attorney General – Residential Utilities and Antitrust Division and others to present testimony and to cross-examine each other's witnesses on the proposed rate increase.

If you wish to formally intervene in this case, as a party to the litigation, please contact Administrative Law Judge Eric L. Lipman, P.O. Box 64620, St. Paul, Minnesota, 55164-0620.

HOW TO LEARN MORE

CenterPoint Energy's current and proposed rate schedules are available at:

CenterPoint Energy
505 Nicollet Mall, Minneapolis MN 55402
Phone 612-372-4727 or 1-800-245-2377
Web <http://www.CenterPointEnergy.com/RateCase>

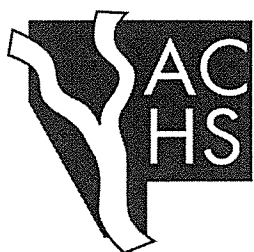
Minnesota Department of Commerce
85 7th Place East, Suite 500, St. Paul, MN 55101
Phone: 651-539-1534

Web: <https://www.edockets.state.mn.us/EFiling/search.jsp>
Select 15 in the year field, type 424 in the number field, select *Search*, and the list of documents will appear on the next page.

Questions about the Minnesota Public Utilities Commission's review process?

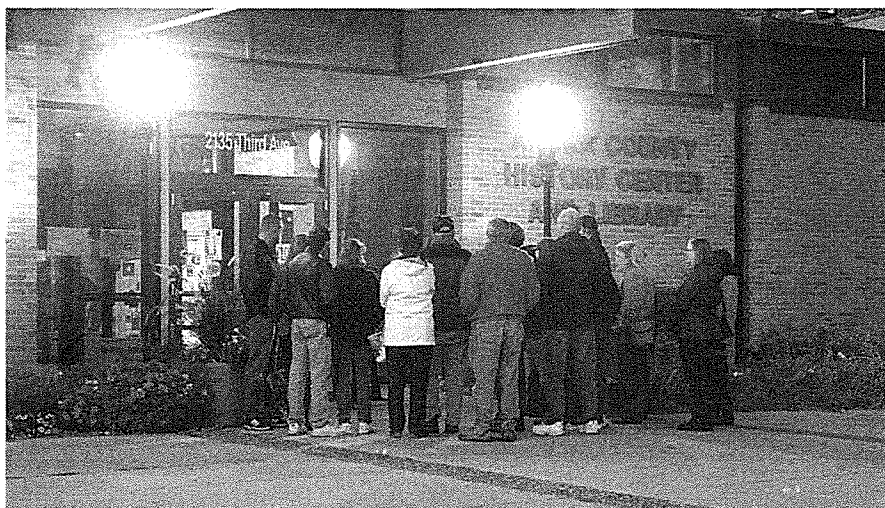
Minnesota Public Utilities Commission
121 7th Place East, Suite 350, St. Paul, MN 55101
Phone: 651-296-0406 or 1-800-657-3782
Email: consumer.puc@state.mn.us

Citizens with hearing or speech disabilities may call through their preferred Telecommunications Relay Service.



SERVING:

Andover
Anoka
Bethel
Blaine
Centerville
Circle Pines
Columbia Heights
Columbus
Coon Rapids
East Bethel
Fridley
Ham Lake
Hilltop
Lexington
Lino Lakes
Linwood
Nowthen
Oak Grove
Ramsey
St. Francis
Spring Lake Park



The Year in Review

As we publish this last newsletter of 2015, we'd like to peek behind us, highlight our current endeavors, and gaze into future possibilities. Bear with us; this will be a fun ride.

The year began with Executive Director Todd Mahon accepting a new position at the Minnesota Historical Society and the ACHS Board of Directors voting to hire Rebecca Ebnet-Mavencamp in his stead. Through these months, staff began planning the Heritage Home and Garden Tour, held programs at Anoka County libraries, and maintained business as usual for patrons using the library. Transitions in leadership bring a learning curve for all involved, but with a busy summer of events and deadlines, the ACHS adapted and moved on in short order.

Appearances at the County Fair, Nowthen Threshing Show, Linwood Family Fest, Anoka Car Show, Riverfest, and Rice Creek Arts Festival gave us the chance to meet new people, volunteers, and partners. One of these new partners, North Metro Mayors Association, provided many opportunities in networking, who notified us of events like the dedication of the Curling Club in Blaine as an Olympic training facility or various meet and greet nights. Faithful partner organizations including the Chamber of Commerce and Rotaries, the VFW and Legions, brought us in to provide programming and activity updates. A tour of City Councils and other public entities, as well as a unification of nonprofit groups in the County, furthered the ability of ACHS to connect with the stories we must tell.

And speaking of stories...were you in Fridley on October 30? Rebecca joined other speakers on the TED Talk carpet, a bright red circle you can find all over the

internet, that night to admit she would let her diaries burn. She said that as important as saving nitty gritty details can be, we can't save it all and what we do save should tell the story of us as clearly as possible. Couldn't make it? The recording will be available online soon.

So much of what ACHS does is related to storytelling. Whether it's helping authors like Johannes Allert, June Anderson, and Mel Aanerud research and promote their newest publications, or supporting the Genealogical Society's work on Tuesday mornings as they sift through records looking for requested information, we make the collection publicly accessible. Sometimes this comes in the form of a new book, like our recently published *Anoka Halloween Collectibles* that compiles pictures and dates all in one place. Sometimes it's digitization efforts through the Minnesota Digital Library (find our collection at reflections.mndigital.org). Sometimes it's the creation of a program detailing a town's history or the expansion of a popular program like the State Hospital, or maybe just a fresh delivery of an old favorite like Rum Runners or Logging.

Of course, the time commitment for staff to create quality, new programming and events runs high and we have an obligation to get the most "bang for our buck" out of each minute. That's where some of the future talk comes into play—our exhibit plans for interpreting the suburbanization of Anoka County.

We're highly fortunate to have one of the early leading documents discussing this concept, prepared for us in *The Story of the Suburbs in Anoka and Hennepin Counties* by Jodi Larson, Kyle Engelking and Karen Majewicz. The information contained in this report, combined with general documentation and research on the likes of Orrin Thompson who built acres and acres of

*History Center News is published
by the Anoka County Historical Society
six times yearly as a member benefit.*

Anoka County History Center & Library

2135 Third Avenue North
Anoka, MN 55303

(763) 421-0600

Fax (763) 323-0218

E-mail: achs@ac-hs.org

AnokaCountyHistory.org

History Center Hours

Tuesday, 10 a.m. - 8 p.m.

Wednesday-Friday, 10 a.m. - 5 p.m.

Saturday, 10 a.m. - 4 p.m.

Board of Directors

District 1: Al Pearson

District 2: Bill Nelson

District 3: Orville Lindquist

District 4: Lotus Hubbard

District 5: Kate Morphew

District 6: Mary Capra

District 7: Bart Ward

At-Large A: Lori Yager (Treasurer)

At-Large B: Dennis Berg

At-Large C: Tom Ward

At-Large D: Dick Lang

At-Large E: Bill Erhart (President)

At-Large F: Paul Pierce (Secretary)

At-Large G: Catherine Vesley

At-Large H: Harvey Greenberg
(Vice President)

County Commissioner Liaison:
Jim Kordiak

Staff

Rebecca Ebnet Mavencamp
(Executive Director)

Vickie Wendel (Program Manager)

Sara Given (Volunteer Coordinator)

Audra Hilse (Archivist &
Administrator)

Gail Dahl (Office Staff)

Carol Dordan (Office Staff)

Don Johnson (Office Staff)

*The Anoka County Historical Society is
a 501(c)(3) nonprofit organization.
Contributions to ACHS are
tax-deductible within the allowable
limits of the law.*

From the President...

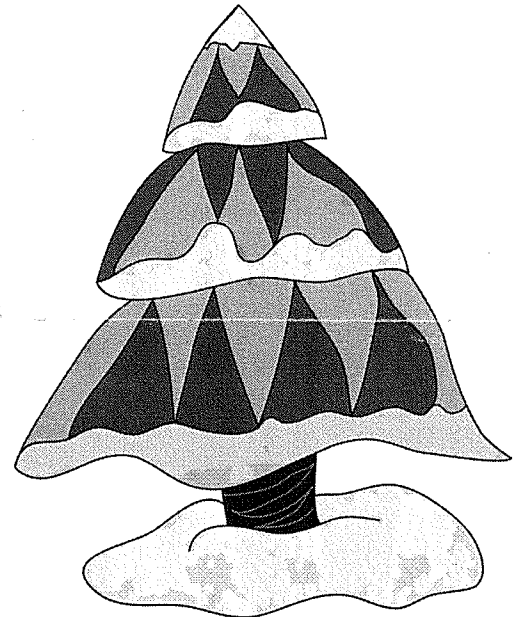
By William Erhart

Another year is about to go into the history books, while 2016 is fast approaching.

In looking back, the Anoka County Historical Society was faced with a number of challenges, most important was Todd Mahon, the Executive Director, accepting a position with the State Historical Society. Prompt action was required by the Board to fill his position. The organization was lucky, and able to select from a host of well-qualified candidates, Rebecca Ebnet-Mavencamp. Even with the change in the Executive Director, a smooth transition occurred, and the organization was successful in completing ambitious programs that the organization is known for. One of the events included honoring Natalie Haas Steffen, one of Anoka County's first female County Commissioners. Not only was this a great opportunity to honor a worthy individual, but also showed how one person can make a big difference. Hopefully this event, as well as the work of documenting her life, can be a guide and inspire others who want to follow.

Each new generation needs leaders who hopefully have an appreciation of looking back and using the wisdom learned to look forward and make the tough decisions. One of the organization's goals is to preserve history and provide useful information to put the past into a broad context to enhance those who use this information in making better decisions.

Looking forward, our organization is blessed with several opportunities that could enhance ACHS and its goals. In reviewing these possibilities, both the staff and directors have been carefully looking in the past for purposes of improving the outcome of any future endeavors.



From the Director...

By Rebecca Ebnet Mavencamp

We speak often about telling your story—heck, I just did a whole TEDX talk on the subject. But what does that mean for your family this holiday season? Regardless of how you celebrate, when you celebrate, or with whom you celebrate, I'm sure the next few months will have a gathering or two on the calendar.

We have a favor to ask of you during this time.

The ACHS strives for inclusion, but the realization of that goal is only as good as the stories we receive. We know untold tales live along the edges of the county, or that our immigrant population doesn't have much real estate in our exhibit hall. We understand that the languages spoken at home aren't reflected in our library or archives. We can only preserve the stories that come to us, however.

During the next couple of months, as you and those you know gather together, jot down some notes of those traditions. Copy the special recipes and make an extra print of the group picture you mail out. Think about how you can contribute to the gaps in our database and collection, or who you know that could. Then bring them to ACHS for us to see!

There are thousands of voices in Anoka County with more experiences than we could ever tell. But with your help reaching out to residents who aren't members and new residents who don't know we exist, we can certainly try to make a dent in that void.

Thank you for being on our team and making the ACHS a top-notch organization!

new housing in the 1950s and 60s, will provide the basic structure on which to hang a number of additional conversations over the next several years.

It's from these additional topics we will develop an enormous amount of product. Consider how suburbanization impacted energy use, wildlife, immunizations, agriculture, work life, transportation, schools, and clubs like 4-H—if each of these topics received an intensive study by one staff member, that single body of research could not only create an exhibit in the museum, but also an education box for teachers to use in the classroom, a published booklet, an oral program, website content, digitized records to increase public access, oral histories, and youth activities. Over the course of time, the material could come together in an online encyclopedia or coffee table book, while exhibit pieces get downsized and made into a travelling display available for city halls, community centers, libraries, or other public places interested in hosting them.

And the interest is there. If we had any doubt regarding the enthusiasm of area students in history, they were laid to rest in one fell swoop on the first day of the new History Club. Boring title, lots of fun, trust us. The teachers in question volunteered their time to bring 10 students to the museum after school for an hour long program of something different each month—how to use the library, how to identify a photo, how to find your house on a map etc. The Amazing Lisa (cape included, I do believe) called rather sheepishly a week prior to the event saying her numbers had risen to 30. We said no sweat. We changed a few things. Lisa came back. This time in person, she looked a bit paler. Clearing her throat, she announced she had *capped the activity at 75*. Recovering from our shock, we revamped the program and introduced everyone to turnips, the back storage area, and how we do our jobs. This month, we tackled archeology.

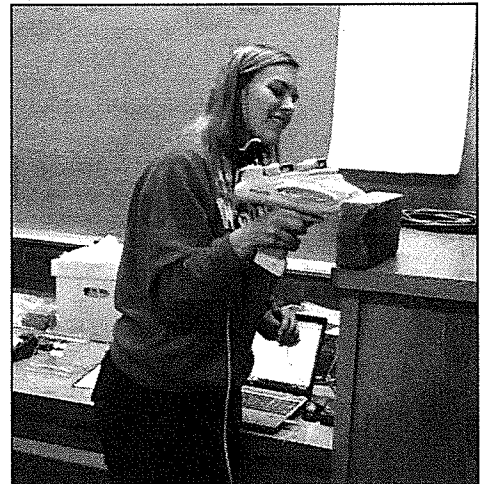
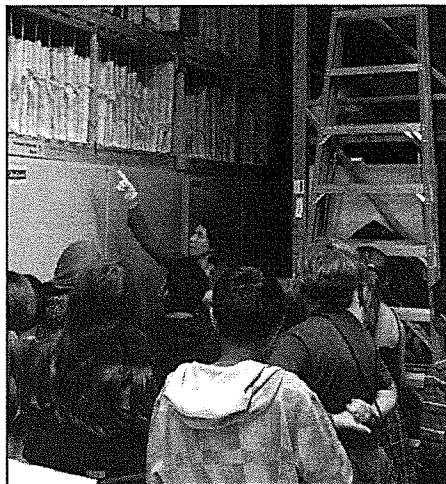
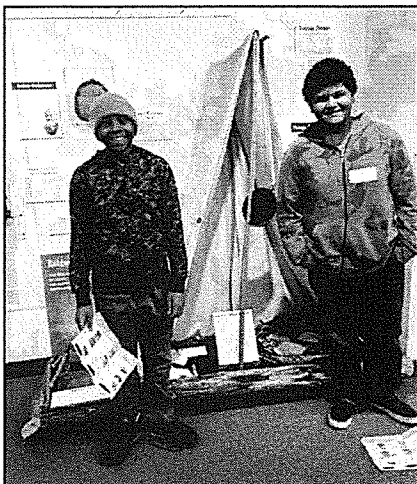
It's always neat to look at the bones and arrowheads we have in the collection, but even more so now. We had the opportunity this year to partner with Ramsey County, Scott County, and Dakota County on a Legacy grant that hired an archeologist to produce a number of reports, conduct scientific analysis, and outreach programming. Jeremy Nienow has proved a tremendous asset to the ACHS in these areas, as well as most recently helping produce our newest QCTV episode and procuring an appearance by State Archeologist Scott Anfinson. One portion of the science used XRF technology, a “non-destructive analytical technique used to

determine the elemental composition of materials” to essentially gather a profile of the Kelsey bricks, compare it to clay collected in the field, and match it to a database to see where other Kelsey bricks may have ended up. Other tests will analyze organic remains on potsherds and other artifacts to help tell a broader story about their origins and use.

Our grant opportunities don't stop there, however. Two other grants have carried us through this year as we investigated the feasibility of shared “back office” services and also plotted an interpretive audio tour along existing bike trails that mimic the Ox Cart Trail route. During this work, we have determined that some services may likely be cost shared while others are simply too cumbersome for multiple organizations to undertake, or provide no cost benefit to the participants. We have also learned about travel routes through the County, as the Ox Cart Trail shifted into military roads, railroads, and highways, as well as the Métis who traversed them so successfully during the fur trade years. Again, connections abound, as from that information sprung a series of articles for the *Quad Cities Press* featuring Father Goiffon, who travelled the same routes, often in the company of the Métis, stopping for a time to serve at St. Genevieve's church in Centerville.

Our public outreach and communication activities have also sprouted some new legs. Building on the success of this history column in the *Anoka County UnionHerald*, we have added a similar piece in the *Quad Cities Press*, and most recently the *Citizen*. We continue to produce episodes of *It's Your History* in conjunction with QCTV and smaller pieces with North Metro TV, but also appeared on a segment of Comcast Newsmakers and in several news articles in the *StarTribune*. We plan to add another newsletter to our mailing, helping to keep our supporters up-to-date on the status of current and future projects as 2016 begins to take shape.

Efforts to evaluate our role, innovate our methods, and ultimately better serve the Anoka County community are under way as you read this. The term “strategic planning” carries with it an ominous and cumbersome aura. While it's a process we must go through to better see the opportunities waiting for us, we'd much prefer to think of it simply as focusing our efforts intentionally, using our values, vision, and mission, to use each resource we have as effectively as we can. Thank you for being with us on the journey!



Left and middle: 6th graders at ACHS for History Club.

Right: Intern Molly scanning a brick from the collection

Collections Corner

By Audra Hilse, ACHS Archivist & Administrator

It goes without saying that people bring us interesting things as artifact donations. As often as possible, we try and get the story that goes with the interesting artifacts, in order to make them even more engaging. Sometimes, though, the full story of an object is not known to anyone still living, and the most that we can get is tantalizing hints.

The doll pictured, right, falls into the latter category. It was brought to us recently as part of a collection of things found inside the walls of a house in the city of Anoka. The family who owns the house had remodeled in 1980, and found a number of interesting items which they fortunately kept, and lately brought to the Historical Society. Among other interesting items (including a shoe, a corn-cob pipe, and envelopes postmarked from the 1890s and early 1900s), was this little doll.

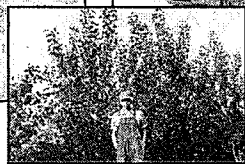
She is just 6 and ¾ inches high from the top of her head to the hem of her dress, and is obviously homemade. Her round head is stuffed, probably with rag pieces, and secured with string to form the neck. Her arms are made of fabric rolls that were stitched together. The dress is made of fabric that probably dates from the 1870 to 1880 – the combination of plain, plaid and stripes as the fabric pattern is unusual. Her apron has a little pocket on it. We estimate that the doll itself is probably c. 1900, but would have been made with fabric scraps leftover from other household projects, so it is not surprising to find that an older fabric was used to make it.

This is where the mystery begins, however, because we do not know anything else about her. Prior to the current family, the house was owned by someone in the Barstow family, but we do not know if that ownership goes back to the time period when these items would likely have been put into the walls. There is also the question of why the doll was put inside the wall in the first place – did the girl who owned (and likely made) it not want her anymore? We will keep digging, to see if we can find out who lived in the house at the time and what stories we can learn about them.

Even if we can't ever learn her full story, the doll is still an intriguing addition to the collections, giving us a glimpse into the life of a young girl in Anoka more than a hundred years ago.



Preserve your Blaine History



What part of Blaine's history is hiding in your basement? Perhaps there are photographs of a long-gone Blaine Business, the family home or community events. Perhaps there are documents produced by a local club, or the brochures given when moving into an Orrin Thompson home.

Discover your history and bring it to the Northtown library to get scanned with equipment provided by Minitex and the Minnesota Digital Library. Community scanning is offered in partnership with Minitex and the Anoka County Library. All materials digitized will then be added to the collections of the Anoka County Historical Society, the Anoka County Library, and the Minnesota Digital Library in order to better preserve the history of our community.

This service is free and open to the public, but scanning will be limited based on the time constraints of the day.

Where: Northtown Library
711 County Rd 10 NE,
Blaine, MN 55434
When: November 21
Time: 11 a.m.—4 p.m.

Volunteer World

By Sara Given, Volunteer Coordinator

October found the volunteers at the Anoka County Historical Society bustling. Volunteers organized collections, created finding aids for researchers, scanned photographs, and gave of their time and talents.

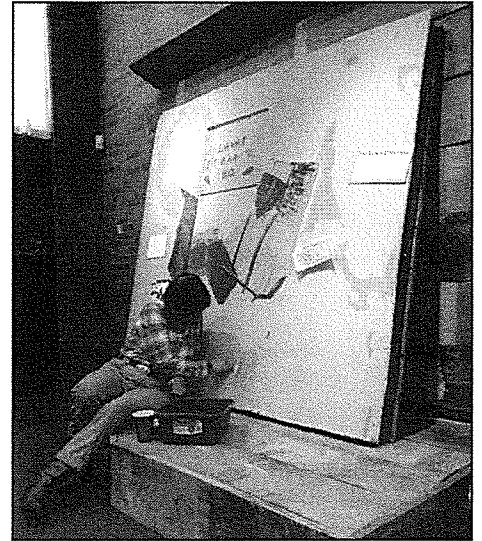
This past month, we received a new piece in our collection: an entire wall from Dan Laws' BBQ complete with painted mural. This wall is six feet tall and seven feet wide, and while we are excited to have it in our collection, we do not have experience caring for such a large piece of art. Board member, volunteer and artist, Catherine came in to lend her expertise. She cleaned the wall, and suggested preservation measures for the edges of the sheet rock to prevent further deterioration. With her advice and care, we can save and tell this piece of Anoka County History. Come and see it for yourself on display in our Exhibit Hall.

The volunteers that live and breathe history in this month of Halloween celebrations are ACHS's core of Ghost Tour Docents. These guides show up rain or shine, warm or cold weather ready to lead groups of 25 people around city of Anoka in our Ghosts of Anoka Walking Tours. While the tours begin in the summer months, the majority of tickets are sold for September and October with the final tour on Halloween night.

These volunteers are the face of ACHS and gave tours to over 1,400 people throughout the ghost tour season. They answered random questions about Anoka County History, listened to ghost stories, met people from all over the metro area and beyond who come to Anoka for the tour, and have fun.

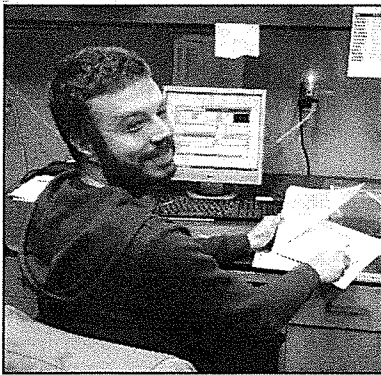
As the popularity of these tours continues to grow, we will work to update the tour with new stops and stories for next year. If you are interested in joining the ranks of Ghost Tour Guides we will host training days this spring, contact me at 763-421-0600 or email Sara@AnokaCountyHistory.org for more information.

I don't get to say this often enough, but a huge THANK YOU to all the volunteers who help ACHS preserve and tell the stories of local history—we are a better place because of you!



Board member and artist Catherine cleaning Dan Laws' BBQ mural.

Meet the Amazing ACHS Interns!

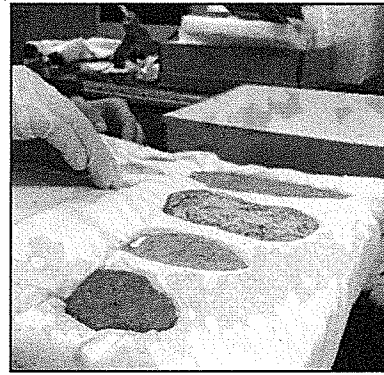


Zach: Greetings! My name is Zach, and I am an intern at ACHS. I've been working here since the beginning of September, and my primary task has been analyzing boxes of documents donated throughout the years by surrounding communities. I am pursuing a degree in Library Technology, but I feel that the skills learned in such a program work well

with the needs of the patrons of a historical society, as our focus is on technical aspects like indexing and archiving.

That's enough about me. I want to tell you briefly about my expectations and opinions of your community and my internship. It's worth noting that I am from Minneapolis, and had never visited Anoka County prior to my internship. When I discovered this opportunity, I was thrilled. While I had never been to Anoka before, I had certainly heard about it being the Halloween capital of the world. Halloween is my favorite holiday, so I was really excited to be up to my neck in unsorted plastic pumpkin pails and Garrison Keillor costumes. I quickly found that this wasn't the case at all. Instead, I've discovered a vast collection of letters, government documents, yearbooks, report cards, and personal effects that have revealed the deep and rich history of Anoka County. I recently discovered a short story about the settlement of the area that was just tucked away in a stack of documents from the 1800s.

I'm looking forward to making more amazing discoveries, and continuing to piece together the story of Anoka County.



Molly: I am a recent graduate of the University of Wisconsin where I earned a Bachelor's degree in Anthropology, with a certificate in Archaeology. In June 2015, I joined ACHS as an intern and my first task was to create a "Museum in a Box" activity based on immigration to Anoka County, Minnesota. This

box is available for rent by teachers across Anoka County as a hands-on learning activity for students, which serves to tie the immigrant data of the past to the immigrant data of the present, highlighting how the past can teach and guide the future.

Using my background in archaeology, I am currently creating an exhibit on the archaeology of Minnesota that will be installed in January and will showcase actual prehistoric artifacts from collections at ACHS. These artifacts will also be used in my second "Museum in a Box" program that will show their relevance to Anoka County, past and present. Drawing from my skills in curation, I have also photographed the prehistoric collection at ACHS and have built appropriate storage mounts for those artifacts. Other projects I have been involved in through ACHS include a weekend of living history at a local threshing show, a public presentation on archaeology, and a beginner's grant writing conference in St. Paul, Minnesota.

Contributions & New Members – Thank You

All lists are current to October 21, 2015

General Donations

Benevity Community Impact Fund
D.A.R., Anoka Chapter
Friends of Fridley Senior Program
June Anderson
Richard Bergling
Ed & Marg Faherty
Arthur Reese
Becky Loader & Michael Ritchie
Bart & Ellen Ward

Donations made at Natalie Haas Steffen Event

Dr. James Abeler
Blair & Betty Anderson
Dennis & Darlene Berg
Janet Cameron
Dennis & Debbie Christenson
Charlie Christopherson
David & Mary Dahlheimer
James & Pamela Deal
Carl Donahoe
Dan Erhart

Becky Fink
Marty Fisher
Gail Fitzgerald
Mark & Susan Freeburg
Roger, Katie & Laura Giroux
Tom & Dawn Heidemann
Susan Holden
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Lois McCarron
Ralph & Eileen McGinley
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Al & Betty Sannerud
Timothy & Susan Savarese
Anne Steffen
Natalie Steffen
Rick & Bonnie Thompson
Kurtis Ulrich
Mark & Debra Urista

Artifact Donors

Aitkin County Historical Society
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Danielle Barr
City of Ramsey
Rolf C. Gruber
Pauline James
Donald Johnson
Johnsville Elementary School
Lynne Rickert
Dave VenHuizen
Bart & Ellen Ward

New Members

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Elsie Johnson
Jim Kordiak
Steven Larson
Steve & Katie Lind
Donald Marier
Patricia Michna
Carolyn Oakes
Virgil Rose
Paul & Gretchen Sabel

ACHS Business Members

The BIG White House
Nowthen Historical Power Association

ACHS Business Sponsors



James "Jake" Collins
Senior Risk Management Consultant
651.900.1221 cell
651.457.4444 office
888.494.9593 toll free

1349 South Robert Street
Saint Paul, MN 55118
jake.collins@complynet.com

Become a Business Sponsor or Business Member with ACHS!

As a Business Member you receive membership benefits, a listing in our newsletter and website, an ACHS window cling to display, and free exhibit admission to all employees.

As a Business Sponsor you will receive all of the above plus a business card sized ad in our newsletter, an ad with a link on our web site, credit towards event sponsorships.

If you want more information or your business would like to become a member or sponsor with ACHS call, 763.421.0600, email Audra@AnokaCountyHistory.org or visit our website AnokaCountyHistory.org

Programs & Events

Book Talk and Signing

Images of America: Ham Lake by Mel Aanerud

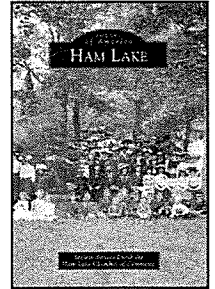
Tuesday November 17

5-7 p.m. book signing, 5:30 p.m. book talk

Location: Anoka History Center

Ham Lake is a perfect geographical township, six miles by six miles square as provided in the Northwest Territories Act of 1787. This book on the history of Ham Lake by Mel Aanerud follows the process of those lives as they farmed, built houses of worship, houses of learning and houses of commerce. It follows a few interesting characters, award winning businesses and some who had political prowess. Book signing held 5—7 p.m., book talk to be held at 5:30p.m. No registration required.

Cost: FREE



Library Program

The History of Blaine

November 21, 1 p.m. and 3 p.m.

Location: Northtown Library

711 County Rd 10 NE, Blaine, 55434

Join us for a program about the history of the city of Blaine. Many early pioneers in Anoka County settled in this area, and there are many fascinating stories about life in Blaine from the time before it was a city all the way up until the present. **This program will be presented twice: at 1pm and again at 3pm.** Programs are offered in partnership with Anoka County Library and are funded with money from Minnesota's Arts and Cultural Heritage fund.

We will also be pilot testing a new project, where community members are encouraged to bring materials important to them and their family history to be scanned with equipment provided by Minitex and the Minnesota Digital Library. Community scanning is offered in partnership with Minitex and the Anoka County Library. These programs are free but seating may be limited. See page 4 for more information.

Cost: FREE



Library Program

Quilt Facts, Folklore and FABRICation

December 12, 1 p.m.

Location: Northtown Library

711 County Rd 10 NE, Blaine, 55434

So many stories have been handed down, but they don't always hold up under a close look at history. Find out the real stories behind what we all thought we knew about the history of quilting. Actual quilt squares, small quilts, books and period patterns are available for attendees to see and compliment the many color photos of antique quilts in the program. The "warmth" and variety of this program is sure to delight even non-quilters.

No registration is required for this free program but seating may be limited. For more information call 763-717-3267. This program is offered in partnership with Anoka County Library and is funded with money from Minnesota's Arts and Cultural Heritage fund.

Cost: FREE



Library Program

Rum Runners and Temperance Tantrums

January 23, 1 p.m.

Location: Rum River Library

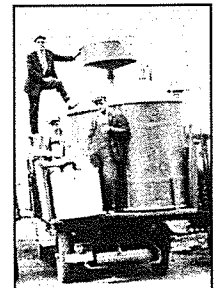
4201 6th Ave, Anoka, 55303

The 18th Amendment made it illegal to manufacture, sell, or transport intoxicating liquors and it took effect on January 17, 1920. However, the law did not eliminate the problem! The clash between those opposed to intoxicating beverages and those who wanted to imbibe was sometimes violent, sometimes comical or even just amazing. Bootleggers and rum runners thrived in Anoka County and Minnesota even before prohibition went nationwide in 1920. Why such a law was thought necessary, how was it enforced (or not) and the people it affected make for great stories.

No registration required for this free program but seating may be limited. For more information call 763-576-4695.

This program is offered in partnership with Anoka County Library and is funded with money from Minnesota's Arts and Cultural Heritage fund.

Cost: FREE



Anoka County Historical Society
2135 Third Avenue North
Anoka, MN 55303
(763) 421-0600

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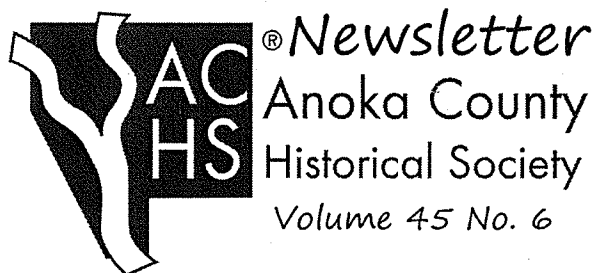
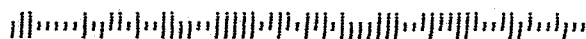
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MINNESOTA DEPARTMENT OF PUBLIC SAFETY



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www.dps.state.mn.us

November 17, 2015

Chief Doug Ebeltoft
Spring Lake Park Police Department
1301 – 81st Avenue NE
Spring Lake Park, MN 55432

Dear Chief Ebeltoft:

Thank you for the support and assistance you provided to the Minnesota State Patrol as we dealt with the closure of Interstate 94 in Minneapolis due to protesters who entered the freeway on November 16th.

The unannounced nature of the event required a great deal of coordination and cooperation without the advantage of pre-planning. However, the response from dozens of agencies, including yours, provided for the safe and effective outcome of a dangerous situation. Whether your personnel arrived on scene, assisted with the perimeter, or handled calls for us while we were obligated to this event, the assistance provided by your agency was obvious and of great value.

It is my belief that none of us will ever have the resources necessary to be effective on our own. Working together is a critical component of the State Patrol's mission and enhances our ability to provide the best service possible to the citizens of our state.

Thank you again for your willingness to assist regardless of jurisdictional boundaries.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Langer".

Colonel Matthew C. Langer
Chief
Minnesota State Patrol

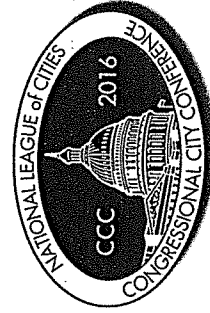
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North Metro TV

October 2015 Update

Program Production

In October, a total of **104 new programs** were produced utilizing the North Metro facilities, funds, and services. This constitutes **70:45:00 hours of new programming**.

- 44 programs were produced by the public
- 36 programs were produced by NMTV staff
- 24 programs were produced by City staff



Van Shoots

The van was used for **64:15:00 hours of production**. The following events were videotaped:

- Girls Tennis: Blaine vs. Andover
- Football: Andover vs. Blaine
- Volleyball: Blaine vs. Spring Lake Park
- Volleyball: Centennial vs. Blaine
- Football: Robbinsdale Cooper vs. Spring Lake Park
- Football: Lakeville South vs. Blaine
- Girls Soccer: 5AA Final: Centennial vs. Maple Grove
- Football: 5AAAAA F: Park Center vs. Spring Lake Park
- BL/SLP Youth Football: 3rd, 4th, and 5th Grade Championship Games
- Girls Soccer: State AA QF: Lakeville North vs. Blaine



Workshops

Workshop	Instructor	Organization	Students
MN Fire Hire Taping	Eric Houston	Video Club	7
Tips & Tricks Taping	Eric Houston	Video Club	2
NMTV Intro Class	Eric Houston	General Public	2
MN Fire Hire Taping	Eric Houston	Video Club	4
Basic Camera	Eric Houston	General Public	1
Emmy Nom Celebration/Taping	Eric Houston	Video Club	40
Tips & Tricks Taping	Eric Houston	Video Club	1
Tips & Tricks Taping	Eric Houston	Video Club	3
8 Workshops			60 Students

Production Highlights

Another Emmy!

Outreach Coordinator, Damian Kussian, won his third award at the Upper Midwest Regional Emmys, in October. He won the award in the Arts/Entertainment: Single Story category with his program Art-A-Whirl. Damian has been nominated four times for Emmy Awards, and has won three of those times. His other wins include a public service announcement entitled "I Believe in Public Access," and his Aviation Storytellers documentary.



Election Coverage

Danika Peterson and Ben Hayle wrapped up their election related coverage in October. They covered elections in two Cities and three school districts. Candidate biographies were requested and posted on northmetrotv.com in mid-September. Next, candidate spotlights were taped and three news stories were produced regarding the elections, including the Centennial School District Levy. Staff also taped and/or assisted in producing two Lino Lakes candidate forums.

Emmy Nomination Celebration

While the two public access Emmy nominated programs from North Metro didn't win the award, NMTV staff could not be more proud of our volunteer producers. As a congratulatory gesture, Studio Manager, Eric Houston organized an Emmy Nomination Celebration to recognize the amazing accomplishments of our volunteer producers. The two nominated programs were screened in Studio, and food and festivities ensued. It has been very inspirational for NMTV public access producers to see that work that they do, can be of a high enough quality to be considered for an Emmy Award.



Pictured to the right Brett Wong, of Centerville, is congratulated by fellow producers for his work on the "Learning to Fly" documentary.

NMTV @ the Movies

Eric Houston has started work on a new series for channel 14. It is called NMTV @ The Movies and will feature a public domain film, that has local publically produced video shorts inserted throughout. The breaks will include videos produced by Scouts during their tours, Tips & Tricks, original promos and clips created by NMTV producers promoting their own programs, public access promos, MN Fire Hire Video shorts, and other short videos that are hard to schedule on the channels due to their length. The intent is to draw people to the channel for the movie, and then introduce them to what NMTV is all about, through the locally produced material. It will also be an excellent way for students to practice editing, and create a finished product without a huge time investment.

NMTV Drone Popular

T.J. Tronson, NMTV's drone expert, continues to be popular in the North Metro. He has helped Anoka County obtain overhead video footage of a Highway 10 construction site, and shot aerials for the Chomonix Golf Course in Lino Lakes. The drone was also recently used to shoot aerial footage of Circle Pines for use in the City promo.

PR bits and pieces

- Many hours of shooting for the art series.
- Transferred and organized footage on new 12 TB hard drive.
- Shot aerials in Circle Pines for city promo.
- Won third Emmy Award.
- Helped plan and attended the Metro North Chamber Gala event.

Production equipment consulting for cities and schools

No assistance was requested.

Computer/Networking consulting for cities and schools

No assistance was requested.

City Channel 16 Playback Stats

City	Number of Times Programs Played	Hours Programmed on Channel
Blaine	146	166:31:53
Centerville	10	16:17:33
Circle Pines	158	159:47:24
Ham Lake	61	64:47:13
Lexington	84	62:07:09
Lino Lakes	47	53:58:47
Spring Lake Park	87	30:06:23
Totals:	593 Program Playbacks	553:56:22 Hours of Video Programming on Channels

Programs Produced by the Public

Title	Producer	Runtime
It's Only Food: Meatloaf with Mashed Potatoes and Gravy	John Politte	00:08:40
It's Only Food: Bacon Wrapped Jalapenos	John Politte	00:10:00
NMTV Public Access Regional Emmy Nominee Party	Video Club	00:55:45
NMTV At the Movies (2 episodes)	Video Club	03:58:05
NMTV Video Tips & Tricks (8 episodes)	Video Club	00:10:36
Chit Chat Promos (4)	Sharon Carlson	00:04:16
Cornerstone Church (3 episodes)	Rick Bostrom	01:26:16
Lovepower (5 episodes)	Ann Sandell	05:00:00
The Power of Love (6 episodes)	Rick Larson	03:00:00
Rice Creek Watershed District Meeting (2 episodes)	Theresa Stasica	01:45:15
Peace Lutheran Church (3 episodes)	Walter Voss	02:30:01
Hope Church (4 episodes)	Cindy Hardy	02:49:44
Sunday Senior Moments (4 episodes)	David Turnidge	03:03:51
32 New Programs		25:13:44 New Hours

Programs Produced by NMTV Staff

Title	Producer	Runtime
Anoka County Board Meeting (10/13/15)	T.J. Tronson	00:36:32
Anoka County Board Meeting (10/29/15)	T.J. Tronson	00:50:00
North Metro Cable Commission Meeting	T.J. Tronson	00:41:48
Lino Lakes Meet the Candidates Oct. 1	T.J. Tronson	01:00:29
Lino Lakes Meet the Candidates Oct. 22	T.J. Tronson	01:24:54
Big Brothers/Sisters Testimonials	T.J. Tronson	00:09:02
North Metro TV News (4 episodes)	Danika Peterson/Ben Hayle	01:35:33
Local Decision 2015: Lino Lakes Mayor	Danika Peterson/Ben Hayle	00:32:11

Title cont.	Producer cont.	Runtime cont.
Local Decision 2015: Lino Lakes Council	Danika Peterson/Ben Hayle	00:59:15
Local Decision 2015: Circle Pines Mayor	Danika Peterson/Ben Hayle	00:29:54
Local Decision 2015: Circle Pines Council	Danika Peterson/Ben Hayle	00:43:33
Taking Care of Business: Dixie Ble BBQ	Damian Kussian	00:03:00
Girls Tennis: Blaine/Andover	Kenton Kipp/Matt Waldron	01:12:36
Football: Andover/Blaine	Kenton Kipp/Matt Waldron	03:14:29
Volleyball: Blaine/Spring Lake Park	Kenton Kipp/Matt Waldron	01:14:24
Volleyball: Centennial/Blaine	Kenton Kipp/Matt Waldron	02:23:00
Football: Cooper/Spring Lake Park	Kenton Kipp/Matt Waldron	02:30:38
Football: 6A Round 1: Lakeville S/Blaine	Kenton Kipp/Matt Waldron	02:18:30
Girls Soccer: 5AA F: Centennial/Maple Grove	Kenton Kipp/Matt Waldron	01:55:35
Football: 5AAAAA F: Park Center/Spring Lake Park	Kenton Kipp/Matt Waldron	02:24:18
Youth Football: 2nd Grade Championship	Kenton Kipp/Matt Waldron	01:40:24
Youth Football: 3rd Grade Championship	Kenton Kipp/Matt Waldron	01:26:04
Youth Football: 4th Grade Championship	Kenton Kipp/Matt Waldron	01:38:27
Girls Soccer: State AA QF: Lakeville North/Blaine	Kenton Kipp/Matt Waldron	01:40:16
Swimming & Diving: Spring Lake Park/Blaine	Kenton Kipp/Matt Waldron	00:51:10
Girls Soccer: 7AA Final: Blaine/St. Francis	Kenton Kipp/Matt Waldron	02:12:08
Girls Soccer: State AA QF: Centennial/Mounds View	Kenton Kipp/Matt Waldron	01:30:10
Football: State 5A QF: Spring Lake Park/St. Michael Albertville	Kenton Kipp/Matt Waldron	02:08:01
Swimming & Diving: Blaine/Centennial	Kenton Kipp/Matt Waldron	01:09:56
Sports Den (4 episodes)	Kenton Kipp/Matt Waldron	01:57:59
36 New Programs		43:34:16 New Hours

Programs Produced by City Staff

Title	Producer	Runtime
Blaine City Council Meeting (10/1/15)	Blaine Staff	01:03:34
Blaine Planning Commission Meeting (10/13/15)	Blaine Staff	01:30:00
Blaine City Council Meeting (10/15/15)	Blaine Staff	00:57:21
Blaine Park Board Meeting (10/27/15)	Blaine Staff	00:56:50
Centerville City Council Meeting (10/14/15)	Centerville Staff	01:47:57
Centerville City Council Meeting (10/28/15)	Centerville Staff	01:13:58
Circle Pines Park Board Meeting (10/6/15)	Circle Pines Staff	00:07:27
Circle Pines City Council Meeting (10/13/15)	Circle Pines Staff	00:55:33
Circle Pines Planning Commission Meeting (10/19/15)	Circle Pines Staff	00:25:32
Circle Pines Utility Commission Meeting (10/21/15)	Circle Pines Staff	00:17:58
Circle Pines City Council Meeting (10/27/15)	Circle Pines Staff	00:25:32
Ham Lake City Council Meeting (10/5/15)	Ham Lake Staff	01:31:37
Ham Lake Planning Commission Meeting (10/12/15)	Ham Lake Staff	00:44:54
Ham Lake City Council Meeting (10/19/15)	Ham Lake Staff	01:08:41
Ham Lake Park & Tree Meeting (10/21/15)	Ham Lake Staff	01:01:29

Title cont.	Producer cont.	Runtime cont.
Ham Lake Planning Commission Meeting (10/26/15)	Ham Lake Staff	00:35:13
Lexington City Council Meeting (10/1/15)	Lexington Staff	01:23:57
Lexington City Council Meeting (10/15/15)	Lexington Staff	00:05:10
Beyond The Yellow Ribbon (10/9/15)	Lino Lakes Staff	01:22:06
Lino Lakes City Council Meeting (10/12/15)	Lino Lakes Staff	00:34:33
Lino Lakes Planning & Zoning Meeting (10/14/15)	Lino Lakes Staff	01:27:04
Lino Lakes City Council Meeting (10/26/15)	Lino Lakes Staff	01:15:34
Spring Lake Park City Council Meeting (10/5/15)	Spring Lake Park Staff	00:15:09
Spring Lake Park City Council Meeting (10/19/15)	Spring Lake Park Staff	00:24:59
24 New Programs		21:32:08 New Hours

If you have any questions or comments regarding this monthly report please contact
Heidi Arnson at 763.231.2801 or harnson@northmetrotv.com.



October 2015 Activity Report

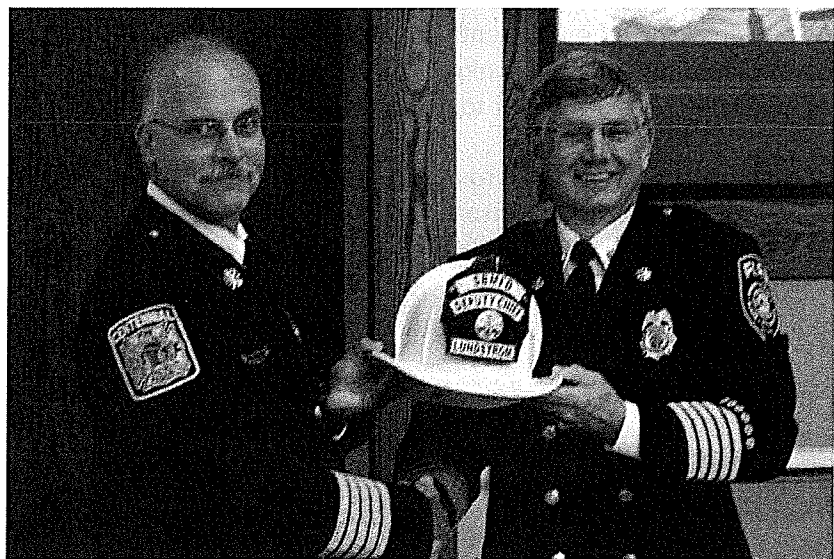
Administration A festive October if there ever was one; and in the immortal words of the Bard - "I like this place and willingly could waste my time in it." Oh the things you ponder as the clock ticks

closer (we have crossed the 6 month threshold line – May 1, 2016).

Twasa month of meetings, big surprise! budget stuff, succession plan stuff, conference stuff, escape to the cabin for the last time this year stuff, personnel stuff, and other stuff stuff. The budget process continues with both the operating and capital working their way through the various processes in all three cities. As of now, all three cities continue to consider the proposed items. Our Fire Board met this month along with the Manager/Administrators, both meetings dominated by finalization of the succession plan. The Chiefs posting was approved and will be released by November 15 with application packets due back before the end of the year.

The process will include interviews with four panels on January 30; full time/permanent part time panel, city panel, volunteer panel, and outside chief panel. Panels will work to identify 3 to 7 candidates to move forward with an assessment center process, followed by the final interview with the Board on February 20. The Board is committed to making a decision that day and working towards extending an offer the following week. Ideally, the successful candidate will have at least a month of overlap.

The Anoka County Fire Protection Council meeting was held in Bethel. You gain a deep appreciation of how big Anoka County is when you go to Bethel! We learned that our recently retired Deputy Chief is having the time of his life as the Chief of Centennial, so much so he is stepping down from being the president of the council for the past 10 years. Harlan oversaw what is easily the most remarkable and complex changes in the history of the council; creation of the Academy, a county wide records management system, and the council's migration to a Joint Powers Agreement. Each of these was substantive and will have a tremendous impact on fire services in Anoka County well into the future. He stopped by the office the following day and we had a wonderful visit; he is doing very well.



Personnel Our adopted firefighter, Mikey, has been stopping by more and more to “check” up on us to make sure we are on top of things. He will regularly seek out treasures, such as a pen or pencil, and often times will re-gift them to someone else. I shared a miniature model I had recently received at a Blaine business event which he became enamored with, so much so he commenced to conduct a thorough and exhaustive reconnaissance of my office to see what other “neat” things I had! “I like this place and willingly could waste my time in it.”

Station One presented me with their new T-Shirt and invited me to play paint ball with them this past month. Not sure which one of them got me as I was hit 376 times. They assured me that was not excessive, rather just part of making sure! “I like this place and willingly could waste my time in it.” Passion; every one of our members has an incredible level of passion for this organization/job which, in of itself, causes me to appreciate the honor of leading this organization. When we integrate new members; volunteer or career, it is especially apparent and I have learned to revel in the enthusiasm, energy, and sheer gratification. Our four new SAFER members have brought an unprecedented level of passion and are almost tiring to be around as their energy level is just remarkable. “I like this place and willingly could waste my time in it.”

They say you do not always appreciate something until you lose it. Our greatest asset is the people who make up this organization and what a wonderful crew. “I like this place and willingly could waste my time in it.”

Community Risk Reduction

Code Enforcement: Substance Church has almost completed the remodel of the space in the old Medtronic building off old Central Avenue in Spring Lake Park. They are on schedule to get their certificate of occupancy in December. The goal is to be in the space before Christmas.

Fire Corps: has provided assistance with photos, assisted with drill, and rehabilitation. Some of the other activities include the following: Station open houses, Friends and Family CPR, assistance with highway clean up, assistance with fire extinguisher training, stuffing safety bags, assistance with picking up and dropping off equipment for events, the grass was cut and weeds were removed from Station Three. Chief Forster and Training Officer Martin utilized fire corps for data entry. Mechanic Vacco utilized a Fire Corps member to assist with parts pick up, vehicle shuffling, and work order filing.

Investigations: The Fire Board approved new job descriptions/requirements for investigators which now includes a Fire Investigator Captain.

Public Fire and Life Safety Education:

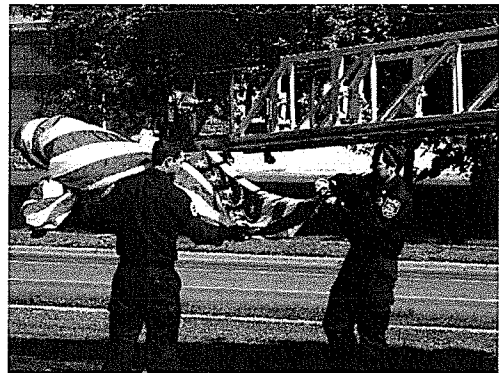
STAFFING:

- Jan Swanson retired after 8 years of service to the department as an educator. Jan joined the department after retiring from a 35 year teaching career in the Spring Lake Park School District. Jan put in 934 hours of public education event time during her 8 years with the department. Most of Jan's time on the department was spent in school visits. She is planning on spending more time with her grandsons, traveling and golfing.
- Becky Booker is out on a one month medical leave from her permanent part time position as an educator.



EVENTS:

- There were 77 scheduled public education/relations events in October. Most of the activity spent in the public was done in schools and preschools-29 visits to various sites occurred. Station 3 finished the open house circuit with an open house October 3. It was well attended by not only the public but the crew as well.
- The home survey team is gaining momentum. Even with all the school visits in October, they were able to complete 15 home surveys. CO alarms were installed in 10 of the homes. Three homes were found with no working smoke alarms. REMEMBER TO CHANGE YOUR CLOCKS, CHANGE YOUR BATTERIES.



Training Prior to our first drill of the month we had a gathering to celebrate the tenure of Chief Lundstrom, he accepted the position of Chief at Centennial Fire Department. This event was well attended by many from the county, past and present, and was catered by our very own spousal association.

This month's training started with medical training. The training topic this month was patient assessments and again was led by Jennifer (Doc Z) with Allina. After a brief lecture crews were divided into groups. Each group was given a patient with a specific medical condition. Groups then each gave a presentation on their response to the situation and how best to handle each unique scenario.

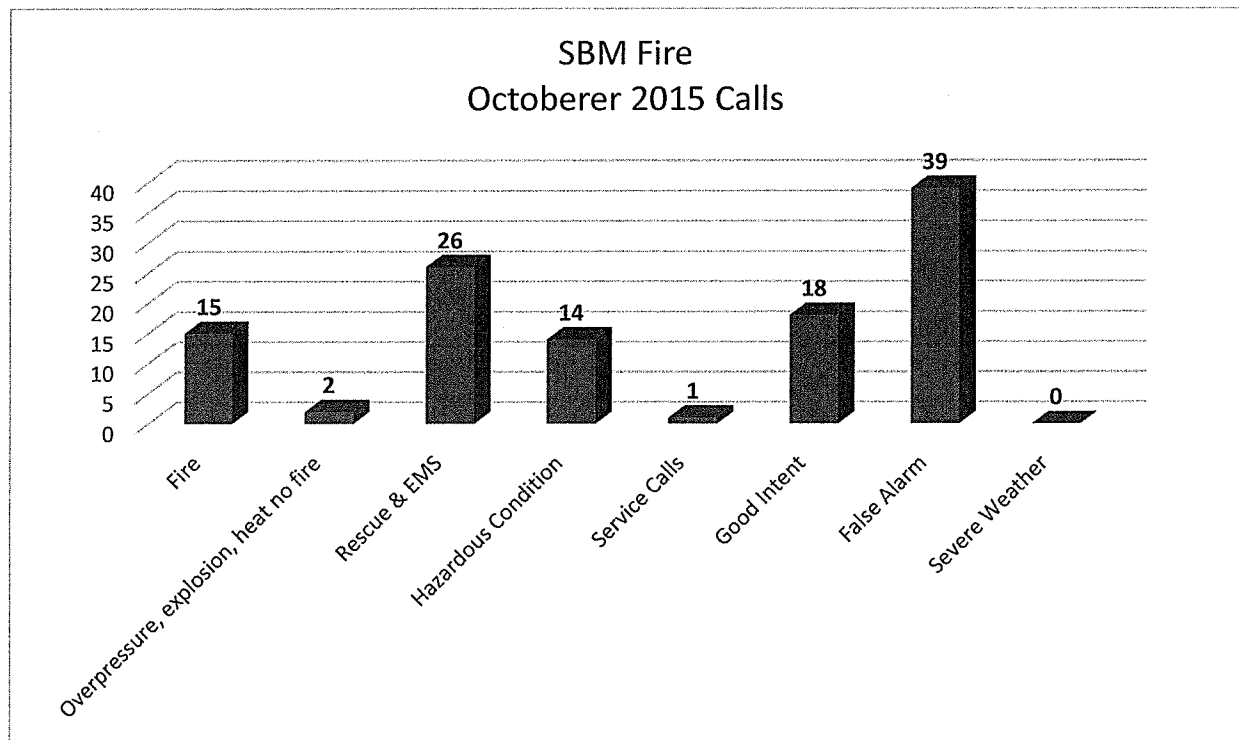
Weeks two and three had crews rotating between search and rescue and extrication training. The search and rescue drills were led by Captain Martin. Crews were given response scenarios where crews needed to advance hose to search given areas, north and south mezzanines. Extrication training focused on airbag use, and the use of cribbing to stabilize vehicles on scenes. Blue Tow provided vehicles for use and was invited to join our training. Unfortunately Blue Tow was only able to send a driver to one of the drill nights, but this proved to be very beneficial in providing our responders with options for stabilizing vehicles that are found in precarious positions.

Additional trainings this month;

- Pub Educator Walts provided a "10- Minute" training to crews on October 19, on truck presentations to the public.
- Officer Academy/Leadership completed four out of five sessions
- Mini open house for the foreign exchange students here from Germany
- Two internal Drive Sim sessions
- Two internal Command Sim sessions
- Two external promotional exam Command Sim sessions
- Fire Apparatus Operator (FAO) make-up exam sessions for five individuals

Serious and Unusual

In October we responded to a total of 115 calls. Fifteen of those calls were fire calls including three structure fires, two cooking related fires, seven vehicle fires and three grass fires. Twenty-six of our calls this month were emergency medical related; heart attacks, vehicle accidents, etc. The remainder of the calls are made up of miscellaneous public assistance and alarm calls.



The Mermaid:

On October 15th Station 1 was toned out to the Mermaid with smoke coming from the electrical panel. Engine 1 and Chief 5 went en route and soon got an update from the police that there was "heavy smoke and flames on the exterior of the building". Chief 5 upgraded it to an All Call and the crews were on the way. Chief 7 arrived first and found the electrical box still energized and burning. Xcel Energy was contacted to disconnect the power. Crews arrived and assisted with the evacuation of the building and preventing the electrical fire from spreading into the building. The smoke was thick in the bowling alley area with only a few feet of visibility, but the fire was contained to the area of the electrical box. Once the power was cut, we ventilated the building and called it a night.

Garage Fire:

The only other major fire we had in October was a detached garage fire on Lincoln street in South Blaine. As this fire was called in one of our ladder trucks, Aerial 17, was coming home from an event and was very close to the home. One of our Battalion Chiefs was on board and commented on how odd it was to be the first truck on scene of a working fire and have no way to attack it as our ladder trucks have no water or pumps. The garage was well involved by the time we got the call, crews arrived and were able to protect the house as well as a couple RV's in the yard, but another RV next to the garage, as well as a Jeep, were not so lucky. The surprise of the evening for us was finding a root cellar behind the garage, you don't see many of those in Blaine!

