

CITY OF ST. FRANCIS
CITY COUNCIL AGENDA
SEPTEMBER 5, 2017
ISD #15 CENTRAL SERVICE CENTER
4115 Ambassador Blvd NW

6:00 PM

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA - *All matters listed within the Consent Agenda are considered to be routine items to be enacted upon by one motion by the City Council. Items on the Consent Agenda are reviewed in total by the City Council and may be approved through one motion with no further discussion by the Council. Any item may be removed by any Council Member, staff member or person from the public for separate consideration.*
 - A. City Council Minutes – August 21, 2017
 - B. Resolution 2017-21 to Call Bonds 2016C
 - C. Resolution 2017-22 for MN GreenStep Cities
 - D. Resignation from Fire Fighter Ron Dehn
 - E. Resolution 2017-23: Proclaiming September 17-23, 2017 as Constitution Week
 - F. Resolution 2017-24: Proclaiming October as "Domestic Violence Awareness Month"
 - G. Payment of Claims
5. MEETING OPEN TO THE PUBLIC **Maximum time of five minutes per person***
6. SPECIAL BUSINESS
7. PUBLIC HEARINGS
8. OLD BUSINESS
9. NEW BUSINESS
 - A. Tasty Pizza – Application for Wine/Beer License
 - B. Rau Home Occupation – IUP Resolution 2017-25
 - C. Ordinance 230, Second Series "Amending Chapter 15, Section 9 (Fee Schedule), Part P (Building Permits) – Second Reading
 - D. Ordinance 231, Second Series "Animals and Fowl" - First Reading
 - E. Ordinance 232, Second Series "Diseased Trees" – First Reading
 - F. Survey Policy
10. MEETING OPEN TO THE PUBLIC **Maximum time of five minutes per person***
11. REPORTS
 - A. City Administrator Report -
 - B. Councilmember Reports -
 - C. Upcoming Events -

Sept 6:	Work Session – Budget @ 6:00 pm
Sept 18:	Redevelopment Plan Meeting @ 5:00 pm
Oct 2:	City Council Meeting @ 6:00 pm
Oct 4:	Council/Planning Commission – Comp Plan @ 6:00 pm
12. ADJOURNMENT

*For individuals who wish to address the Council on subjects which are not a part of the meeting agenda. Typically, the Council will not take action on items presented at this time but will refer them to staff for review, action and/or recommendation for future Council action.

MEMO

TO: Mayor & City Council

FROM: Joe Kohlmann, City Administrator

RE: Agenda Memorandum – September 5th, 2017 Council Meeting

Agenda Items:

4. **CONSENT AGENDA:**

- a. City Council Minutes – August 21st, 2017
- b. Resolution 2017-21 – Resolution providing for the redemption and prepayment of the City's General Obligation Grant Anticipation Bonds, Series 2016
- c. Resolution 2017-22– Authorizing the City of St. Francis to participate in the MN Greenstep Cities program
- d. Resolution 2017-23 – Proclaiming September 17-23 as Constitution Week
- e. Resolution 2017-24 - Proclaiming October as domestic violence awareness month.
- f. Payment of Claims –

6. **SPECIAL BUSINESS:**

A. None

7. **PUBLIC HEARINGS**

A. None

8. **OLD BUSINESS**

A. None

9. **NEW BUSINESS**

- A. Tasty Pizza – Application to sell wine/beer at 3220 Bridge Street #112. A prorated fee is being requested as part of the approval. **Motion to approve the application and prorated fee (if desired on fee).**
- B. Rau Home Occupation – 1.1 mile speed study request, currently 55 MPH. Authorize the Mayor to sign the letter requesting the study. **Motion to approve Resolution 2017-25 to authorize the requested interim use permit based on the findings of fact as listed on page 9 of the staff report, and subject to the conditions on pages 9 & 10 as may have been amended here tonight.**
- C. Ordinance 230, Second Series – Amending Chapter 15, Section 9 (Fee Schedule), Part P (building permits) **Second Reading.** With legislative changes, the City's fee schedule is no longer consistent with State Law.

- D. Ordinance 231, Second Series – Amend Animals and fowl, allowing chickens.
(First Reading)
- E. Ordinance 232, Second Series – Diseased Tree. City Code to address diseased trees. **(First Reading)**
- F. Survey Policy – A policy clearly defining when a survey is required for building activity.

11. Reports:

- A) City Administrator –
- B) Public Works Monthly Report
- B) Mayor and Council Reports

12. Adjournment

CITY OF ST. FRANCIS
ST. FRANCIS MN
ANOKA COUNTY

CITY COUNCIL MINUTES
AUGUST 21, 2017

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The regular City Council meeting was called to order at 6:02 pm by Mayor Steve Feldman.

2. **ROLL CALL**

Members present: Mayor Steve Feldman, Councilmembers, Joe Muehlbauer, Robert Bauer and Rich Skordahl. Jerry Tveit excused.

Also present; City Attorney Scott Lepak (Barna, Guzy & Steffen), City Engineer Craig Jochum (Hakanson Anderson), City Administrator Joe Kohlmann, Community Development Director Kate Thunstrom, Police Chief Todd Schwieger, Fire Chief Dave Schmidt, Public Works Director Paul Teicher, Liquor Store Manager John Schmidt, Finance Director Darcy Mulvihill, and City Clerk Barb Held.

3. **APPROVAL OF AGENDA**

MOTION BY MUEHLBAUER SECOND SKORDAHL TO APPROVE THE AGENDA AS PRESENTED. Motion carried 4 -0.

4. **CONSENT AGENDA**

MOTION BY BAUER SECOND MUEHLBAUER TO APPROVE THE CONSENT AGENDA ITEMS A-F AS FOLLOWS:

- A. City Council Minutes – August 7, 2017
- B. Pay Request No. 25 for \$179,017.00 to Gridor Construction for the WWTF Improvements
- C. Contract with ISD #15 for School Resource Officer 2017-2018
- D. Accept the Letter of Resignation from Public Works Operator David Thelen and authorize staff to advertise to fill position
- E. Authorization Not to Waive the Statutory Tort Liability Limits to the extent of the coverage purchased with LMCIT
- F. Payment of Claims \$437,961.21 (ACH 202E-203E & 206E \$303,807.47 and Checks 72932-72993 \$134,153.74)

Motion carried 4-0.

5. **MEETING OPEN TO THE PUBLIC**

None

6. **SPECIAL BUSINESS**

None

7. **PUBLIC HEARINGS**

None

8. **OLD BUSINESS**

None

9. **NEW BUSINESS**

- A. St. Francis Area Chamber of Commerce – Donation Request for Pioneer Days
At the last City Council meeting Eric Schmoll, president of the St. Francis Area Chamber of Commerce was present requesting a donation for Pioneer Days. The City previously had a three year commitment of \$10,000 each year with the Chamber which ended this year. Feldman said it is called St. Francis Pioneers I think it is important to maintain it, it is good for the City. Right now we are in a budget deficit but they don't need it right now. I don't think right now is the best time to commit any funds.

Skordahl said my recommendation is to table until we have completed the 2018 budget; personally I don't have a problem giving them money if we can afford it.

Bauer said the previous city council did go out for several years. We do not have the funds right now.

Muehlbauer said we need to get our house in order first. See benefits of supporting the event.

MOTION BY MUEHLBAUER SECOND SKORDAHL TO TABLE THE DONATION REQUEST FROM THE ST. FRANCIS AREA CHAMBER OF COMMERCE AT THIS TIME. Motion carried 4-0

- B. Speed Study Request for County Road 72
Due to increased traffic, accidents, and concern from residents staff is requesting Anoka County Highway Department to have an official MnDOT Speed Study performed on County Road 72. The area of concern is from the Bridge Street/County Road 72 intersection to a point 1.1 mile north, through the "s" curves. A speed study has never been done on this stretch of road, so it is posted at 55 MPH.

Skordahl said I am not sure what we are trying to fix it when it does have a slower speed limit during school hours.

Teicher said there is no cost for the study.

Bauer and Muehlbauer would like to see a study completed and asked about the timing. Would like to have it done during the busy time. Teicher said it can take up to six months to complete. MnDOT does not do a speed study during the winter months.

Feldman said he is for it. Being a study has never been done, the public has been complaining and it doesn't cost us anything to have it completed. Police Chief Schwieger said he thinks the area noted for the study is good idea.

MOTION BY MUEHLBAUER SECOND BAUER AUTHORIZING THE MAYOR TO SIGN A LETTER ADDRESSED TO ANOKA COUNTY REQUESTING AN OFFICIAL MnDOT SPEED STUDY FOR COUNTY ROAD 72. Motion carried 3-1. Skordahl voting nay.

C. Ordinance 230, Second Series "Amending Chapter 15, Section 9 (Fee Schedule), Part P (Building Permits) – First Reading

Lepak stated with the 2017 amendments to the State Building Code, the fee schedules in the City Code are no longer consistent with the fee schedule outlined in State Statute. Minn. Stat. Sec. 326B.153 Subdivision 1 provides that a city fee schedule must be "the fee as set forth in the fee schedule in paragraph (b) or as adopted by a municipality. In order to provide clarity on the required fee, Lepak is recommending the City fee schedule be adopted by the City and remove the reference to the State Statute. This would need to be done by ordinance.

MOTION BY BAUER SECOND MUEHLBAUER TO APPROVE THE FIRST READING OF ORDINANCE 230, SECOND SERIES AN ORDINANCE AMENDING CHAPTER 15, SECTION 9 (FEE SCHEDULE), PART P (BUILDING PERMITS).

Roll Call: Yay: Skordahl, Bauer, Feldman and Muehlbauer
Nays: none

Motion carried 4-0.

D. Work Session Dates

- 1) Wednesday September 6th @ 5:30 p.m. – 2018 Budget @ City Hall
- 2) Monday September 18th @ 5:00 p.m. – Redevelopment Plan (HKGi-final prior to adoption) @ District Office
- 3) Wednesday October 4th @ 6:00 – Council/P&Z – HKGi - Comprehensive Plan @ Community Center

Directed staff to set the meetings/work session dates and time.

10. MEETING OPEN TO THE PUBLIC

None

11. REPORTS

- A. Public Works Department Report – Public Works Paul Teicher presented his monthly report on the streets, parks, water and sewer departments. Feldman said right now the WWTF is up and running. When is the project completion date or the walk through? Teicher said we will have a walk through with staff, engineer and project manager to make a punch list if any items need to be

addressed. One year warranty on the project equipment will start after the walk through and punch list items are addressed. Mulvihill said this contract does not have a retainage; they gave the City a performance bond.

Bauer asked if you thought about outside companies being able to dump into our new system for revenue purposes. Teicher stated not at this time, would like to see have the plant in full operation first.

B. Councilmember Reports-

Muehlbauer spent time with the mayor and the public works director took a tour on solar energy. Got a call from a person on Tamarack Street who had some drainage issues, was hoping she was here tonight. Thunstrom said that household is already working with staff. Best solution is to refer them back to staff. Feldman said if she calls again have her call Thunstrom.

Bauer stated on social media the residents want a dog park in St. Francis.

Skordahl reported one of the commission members and a resident are concerned with the old dam concrete pylons in the Rum River. I guess there is a grant out there; may be a smart idea before we redevelop this area is to look at removing them.

Feldman said I see Eric is here from the Chamber. This year we have a budget deficit that we need to address first. We are not ruling it out but need to get our budget balanced first.

Kwik Trip passed through the planning commission and will be on the September 5, 2017 agenda.

Regarding Riverbank Lane Street Improvement still waiting for the study and will have a work session with the neighborhood once the feasibility study is completed.

Speeding is a concern on residential streets. The speed limits signs are there for a reason. Follow the speed limits; the police will be out there. Main concern is safety for children and the residents. The newsletter will be coming out soon, please read it. Call city hall if you have questions. New website will be up in September.

Regarding the height of the mound in the roundabouts is for the traffic light safety. Muehlbauer said maintaining them is a good idea. As long as you slow prior entering them and give cars room. Feldman said are we going to do anything with the mound? Teicher said in the joint powers agreement the county is in charge of maintaining the roundabouts and they are aware of it.

- C. Upcoming Events - Sept 4th: City Offices Closed – Labor Day
Sept 5th: School Starts for ISD #15
Sept 5th: City Council Meeting @ 6:00 pm
Sept 9th: Citywide Garage Sale

12. **ADJOURNMENT**

There being no further business, Mayor Feldman adjourned the regular city council at 6:45 pm.

Barbara I. Held, City Clerk

**CITY COUNCIL
AGENDA REPORT**

Agenda Item #:

4 B**TO:** Joe Kohlmann, City Administrator**FROM:** Darcy Mulvihill, Finance Director**SUBJECT:** RESOLUTION PROVIDING FOR THE REDEMPTION AND PREPAYMENT OF
THE CITY'S GENERAL OBLIGATION GRANT ANTICIPATION BONDS, SERIES
2016C**DATE:** 08/31/2017

OVERVIEW:

The city issued the 2016C General Obligation Grant Anticipation Bond on November 9, 2016. This was just a two year bond. This provided the city with the funding to pay for bills on the Wastewater Treatment Plant construction such time as the state and finalized the additional grants for WIF and PSIG. The city has now received the grant agreements and has received \$4,203,468.76 of the additional money. We can now draw down on a monthly basis the remaining funds as contract payments and other expenses are incurred. This means the city can pay off the existing bond and not accumulate any more interest.

ACTION TO BE CONSIDERED:

Approve the attached resolution.

BUDGET IMPLICATION:

This will pay off the bond early and stop the accrual of interest costs.

Attachments: RESOLUTION 2017-21 PROVIDING FOR THE REDEMPTION AND
PREPAYMENT OF THE CITY'S GENERAL OBLIGATION GRANT ANTICIPATION BONDS,
SERIES 2016C

CITY OF ST. FRANCIS, MINNESOTA

RESOLUTION NO. 2017-21

**RESOLUTION PROVIDING FOR THE REDEMPTION AND
PREPAYMENT OF THE CITY'S GENERAL OBLIGATION
GRANT ANTICIPATION BONDS, SERIES 2016C**

BE IT RESOLVED By the City Council of the City of St. Francis, Minnesota (the "City"), as follows:

1. The City has previously issued and sold its General Obligation Grant Anticipation Bonds, Series 2016C (the "Bonds"), dated as of November 1, 2016, in the original aggregate principal amount of \$5,800,000, which are currently outstanding in the full principal amount. The Bonds are subject to call for prior redemption on May 1, 2017 or on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part, and if in part, at the option of the City and in such order as the City will determine and within a maturity selected by Bond Trust Services Corporation, Roseville, Minnesota, as successor-in-interest to Northland Trust Services, Inc., acting as the registrar for the Bonds (the "Registrar"). Prepayments will be at a price of par plus accrued interest.

2. It is determined that it is in the best interests of the sound financial management of the City that the Bonds be prepaid and redeemed on October 10, 2017 (or on the first date thereafter for which the Registrar of the Bonds can provide proper notice to the holders of the Bonds), and those Bonds are hereby called for redemption on that date in the aggregate principal amount of \$5,800,000.

3. The Registrar is authorized and directed to mail notice of call for redemption of the Bonds in the form attached hereto as EXHIBIT A to the registered owners of the Bonds to be redeemed at the address shown on the registration books kept by the Registrar.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 5th DAY OF SEPTEMBER, 2017.

APPROVED:

Steve Feldman, Mayor

ATTEST:

Barbara Held, City Clerk

The following Council Members voted in favor:

The following Council Members voted against or abstained:

EXHIBIT A

NOTICE OF CALL FOR REDEMPTION

**\$5,800,000
CITY OF ST. FRANCIS, MINNESOTA
GENERAL OBLIGATION GRANT ANTICIPATION BONDS
SERIES 2016C**

NOTICE IS HEREBY GIVEN that, by order of the City Council of the City of St. Francis, Minnesota (the "City"), there have been called for redemption and prepayment on

October 10, 2017

all outstanding bonds of the City designated as the General Obligation Grant Anticipation Bonds, Series 2016C, dated as of November 1, 2016, having a stated maturity date of November 1, 2018, totaling \$5,800,000 in principal amount, and with the following CUSIP number:

<u>Year of Maturity</u>	<u>Amount</u>	<u>CUSIP</u>
2018	\$5,800,000	789457 LP1

The bonds are being called at a price of par plus accrued interest to October 10, 2017, on which date all interest on said bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment at the main office of Bond Trust Services Corporation, 3060 Centre Pointe Drive, Roseville, Minnesota 55113, on or before October 10, 2017.

Important Notice: In compliance with the Jobs and Growth Tax Relief Reconciliation Act of 2003, federal backup withholding tax will be withheld at the applicable backup withholding rate in effect at the time the payment by the redeeming institutions if they are not provided with your social security number or federal employer identification number, properly certified. This requirement is fulfilled by submitting a W-9 Form, which may be obtained at a bank or other financial institution.

Dated: September __, 2017.

BY ORDER OF THE CITY COUNCIL OF THE CITY
OF ST. FRANCIS, MINNESOTA

By /s/ Joe Kohlmann
City Administrator
City of St. Francis, Minnesota

STATE OF MINNESOTA)
)
COUNTY OF ANOKA) SS.
)
CITY OF ST. FRANCIS)

I, the undersigned, being the duly qualified and acting City Clerk of the City of St. Francis, Minnesota (the "City"), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council held on Tuesday, September 5, 2017, with the original thereof on file in my office and the same is a full, true and complete transcript therefrom insofar as the same relates to the redemption and prepayment of the City's General Obligation Grant Anticipation Bonds, Series 2016C, issued in the original aggregate principal amount of \$5,800,000.

WITNESS My hand as City Clerk and the corporate seal of the City this ____ day of _____, 2017.

(SEAL)

City Clerk
City of St. Francis, Minnesota

TO: Joe Kohlmann, City Administrator
FROM: Kate Thunstrom, Community Development Director
SUBJECT: Participate in the Minnesota GreenStep City program
DATE: 08/31/2017

OVERVIEW:

The statewide effort *GreenStep Cities* was created to provide a pathway to achieve sustainability goals through implementation of best practices focused on cost savings, energy use reduction and innovation. This is a free and voluntary program in which 115 cities throughout Minnesota have joined so far.

This effort is based upon best practices in areas such as Building and Lighting, Land Use, Transportation, Environmental Management, Economic and Community Development. This is a five step the program with the flexibility to move through steps at our own pace.

This program will work to recognize what the city is accomplishing through initiatives with residential solar and proposed projects at the Public Works site, storm water management and planning efforts. Being part of this program will also provide the city with information and resources for future initiatives. Being a GreenStep City also provides a supportive piece for the 2040 Comprehensive Plan in regards to resiliency requirements.

Approving the resolution will put St. Francis as a Step 1 City.

ACTION TO BE CONSIDERED:

Council is requested to consider approving participation in the Minnesota GreenStep Cities program.

BUDGET IMPLICATION:

None

Attachments: Green Steps program flyer
Resolution 2017-23



Minnesota GreenStep Cities

www.mnGreenStep.org

Taking action with proven best practices

Need a roadmap? Take a look at GreenStep Cities.

Mission: GreenStep Cities is a free and voluntary program that provides a simple pathway to help cities achieve their sustainability goals through implementation of best practices focused on cost savings, energy use reduction, and innovation.

What are the benefits?

- Resilient communities
- Efficient use of resources
- Healthier environments
- Active community members

What are the best practices?

A full set of 29 best practices, organized into the following categories, is available on the program website at www.mnGreenStep.org.



A gathering of Minnesota GreenStep Cities in 2015

- **Buildings & Lighting:** Focuses on energy- and cost-saving strategies addressing public and private buildings, and other city facilities such as street lighting and traffic signals.
- **Transportation:** Encourages efficient city vehicle fleets and infrastructure that enhances connectivity, mobility options, and active living.
- **Land Use:** Provides best practices to promote green infrastructure, natural resource preservation, efficient city growth, and walkable and bikeable neighborhoods.
- **Environmental Management:** Tackles actions ranging from environmentally-preferable purchasing and urban forests to water quality and solid waste.
- **Economic & Community Development:** Targets best practices that promote community resiliency, sustainable economic development and engage local community members to improve quality of life.



Minnesota GreenStep Cities

www.mnGreenStep.org

A simple and flexible program

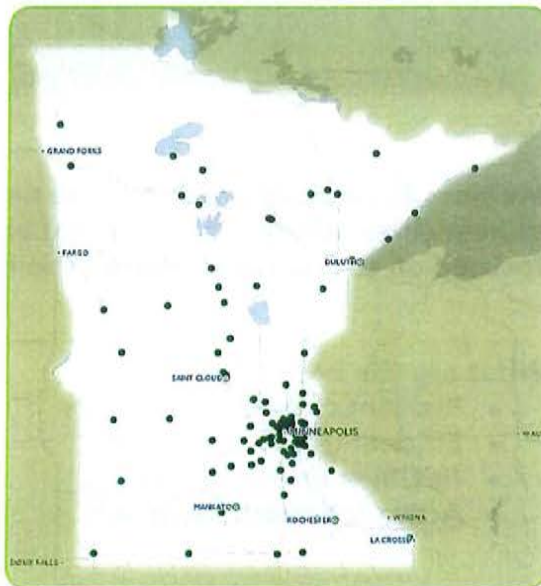
The best practices are straightforward and draw on actions that other cities have already taken. Best practices are constructed to allow cities the flexibility to meet sustainability goals in a variety of ways, recognizing that cities of different sizes and locales have differing access to both staff support and resources. Recognition criteria for a small city in Greater Minnesota, for example, are different than criteria for a larger city near a major metro area.

Technical assistance to take action

Each best practice lists a GreenStep Advisor—with specific contact information—who can help guide a city through implementing that best practice. Additional technical assistance options include workshops, agency staff, Clean Energy Resource Teams, nonprofit groups, AmeriCorps, utilities, businesses, retired engineers, and student interns.

Recognition for past actions

Cities will be recognized for sustainability actions that they have already completed. Every year cities are recognized for their progress at the League of Minnesota Cities Annual Conference. Step One recognizes cities for formally joining the program through a city resolution. Cities that implement a minimum number of best practices of their choice will be recognized as Step Two Cities. Completion of a few high-priority actions merits Step Three recognition. Measuring city performance metrics will garner Step Four and Step Five recognition.



*Over 40% of Minnesotans live
in a Minnesota GreenStep City*

Learn more & get started today at www.mnGreenStep.org!

Program Partners:



Minnesota Pollution
Control Agency



GREAT PLAINS
INSTITUTE



MINNESOTA DEPARTMENT OF
COMMERCE



Urban Land
Institute



**CITY OF ST. FRANCIS
COUNTY OF ANOKA
STATE OF MINNESOTA**

RESOLUTION 2017-22

**A RESOLUTION AUTHORIZING THE CITY OF ST. FRANCIS
TO PARTICIPATE IN THE MINNESOTA GREENSTEP CITIES PROGRAM**

WHEREAS, Minnesota GreenStep Cities is a voluntary challenge, assistance and recognition program to help cities achieve their sustainability and quality-of-life goals. GreenStep is a free, continuous improvement program, managed by a public-private partnership, and based upon 29 best practices. These actions are tailored to all Minnesota cities, focus on cost savings and energy use reduction, and encourage civic innovation; and

WHEREAS, the Minnesota GreenStep Cities program assists in facilitating technical assistance for the implementation of these sustainable development best practices; and provides cost-effective sustainable development best practices in the following five categories: (1) Buildings and Lighting; (2) Transportation; (3) Land Use; (4) Environmental Management; and (5) Economic and Community Development;

WHEREAS, local governments have the unique opportunity to achieve both energy use and climate change gas reductions and cost savings through building and facilities management; land use and transportation planning; environmental management; and through economic and community development; and

WHEREAS, steps taken toward sustainable solutions aim to improve community quality of life, building community capital and increasing government efficiency, accountability and transparency; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of St. Francis does hereby authorize the City of St. Francis (the City) to participate in the Minnesota GreenStep Cities program that offers a free, voluntary continuous improvement framework. Passage of this participation resolution allows the City to be recognized as a Step One GreenStep City. Be it further resolved that the City:

1. Appoints Kate Thunstrom to serve as the City's GreenStep coordinator for best practice documentation/implementation; and

2. Will facilitate the involvement of community members and other units of government as appropriate in the planning, promoting and/or implementing of GreenStep Cities best practices; and
3. Grants to the GreenStep program's buildings advisor review access to the City's B3 Benchmarking Database so as to facilitate analysis and cost-saving technical assistance to the City regarding its buildings' energy use; and
4. Will provide feedback once a year on how well the GreenStep program is serving the city and on city needs from the program; and
5. Will claim credit for having implemented and will work at its own pace toward implementing any GreenStep best practices that will result in energy use reduction, economic savings, quality of life improvement, reduction in the City's greenhouse gas footprint, and recognition by the League of Minnesota Cities as a Step Two GreenStep City. An on-going summary of the City's implementation of best practices will be posted by the City on the Minnesota GreenStep Cities web site. Initial GreenStep best practices will include work towards efficient lighting in public buildings, storm water management, efficient water and wastewater systems, septic system management, community engagement and participation with SolSmart for renewable energy.

APPROVED:

By:

Steven D. Feldman, Mayor of St. Francis

ATTEST:

Barbara I. Held, City Clerk

From: Joan Moses <tjmoses@comcast.net>
Sent: Wednesday, August 16, 2017 8:39 PM
To: Barb Held
Cc: Steve Feldman
Subject: Constitution Week Proclamation 2017

*Daughters of the
American Revolution
encourage placing a
Constitution Week
Proclamation on
your city agenda.*

*Celebrate
Constitution Week
2017!*

This year, my goal is to again achieve 100% participation of Anoka County communities. Thank you for your participation in the past. Please contact me with the scheduled date. Thank you, Joannie Moses

Please honor Constitution Week in the City of St. Francis. Constitution Week is September 17 through 23, 2017.

A sample proclamation is attached for Mayor Feldman to use if he chooses. Thank you very much for handling this, Ms. Held. A DAR representative will attend the council meeting to receive if requested, otherwise, I look forward to receiving a signed copy. Contact me with any

questions. Have a great day!

Joan Moses

Daughters of the American Revolution, Anoka Chapter

Constitution Week Chair

651.631.2182

80 17th Avenue SW

New Brighton, MN 55112

tjmoses@comcast.net

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"The Constitution of the United States was created by the people of the United States composing the respective states, who alone had the right."

~ James Madison

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

RESOLUTION 2017-23

**A RESOLUTION PROCLAIMING
SEPTEMBER 17 – 23, 2017
AS
CONSTITUTION WEEK**

WHEREAS, September 17, 2017, marks the two hundred twenty-thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and,

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW THEREFORE, BE IT RESOLVED that I, Steven D. Feldman, Mayor of the City of St. Francis, do hereby proclaim the week of September 17 through 23, 2011 as,

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of St. Francis to be affixed this Fourth day of September of the year of our Lord two thousand and seventeen.

APPROVED:

ATTEST:

Steven D. Feldman

Barbara I. Held, City Clerk

August 1, 2017

Steve Kane, Mayor
City of St. Francis
23340 Cree St NW
St. Francis, MN 55070

Dear Mayor Steve Kane,

Every year throughout the nation, October is officially recognized as Domestic Violence Awareness Month. Counties and cities all over the US take the opportunity to honor this month through an official proclamation. In choosing to locally proclaim October as DVAM, Anoka County shows its recognition of both the gravity of the problem and the importance of the ongoing work to create a violence-free community in the region. The county's proclamation will add to the chorus of voices insisting that women, men, and children all have a right to seek peace and safety in their lives.

Alexandra House is proud of its partnerships with all the communities throughout Anoka County. In this spirit, we will post all proclamations on our social media sites in the days leading up to our Walk for Hope event on Saturday, September 30th at Bunker Hills Regional Park in Andover. This event, attended by over 500 participants every year, challenges our community to confront the impact of domestic and sexual violence. Additionally, it provides a space for survivors, family members, friends, and allies to honor those who have lost their lives as a result of domestic violence.

Please contact our Communications Marketing Director, Tina Bronson at 763-656-1363 or tbronson@alexandrahouse.org if you have any questions regarding this request. Also enclosed for your reference is a sample you may wish to use to compose your proclamation. Thank you for your consideration and support of this important cause.

Sincerely,



Connie Moore
Executive Director

Enclosure
Cc: Joe Kohlmann

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

RESOLUTION 2017-24

A RESOLUTION PROCLAIMING OCTOBER AS
DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, the community problem of domestic violence has become a critical public health and welfare concern in Anoka County; and

WHEREAS, domestic violence is a crime, the commission of which will not be tolerated in Anoka County and perpetrators of said crime are subject to prosecution and conviction in accordance with the law; and

WHEREAS, over thousands of women and children have and will continue to access assistance from Alexandra House, Inc., a domestic violence service provider; and

WHEREAS, domestic violence will be eliminated through community partnerships of concerned individuals and organizations working together to prevent abuse while at the same time effecting social and legal change; and

WHEREAS, October is *National Domestic Violence Awareness Month*; and

WHEREAS, during *National Domestic Violence Awareness Month*, Anoka County organizations will inform area residents about domestic violence, its prevalence, consequences and what we, as a concerned community can do to eliminate its existence.

NOW, THEREFORE, BE IT RESOLVED AND KNOWN TO ALL that the City of St. Francis proclaims October to be Domestic Violence Awareness Month on this 5th day of September, 2017.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS 5th DAY OF SEPTEMBER, 2017.

APPROVED:

ATTEST:

Steven D. Feldman, Mayor of St. Francis

Barbara I. Held, City Clerk

**CITY COUNCIL
AGENDA REPORT**

Agenda Item #:

4 G

TO: Joe Kohlmann, City Administrator
FROM: Darcy Mulvihill, Finance Director
SUBJECT: Bill List to be considered by Council
DATE: 08/31/2017

OVERVIEW:

Attached are the bills received since the last council meeting. Total checks to be written are \$108,714.53 plus any additional bills that are handed out on Tuesday night. There is also one manual check to be approved for \$1,000.00

ACTION TO BE CONSIDERED:

Approved under consent agenda to allow Finance Director to draft checks or ACH withdrawals for the attached bill list. Please note additional bills may be handed out at the council meeting.

BUDGET IMPLICATION:

City bills

Attachments:

- 09-05-2017 Packet List
- 09-05-2017 Other Checks

Checks cut since last Council Meeting

TOTAL	0.00
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[illegible]



08/31/2017 11:13 am

PAYMENT BATCH AP 09/05/17

AMERICAN WATER WORKS ASSN.

07/28/2017	7001412799	E 601-49440-433	Dues and Subscriptions	MEMBERSHIP DUES	157.50
07/28/2017	7001412799	E 602-49490-433	Dues and Subscriptions	MEMBERSHIP DUES	157.50
					<u>\$315.00</u>

ANDERSON, NEAL

07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 4540	121.04
					<u>\$121.04</u>

ARTISAN BEER COMPANY

08/23/2017	3202068	E 609-49751-252	Beer For Resale	BEER	41.50
					<u>\$41.50</u>

ASPEN MILLS

08/24/2017	202816	E 101-42110-437	Uniform Allowance	UNIFORMS	114.30
					<u>\$114.30</u>

BELLBOY CORPORATION

08/22/2017	96330800	E 609-49750-210	Operating Supplies	OP SUPPLIES	134.72
08/22/2017	96330800	E 609-49751-206	Freight and Fuel Charges	FUEL	4.64
					<u>\$139.36</u>

BERNICK COMPANIES, THE

08/11/2017	375410	E 609-49751-252	Beer For Resale	BEER	157.60
					<u>\$157.60</u>

BREAKTHRU BEVERAGE

08/17/2017	1080677371	E 609-49751-206	Freight and Fuel Charges	FREIGHT	8.95
08/17/2017	1080677371	E 609-49751-251	Liquor For Resale	LIQUOR	113.58
08/17/2017	1080677371	E 609-49751-253	Wine For Resale	WINE	380.55
08/17/2017	1080677372	E 609-49751-252	Beer For Resale	BEER	130.50
08/24/2017	1080680071	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.60
08/24/2017	1080680071	E 609-49751-251	Liquor For Resale	LIQUOR	110.00
08/24/2017	1080680071	E 609-49751-253	Wine For Resale	WINE	336.96
08/24/2017	1080680071	E 609-49751-254	Miscellaneous Merchandise	MISC	111.61
					<u>\$1,202.75</u>

CENTERPOINT ENERGY

08/16/2017	.08170	E 101-41940-383	Gas Utilities	CITY HALL #4	16.07
08/16/2017	.08170	E 101-41940-383	Gas Utilities	CITY HALL #2	15.00
08/16/2017	.08170	E 101-41940-383	Gas Utilities	CITY HALL #1	15.00
08/16/2017	.08170	E 101-41940-383	Gas Utilities	CITY HALL #3	15.00
08/16/2017	.08170	E 101-42110-383	Gas Utilities	POLICE/PW	127.76
08/16/2017	.08170	E 101-42210-383	Gas Utilities	FIRE	52.49
08/16/2017	.08170	E 101-42210-383	Gas Utilities	FIRE GENERATOR	19.53
08/16/2017	.08170	E 101-43100-383	Gas Utilities	POLICE/PW	31.94
08/16/2017	.08170	E 101-45200-383	Gas Utilities	WARMING HOUSE	21.00
08/16/2017	.08170	E 101-45200-383	Gas Utilities	POLICE/PW	31.94
08/16/2017	.08170	E 601-49440-383	Gas Utilities	PUBLIC WORKS (4020 ST FRAN	10.50
08/16/2017	.08170	E 601-49440-383	Gas Utilities	WATER PLANT	272.80
08/16/2017	.08170	E 601-49440-383	Gas Utilities	POLICE/PW	31.94
08/16/2017	.08170	E 602-49490-383	Gas Utilities	PUBLIC WORKS (4020 ST FRAN	10.50
08/16/2017	.08170	E 602-49490-383	Gas Utilities	POLICE/PW	31.93
08/16/2017	.08170	E 602-49490-383	Gas Utilities	WWTP	21.00
08/16/2017	.08170	E 602-49490-383	Gas Utilities	WWTP	59.81
08/16/2017	.08170	E 602-49490-383	Gas Utilities	LIFT (23699 AMBASSADOR)	18.86
08/16/2017	.08170	E 609-49750-383	Gas Utilities	LIQUOR	22.49

					\$825.56
CHANKASKA CREEK					
08/15/2017	241286	E 609-49751-253	Wine For Resale	WINE	670.20
					\$670.20
CITY EMPLOYEES UNION, LOCAL #3					
09/01/2017	.0917	G 101-21707	Union Dues	SEPT UNION DUES	162.80
					\$162.80
COLONIAL INSURANCE					
08/25/2017	7129661-0905584	G 101-21712	Colonial Insurance	SEPT PREMIUM	328.72
					\$328.72
CONNEXUS ENERGY					
08/22/2017	.0817	E 101-41940-381	Electric Utilities	SIGN	98.66
08/22/2017	.0817	E 101-41940-381	Electric Utilities	CITY HALL	424.39
08/22/2017	.0817	E 101-42110-381	Electric Utilities	POLICE/PW	998.89
08/22/2017	.0817	E 101-42110-381	Electric Utilities	SIREN	5.00
08/22/2017	.0817	E 101-42110-381	Electric Utilities	SIREN	5.00
08/22/2017	.0817	E 101-42210-381	Electric Utilities	FIRE	797.81
08/22/2017	.0817	E 101-43100-381	Electric Utilities	POLICE/PW	249.72
08/22/2017	.0817	E 101-43100-386	Street Lighting	STREET LIGHTS	2,544.04
08/22/2017	.0817	E 101-45200-381	Electric Utilities	POLICE/PW	249.72
08/22/2017	.0817	E 101-45200-381	Electric Utilities	PARKS	394.10
08/22/2017	.0817	E 601-49440-380	Electric-System	WATER	5,423.28
08/22/2017	.0817	E 601-49440-381	Electric Utilities	POLICE/PW	249.72
08/22/2017	.0817	E 602-49490-381	Electric Utilities	LIFT STATIONS	945.09
08/22/2017	.0817	E 602-49490-381	Electric Utilities	POLICE/PW	249.72
08/22/2017	.0817	E 602-49490-381	Electric Utilities	WWTP	7,630.68
08/22/2017	.0817	E 609-49750-381	Electric Utilities	LIQUOR STORE	1,423.18
					\$21,689.00
CRYSTAL SPRINGS ICE					
08/12/2017	00.B005387	E 609-49751-254	Miscellaneous Merchandise	MISC	110.40
08/15/2017	003.B005436	E 609-49751-254	Miscellaneous Merchandise	MISC	78.64
08/19/2017	003.B005502	E 609-49751-254	Miscellaneous Merchandise	MISC	123.98
08/22/2017	003.B005549	E 609-49751-254	Miscellaneous Merchandise	MISC	160.78
					\$473.80
DAHLHEIMER DIST. CO. INC.					
08/16/2017	1294194	E 609-49751-252	Beer For Resale	BEER	8,438.60
08/16/2017	1294194	E 609-49751-254	Miscellaneous Merchandise	MISC	42.00
08/23/2017	1299442	E 609-49751-252	Beer For Resale	BEER	9,593.65
08/23/2017	1299442	E 609-49751-254	Miscellaneous Merchandise	MISC	42.00
08/23/2017	1299442	E 609-49751-255	N/A Products	NA	25.10
					\$18,141.35
DELTA DENTAL					
08/15/2017	.0817	G 101-21711	Dental Insurance	SEPT PREMIUM	625.35
					\$625.35
DEZURIK					
08/10/2017	63012749	E 602-49490-229	Project Repair & Maintenance	SUPPLIES	747.00
					\$747.00
EASY LIVING HOMES, INC					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 5066	709.75
					\$709.75
ELITE SANITATION					
08/14/2017	24250	E 101-45200-311	Contract	TOILET RENTAL	678.00
					\$678.00
G&K SERVICES, INC					
08/22/2017	6043850648	E 609-49750-219	Rug Maintenance	RUG MAINT	11.23
08/22/2017	6043850649	E 601-49440-402	Janitorial Service	RUG MAINT	23.04
08/22/2017	6043850650	E 602-49490-417	Uniform Clothing & PPE	UNIFORM MAINT	9.31

					\$43.58
GRANITE CITY JOBBING CO.					
08/15/2017	58986	E 609-49751-206	Freight and Fuel Charges	FREIGHT	4.25
08/15/2017	58986	E 609-49751-254	Miscellaneous Merchandise	MISC	146.34
08/15/2017	58986	E 609-49751-256	Tobacco Products For Resale	TOBACCO	1,822.87
					\$1,973.46

GREAT LAKES COCA-COLA					
08/15/2017	3603202538	E 609-49751-254	Miscellaneous Merchandise	MISC	294.24
08/22/2017	3608203779	E 609-49751-254	Miscellaneous Merchandise	MISC	373.79
					\$668.03

HACH COMPANY					
08/09/2017	10582247	E 602-49490-216	Chemicals and Chem Products	CHEMICALS	346.49
					\$346.49

HANSON, JEFF					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 1696	224.52
					\$224.52

HAWKINS, INC.					
08/07/2017	4128108	E 602-49490-216	Chemicals and Chem Products	CHEMICALS	5,032.95
08/07/2017	4128121	E 601-49440-216	Chemicals and Chem Products	CHEMICALS	455.50
08/14/2017	4132188	E 602-49490-216	Chemicals and Chem Products	CHEMICALS	4,196.54
08/14/2017	4132214	E 601-49440-216	Chemicals and Chem Products	CHEMICALS	1,339.95
					\$11,024.94

INNOVATIVE OFFICE SOLUTIONS, L					
08/16/2017	IN1715805	E 101-42110-200	Office Supplies	OFFICE SUPPLIES	45.22
					\$45.22

ISD #15					
08/21/2017	3300	E 601-49440-228	Equipment Maintenance	CAT GEN SET	787.23
08/21/2017	3301	E 602-49490-228	Equipment Maintenance	RIVEDG GENSET	186.33
08/22/2017	3297	E 602-49490-228	Equipment Maintenance	FORD-AMBASSADOR GEN SET	88.06
08/22/2017	3298	E 101-42210-218	Equipment Repair & Maintenance	GM-FIRE STATION GENSET	107.17
08/22/2017	3303	E 101-42110-218	Equipment Repair & Maintenance	CAT C 18	155.82
08/22/2017	3303	E 101-43100-218	Equipment Repair & Maintenance	CAT C 18	155.83
08/22/2017	3303	E 101-45200-218	Equipment Repair & Maintenance	CAT C 18	155.82
08/22/2017	3303	E 601-49440-228	Equipment Maintenance	CAT C 18	155.83
08/22/2017	3303	E 602-49490-228	Equipment Maintenance	CAT C 18	155.83
08/22/2017	3305	E 101-42210-221	Vehicle Repair & Maintenance	POLARIS RANGER	101.62
08/23/2017	3307	E 101-42210-221	Vehicle Repair & Maintenance	FORD PICKUP F250	121.96
08/23/2017	3308	E 101-42210-221	Vehicle Repair & Maintenance	TANKER TRUCK	282.12
					\$2,453.62

JJ TAYLOR DISTRIBUTING					
08/16/2017	2734660	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
08/16/2017	2734660	E 609-49751-252	Beer For Resale	BEER	960.40
08/16/2017	2734660	E 609-49751-255	N/A Products	NA	21.50
08/23/2017	2734718	E 609-49751-206	Freight and Fuel Charges	FREIGHT	3.00
08/23/2017	2734718	E 609-49751-252	Beer For Resale	BEER	658.80
					\$1,646.70

JOHNSON BROS WHLSE LIQUOR					
08/16/2017	5800039	E 609-49751-206	Freight and Fuel Charges	FREIGHT	18.84
08/16/2017	5800039	E 609-49751-251	Liquor For Resale	LIQUOR	1,645.65
08/16/2017	5800040	E 609-49751-206	Freight and Fuel Charges	FREIGHT	9.42
08/16/2017	5800040	E 609-49751-253	Wine For Resale	WINE	470.70
08/23/2017	5805584	E 609-49751-206	Freight and Fuel Charges	FREIGHT	54.95
08/23/2017	5805584	E 609-49751-251	Liquor For Resale	LIQUOR	3,048.00
08/23/2017	5805585	E 609-49751-206	Freight and Fuel Charges	FREIGHT	34.54
08/23/2017	5805585	E 609-49751-253	Wine For Resale	WINE	1,034.75
08/23/2017	5805586	E 609-49751-253	Wine For Resale	WINE	109.95
					\$6,426.80

LAW ENFORCEMENT LABOR SVCS.					
09/01/2017	.0917	G 101-21707	Union Dues	SEPT UNION DUES	343.00

					\$343.00
LIBERTY TITLE					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 4775	177.23
					\$177.23

MCDONALD DIST CO.					
08/14/2017	404186	E 609-49751-252	Beer For Resale	BEER	1,680.00
08/17/2017	404723	E 609-49751-252	Beer For Resale	BEER	5,433.35
08/17/2017	404723	E 609-49751-255	N/A Products	NA	96.70
08/17/2017	407011	E 609-49751-252	Beer For Resale	BEER	(192.00)
08/24/2017	406811	E 609-49751-252	Beer For Resale	BEER	8,521.75
08/24/2017	406811	E 609-49751-254	Miscellaneous Merchandise	MISC	36.00
08/24/2017	406811	E 609-49751-255	N/A Products	NA	152.50
					\$15,728.30

MINUTEMAN PRESS					
08/25/2017	977366	E 101-41110-344	Newsletter	NEWSLETTER	118.27
08/25/2017	977366	E 101-41400-441	Miscellaneous	NEWSLETTER	118.27
08/25/2017	977366	E 101-42110-441	Miscellaneous	NEWSLETTER	118.27
08/25/2017	977366	E 101-42210-441	Miscellaneous	NEWSLETTER	118.27
08/25/2017	977366	E 101-42400-352	General Notices and Pub Info	NEWSLETTER	118.27
08/25/2017	977366	E 101-43100-441	Miscellaneous	NEWSLETTER	118.27
08/25/2017	977366	E 101-43210-439	Recycling Days	NEWSLETTER	250.95
08/25/2017	977366	E 101-45200-441	Miscellaneous	NEWSLETTER	118.37
08/25/2017	977366	E 601-49440-441	Miscellaneous	NEWSLETTER	118.27
08/25/2017	977366	E 602-49490-441	Miscellaneous	NEWSLETTER	118.27
08/25/2017	977366	E 609-49750-441	Miscellaneous	NEWSLETTER	118.27
					\$1,433.75

MN NCPERS LIFE INSURANCE					
08/23/2017	.0817	G 101-21713	MN Life	SEPT PREMIUM	32.00
					\$32.00

NITZ, CONSTANCE					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 2743	109.19
					\$109.19

NORTHERN AIR CORPORATION					
08/16/2017	140779	E 101-41940-401	Repairs/Maint Buildings	UNIT REPAIR	592.30
					\$592.30

PAGE ANALYTICAL SERVICES					
08/20/2017	171283665	E 602-49490-313	Sample Testing	SAMPLE TESTING	148.00
					\$148.00

PAUL EMMERICH CONSTRUCTION					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 5014	428.93
					\$428.93

PHILLIPS WINE & SPIRITS CO.					
08/16/2017	2215898	E 609-49751-206	Freight and Fuel Charges	FREIGHT	14.13
08/16/2017	2215898	E 609-49751-251	Liquor For Resale	LIQUOR	834.75
08/16/2017	2215899	E 609-49751-206	Freight and Fuel Charges	FREIGHT	10.99
08/16/2017	2215899	E 609-49751-253	Wine For Resale	WINE	461.75
08/23/2017	2219521	E 609-49751-206	Freight and Fuel Charges	FREIGHT	42.39
08/23/2017	2219521	E 609-49751-251	Liquor For Resale	LIQUOR	5,443.64
08/23/2017	2219522	E 609-49751-206	Freight and Fuel Charges	FREIGHT	39.25
08/23/2017	2219522	E 609-49751-253	Wine For Resale	WINE	830.75
					\$7,677.65

ROYAL SUPPLY					
08/15/2017	21612	E 101-41940-210	Operating Supplies	SUPPLIES	28.00
08/15/2017	21612	E 101-42110-217	Other Operating Supplies	SUPPLIES	112.00
08/15/2017	21612	E 101-43100-217	Other Operating Supplies	SUPPLIES	56.00
08/15/2017	21612	E 101-45200-217	Other Operating Supplies	SUPPLIES	56.00
08/15/2017	21612	E 601-49440-217	Other Operating Supplies	SUPPLIES	56.00
08/15/2017	21612	E 602-49490-217	Other Operating Supplies	SUPPLIES	56.00

					\$364.00
SEMLER HOMES					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 5092	29.48
					\$29.48

SMITH, DAVID & RUTHELAINÉ					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 1428	163.00
					\$163.00

SOUTHERN GLAZERS OF MN					
08/17/2017	1580000	E 609-49751-206	Freight and Fuel Charges	FRIEGHT	1.07
08/17/2017	1580001	E 609-49751-206	Freight and Fuel Charges	FREIGHT	28.16
08/17/2017	1580001	E 609-49751-251	Liquor For Resale	LIQUOR	2,573.74
08/24/2017	1582536	E 609-49751-206	Freight and Fuel Charges	FREIGHT	19.84
08/24/2017	1582536	E 609-49751-251	Liquor For Resale	LIQUOR	1,906.89
08/24/2017	1582537	E 609-49751-206	Freight and Fuel Charges	FREIGHT	1.28
08/24/2017	1582537	E 609-49751-253	Wine For Resale	WINE	36.00
					\$4,566.98

SUMMIT COMPANIES					
08/16/2017	1205329	E 101-41940-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-CITY F	17.50
08/16/2017	1205330	E 609-49750-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-LIQUO	115.25
08/16/2017	1205333	E 601-49440-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-WASTE	21.00
08/16/2017	1205334	E 602-49490-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-WAST	122.50
08/16/2017	1205335	E 101-42210-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-FIRE I	264.25
08/16/2017	1205337	E 101-42110-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-POLIC	77.00
08/16/2017	1205338	E 101-43100-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-OLD F	38.50
08/16/2017	1205339	E 101-41940-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-COMM	7.00
08/16/2017	1205340	E 101-43100-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-PUBLI	50.25
08/16/2017	1205340	E 101-45200-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-PUBLI	50.25
08/16/2017	1205342	E 101-43100-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-PUBLI	117.63
08/16/2017	1205342	E 101-45200-401	Repairs/Maint Buildings	ANNUAL FIRE EXT MAINT-PUBLI	117.62
					\$998.75

SUN LIFE FINANCIAL					
09/01/2017	.0917	E 101-41400-130	Employer Paid Insurance	INSURANCE	256.01
09/01/2017	.0917	E 101-41500-130	Employer Paid Insurance	INSURANCE	75.67
09/01/2017	.0917	E 101-41910-130	Employer Paid Insurance	INSURANCE	71.66
09/01/2017	.0917	E 101-42110-130	Employer Paid Insurance	INSURANCE	852.81
09/01/2017	.0917	E 101-42400-130	Employer Paid Insurance	INSURANCE	62.65
09/01/2017	.0917	E 101-43100-130	Employer Paid Insurance	INSURANCE	185.60
09/01/2017	.0917	E 101-43210-130	Employer Paid Insurance	INSURANCE	41.25
09/01/2017	.0917	E 101-45200-130	Employer Paid Insurance	INSURANCE	185.60
09/01/2017	.0917	E 601-49440-130	Employer Paid Insurance	INSURANCE	60.41
09/01/2017	.0917	E 602-49490-130	Employer Paid Insurance	INSURANCE	60.40
09/01/2017	.0917	E 609-49750-130	Employer Paid Insurance	INSURANCE	126.35
					\$1,978.41

THE AMERICAN BOTTLING COMPANY					
08/24/2017	8257847006	E 609-49751-254	Miscellaneous Merchandise	MISC	153.42
					\$153.42

THILAPHONG, JAMIE					
07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 4153	42.51
					\$42.51

TJ ASSOCIATES					
08/14/2017	224240	E 101-42110-217	Other Operating Supplies	MISC PRINTING	295.00
08/18/2017	224302	E 101-42400-200	Office Supplies	PERMIT CARDS	24.95
08/22/2017	224335	E 602-49490-217	Other Operating Supplies	VINYL LETTERING	68.00
					\$387.95

TOM LYNCH ELECTRIC					
08/15/2017	.0817	E 101-41940-401	Repairs/Maint Buildings	LIGHT REPLACEMENT	210.00
08/15/2017	.0817	E 101-42110-401	Repairs/Maint Buildings	LIGHT REPLACEMENT	390.00
08/15/2017	.0817	E 101-42210-401	Repairs/Maint Buildings	LIGHT REPLACEMENT	145.00
08/15/2017	.0817	E 101-42210-401	Repairs/Maint Buildings	PHOTO CELL REPLACEMENT	370.00

\$1,115.00**TOTAL REGISTER SYSTEMS, INC**

08/21/2017	55551	E 609-49750-210	Operating Supplies	OP SUPPLIES	77.85
08/21/2017	55551	E 609-49751-206	Freight and Fuel Charges	FREIGHT	5.55
					\$83.40

VINOCOPIA, INC.

08/11/2017	0186376-IN	E 609-49751-206	Freight and Fuel Charges	FUEL	2.50
08/11/2017	0186376-IN	E 609-49751-253	Wine For Resale	WINE	80.00
					\$82.50

VIRKUS, JOSH

07/20/2017	.0717	G 601-22200	Deferred Revenues	REFUND ACCT 2601	82.34
					\$82.34

FUND SUMMARY

\$108,714.53

101 GENERAL FUND	\$15,352.23
601 WATER FUND	\$11,250.96
602 SEWER FUND	\$20,460.77
609 MUNICIPAL LIQUOR FUND	\$61,650.57
Total	108,714.53

TO: Joe Kohlmann, City Administrator
FROM: Barb Held, City Clerk
SUBJECT: Wine/Beer License for Tasty Pizza
DATE: September 5, 2017

OVERVIEW:

Tasty Pizza (Wishell Inc.) submitted an application to be able to sell wine/beer at their location of 3220 Bridge Street #112. Tasty Pizza previously sold both wine and beer but had not renewed their license since 2014.

Tasty Pizza submitted a written request for consideration to have their liquor license be prorated for the four remaining months of 2017. The prorated liquor license amount for the remainder of the year would be \$133.33. Insurance and fees would be submitted after council consideration. A license will not be issued until approval from the city council, insurance is received and the fee is paid.

ACTION TO BE CONSIDERED:

Consideration to approve the Wine/Beer License for Wishell Inc. DBA Tasty Pizza.

BUDGET IMPLICATION:

Revenue in the license line item of the budget.

Attachments:

- Application
- Request for consideration of prorated fees for the remainder of 2017



23340 Cree Street NW • PO Box 730
St. Francis, Minnesota 55070
763-753-2630
FAX 763-753-9881

License Fee: \$ _____
Investigation Fee: \$ _____
Sunday Liquor Fee: \$ _____
Date Rec'd: _____
Receipt # _____
License # _____
Term of Insurance _____

APPLICATION FOR BEER, WINE, LIQUOR SALES

PART ONE: GENERAL INFORMATION

Type of License:

Beer-Off Sale		Liquor-Club On Sale		Wine-On Sale	<u>X</u>
-On Sale	<u>X</u>	-On Sale	_____		
-Temp. On Sale	_____	-On Sale Limited	_____		
		-On Sale Sunday	_____		
		-On Sale Temporary	_____		

ADDRESS FOR WHICH APPLICATION IS MADE:

3220 Bridge St. #112
St. Francis, mn 55070

NAME OF OPERATION AT ABOVE ADDRESS:

Tasty Pizza

Is applicant an: Individual Partnership X Corporation Other Organization

Name of individual, partnership, corporation or other form of organization making application:

Wishell Inc

Address: 3220 Bridge St. #112 St. Francis, mn 55070

Phone Number: 763-753-4988

If incorporated, state of incorporation: _____

*Please attach a copy of Certificate of Incorporation or other documentation of legal status.

I am asking for it to be prorated
for the remainder of the 2017 year.

Thank You,
Shellie Gestin

St. Francis City Council Agenda Item
Executive Summary

Title of Item: **Rau Interim Use Permit**

Meeting Date: **9-5-17**

Staff Reporting: **Ben Gozola, City Planner**

Summary: Brent Rau is seeking an interim use permit to allow continuation of a home extended business on the property at 23340 Redwood Court NW. The business (an Orthopedic and Medical product packaging) has been in operation for approximately 5 years, but the landowner has only recently been made aware of the need for a permit.

Recommendations:

- **The Planning Commission is recommending approval of the IUP with conditions.**
- **After reviewing all criteria in code, staff agrees with the Commission and believes the requested interim use permit meets all criteria and can be approved with conditions.**

List of Attachments:

- A) *Staff Report*
- B) *Applicant Application Materials*
- C) *Suggested Resolution*

City of St. Francis Planning Department
Interim Use Permit Review

To: **City Council**

From: Ben Gozola, City Planner

Meeting Date: **9-5-17**

Applicant(s): **Brent Rau & Beth Walker-Rau**

Location: **23340 Redwood Court NW**

Zoning: **RR – Rural Residential**

Introductory Information

Proposed Project: Brent Rau is seeking an interim use permit to allow continuation of a home extended business on the property at 23340 Redwood Court NW. The business (an Orthopedic and Medical product packaging) has been in operation for approximately 5 years, but the landowner has only recently been made aware of the need for a permit.

Findings

General Site Data:

▪ **Lot Area/Width**

R-R	<i>Lot Area</i>	<i>Lot Width</i>
Required	<i>2.5 acres</i>	<i>250' (at the ROW);</i>
Actual	<i>2.7 acres</i>	<i>Well in excess of each requirement</i>

The existing lot area and width are conforming to code.

- Existing Use – Single Family Home with an outbuilding
- Existing Zoning – R-R Rural Residential
- Property Identification Number (PID): 35-34-24-14-0009

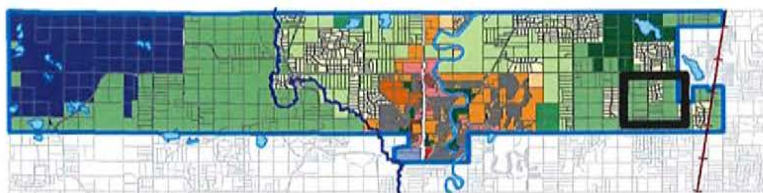
Setbacks:

▪ **Accessory Structure to be used: location from lot lines**

R-1	<i>Required</i>	<i>Existing</i>
<i>Front (south)</i>	<i>Behind the Principal Structure</i>	<i>≈ 192 +/-</i>
<i>Side (east)</i>	<i>25'</i>	<i>≈ 40' +/-</i>



23340 Redwood Court NW



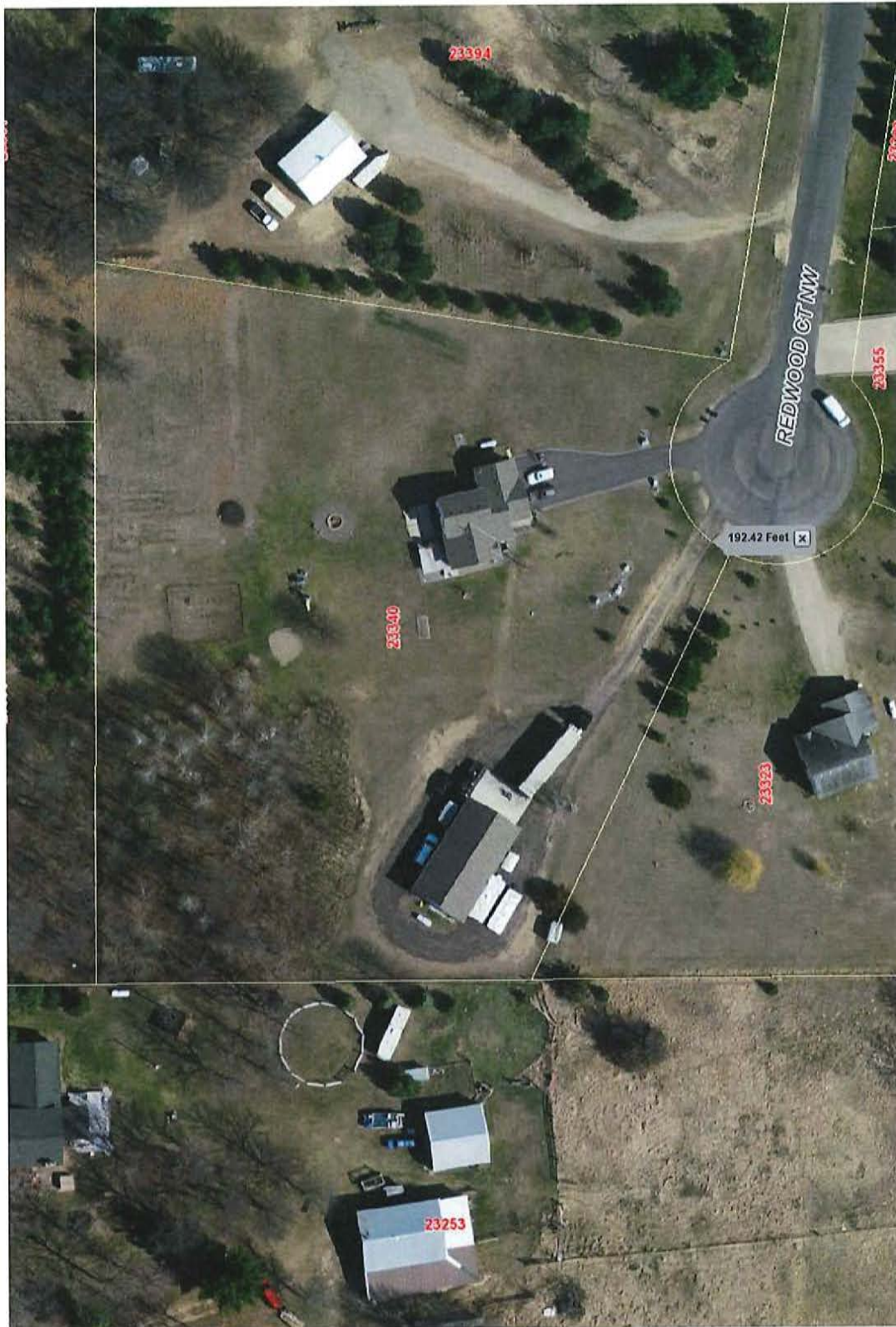
Location within the City of St Francis



SITE IDENTIFICATION MAP



2016 Aerial from Anoka County GIS



Application Review:

<i>Comp Plan Guidance:</i>	▪ A search for the terms “home-based,” “home based,” “business,” and “occupation” showed that very little on home based occupations is discussed within the comprehensive plan.
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<i>Applicable Definitions:</i>	▪ <i>HOME EXTENDED BUSINESS:</i> <i>A home occupation that allows for limited business activity in a detached accessory structure.</i> ▪ <i>HOME OCCUPATION:</i> <i>Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of said premises.</i> ▪ <i>INTERIM USE:</i> <i>A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer allow it.</i> ▪ <i>INTERIM USE PERMIT:</i> <i>A permit issued in accordance with procedures specified in this Ordinance, as a flexible device to enable the City Council to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses and their functions.</i> ▪ <i>USE, ACCESSORY:</i> <i>A use subordinate to and servicing the principal use or structure on the same lot and customarily incidental thereof.</i> ▪ <i>USE, SECONDARY:</i> <i>A use of land or of a building or a portion thereof which is subordinate to and does not constitute the primary use of the land or building.</i>
---------------------------------------	--

<i>Applicable Codes:</i>	▪ Chapter 7 which outlines the administrative procedures for the review of Interim Use Permits. ▪ Section 10-21-4 which outlines the general requirements that all home occupations must meet. ▪ Section 10-21-7 which outlines the specific requirements for home occupations that seek to utilize a detached accessory building as part of the operation. ▪ Section 10-54-3 which identifies interim home occupations as an allowed interim use in the RR zoning district.
---------------------------------	---

**Applicant's
Narrative:**

The following is a summary of the proposed home occupation according to the applicant:

▪ **Regarding the potential for noise, odor, light, or other business characteristic problems:**

Our primary function consists of Orthopedic and Medical product packaging. We also aid in the development, design, and prototyping of medical devices. There is zero potential for said above characteristics.

▪ **Regarding the existing character of the area:**

The surrounding property's as well as ours are all two to five acres. Most are tree lined, landscaped and well maintained. Many homeowners have additional accessory buildings that complement their property and allow for storage of personal items, as we use ours for as well.

▪ **Regarding why the accessory building is needed:**

The size and volume of the products that we package require the need for the extra space that the accessory building provides. [The building is a] stick built building with asphalt roof and vinyl siding that matches adjacent dwelling. Concrete floor, insulated with heat and air conditioning.

▪ **Regarding how long the business is expected to continue:**

Undetermined because of our current position in a slowing market.

▪ **Regarding other pieces of information the City should be aware of when judging this request:**

Our business has been run with consideration to our neighbors and the community. We have always maintained a quiet and respectful business that has had little to no impact on the community. Having a home based business has empowered us to raise our children at home; as well as participate and be involved in their community and district events with thanks to our open and flexible schedule.

**General Home
Occupation
Requirements:**

Per Section 10-21-4, all home occupation shall adhere to the following:

- (A) No home occupation shall produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
- (B) No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
- (C) The home occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof, and shall

not result in an incompatibility or disturbance to surrounding residential uses.

(cont.)

- (D) 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.
- (E) There shall be no exterior storage of equipment or materials used in the home occupation, except that personal automobiles used in the home occupation may be parked on the site, provided the parking is in conformance with all outdoor storage and parking requirements found in Sections 10-16-15 and 10-19. (Ord 148, SS, 11-21-2010)
- (F) The home occupation shall meet all applicable building and fire codes.
- (G) No home occupation shall be conducted between the hours of ten o'clock in the evening (10:00 PM) and seven o'clock in the morning (7:00 AM) in a manner where business activity is detectable outside of the residence. (Ord 148, SS, 11-21-2010)
- (H) All home occupations shall comply with the provisions of City Nuisance Ordinances, including noise, outdoor storage, parking, and other such standards. (Ord 148, SS, 11-21-2010)

Staff Comments:

- *Nothing in the proposal suggests there will be problems with light, glare, noise, odor, vibration, electrical interference, storage, or parking; and the fact that there are no complaints about these issues to-date suggests that will continue to be the case if the IUP is approved.*
- *No external evidence of the business was seen on a site visit, and use of the pole barn appeared secondary to the primary residence on the site.*
- *No changes to the primary dwelling are proposed.*
- *No exterior storage applicable to the business was identified during a site visit.*
- *Any approval can be conditioned upon the building inspector ensuring all building and fire codes are met by the pole barn proposed for use.*
- *Any approval can include conditions on hours of activity that could potentially be detectable outside of the pole barn.*

Staff Recommendation:

- *All general home occupation requirements appear to be met or can be met with conditions.*

**Specific Home
Extended
Business
Requirements:**

- (A) All [general home occupation standards] shall be satisfied
- (B) No more than two (2) persons other than those who customarily reside on the premises shall be employed.
- (C) All activity on the premises associated with the home extended business shall not cause any adverse changes to the residential character of the neighborhood.
- (D) Any exterior changes necessary to conduct the home extended business are sufficiently screened, properly designed, or separated by distance so as to be consistent with the existing adjacent residential uses and compatible with the residential occupancy.
- (E) Any interior changes necessary to conduct the home extended business shall comply with all building, electrical, mechanical and fire codes governing the use of the use in a residential occupancy.
- (F) Traffic generated by the home extended business shall involve vehicles types and volumes that typically associated with single family residences and that such traffic does not constitute a nuisance or safety hazard.
- (G) Signs associated with the interim home occupation shall be in accordance with Chapter 42 of this Ordinance.
- (H) On parcels greater than 5 (five) acres in size, small engine and appliance repair may be conducted, provided the applicant can sufficiently limit noise and other potential disturbances, and the detached accessory building is in a location that will not allow for likely disturbances to neighboring residences.
- (I) Any wholesale or retail sales must be incidental to the home occupation or low volume sales restricted by appointment.

Staff Comments:

- *The business does not utilize outside employees, and only the two primary family members are employed by the business.*
- *No external evidence of the business was seen on a site visit, and use of the pole barn appeared to be consistent with similar buildings throughout the neighborhood.*
- *No changes to the accessory building, both internal and external, are proposed in conjunction with this permit request.*

- (cont.)
- Per the applicant, only typical deliveries to the property occur (i.e. FedEx or UPS) and the business does not generate an unusual number of trips from a residential property.
 - There were no signs visible on the property and no signs are proposed.
 - On-site sales do not occur as part of this business.

Staff Recommendation:

All specific home extended business requirements appear to be met or can be met with conditions.

IUP RECOMMENDATION: After reviewing all criteria in code, staff believes the requested interim use permit meets all criteria to be approved *with conditions*.

**Resident
Concerns:**

- The only complaint that staff has received regarding this property is that a business was running without the necessary permit. No additional concerns regarding noise, activity, deliveries, etc, were noted by the complaining party.
- All speakers at the public hearing were in full support of the request and stated that the business has never generated any issues within the neighborhood.

**Additional
Information:**

- none

**Planning
Commission
Rec:**

- The Planning Commission conducted a public hearing, discussed the proposed IUP, and found no issues of concern. Recommendation to approve the request with listed conditions was adopted unanimously.

Conclusion:

The applicant is seeking approval of an interim use permit to allow continuation of a home extended business on the property at 23340 Redwood Court NW.

Options:

The City Council has the following options:

- A) APPROVE THE REQUESTED INTERIM USE PERMIT (based on the applicant's submittals and findings of fact).
- B) DENY THE REQUESTED INTERIM USE PERMIT (based on the applicant's submittals and findings of fact).
- C) TABLE THE ITEM and request additional information.

***IUP Template
Denial Motion:
(Not Recommended)***

- Based on an application date of 6-21-17, the 60-day review period for this application expires on 8-20-16. Because the deadline could not be met by the City Council, the deadline was administratively extended by staff an additional 60-day to 10-19-17.
- “I move to **deny** the requested interim use permit amendment based on the following findings of fact:”
(provide findings to support your conclusion)

***IUP Template
Approval Motion:
(RECOMMENDED)***

- “I move to **approve Resolution xx-xxx** to authorize the requested interim use permit based on the findings of fact as listed on page 9 of the staff report, and subject to the conditions on pages 9 & 10 as may have been amended here tonight.”
- FINDINGS OF FACT:
 - *The business has been operating for approximately five (5) years with no records of nuisance related complaints, and no changes to the operation are proposed as a result of obtaining the IUP;*
 - *No external evidence of the business is apparent from the street, and no changes to the appearance of the accessory structure or home are proposed;*
 - *No internal changes to the accessory structure are proposed in conjunction with this permit request.*
 - *No exterior storage applicable to the business is proposed;*
 - *The business does not employ more than two people, and both people reside on the premises;*
 - *No deliveries beyond typical residential deliveries (i.e. one per day per service) will occur in conjunction with the business;*
 - *No signs for the business exist, and no signs are proposed;*
 - *On-site sales do not occur as part of this business.*

***Recommended
Conditions:***

1. *The building inspector shall inspect the accessory structure to ensure all applicable building and fire codes are met.*
2. *Business related activity that is detectable from surrounding property shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.*
3. *The applicant shall sign a consent agreement from the City of St. Francis agreeing:*
 - a. *That the applicant, owner, operator, tenant and/or user has no entitlement to future re-approvals of the Interim Use Permit;*
 - b. *That the interim use will not impose additional cost on the public if it is necessary*

- (cont.)
- for the public to fully or partially take the property in the future; and*
 - c. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval attached to the Interim Use Permit.*
 - 4. The interim use permit shall expire upon discontinuation of the business for more than three months, or sale of the property to a new owner.*
 - 5. The interim use shall expire upon violation of the conditions of the IUP, upon a change in zoning regulations which renders the use nonconforming, or upon a change in City regulations which renders the use either a permitted or conditionally permitted use in the applicable zoning district for the property.*

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

RESOLUTION 2017 - 25

**A RESOLUTION APPROVING AN INTERIM USE PERMIT TO ALLOW A
HOME EXTENDED BUSINESS ON THE PROPERTY AT
23340 REDWOOD COURT NW**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of St. Francis, Minnesota was held on the 5th day of September, 2017. The following members were present:

Council Member _____ introduced the following resolution and moved its adoption:

WHEREAS, the City of St. Francis is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of St. Francis has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Brent Rau & Beth Walker-Rau ("Applicants") are owners of the properties at 23340 Redwood Court NW which is legally described as follows:

LOT 6 BLOCK 3 MUNDLE ESTATES.

WHEREAS, the Applicants are requesting an interim use permit to allow an Orthopedic and Medical product packaging home extended business to operate within an outbuilding on their property; and

WHEREAS, the business has been in operation for approximately five years without generating complaint; and

WHEREAS, the applicant's immediately applied for an interim use permit upon learning that a permit was needed according to City Code; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission on August 16, 2017; and

WHEREAS, the Planning Commission held a public hearing on the request on August 16, 2017, and considered input from multiple residents; and

WHEREAS, the Planning Commission recommended approval of the request based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on September 5, 2017, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of St. Francis hereby approves an interim use permit to allow a home extended business to operate within an outbuilding on the property at 23340 Redwood Court NW based on the following findings of fact:

- a) The business has been operating for approximately five (5) years with no records of nuisance related complaints, and no changes to the operation are proposed as a result of obtaining the IUP;*
- b) No external evidence of the business is apparent from the street, and no changes to the appearance of the accessory structure or home are proposed;*
- c) No internal changes to the accessory structure are proposed in conjunction with this permit request.*
- d) No exterior storage applicable to the business is proposed;*
- e) The business does not employ more than two people, and both people reside on the premises;*
- f) No deliveries beyond typical residential deliveries (i.e. one per day per service) will occur in conjunction with the business;*
- g) No signs for the business exist, and no signs are proposed;*
- h) On-site sales do not occur as part of this business.*

BE IT FURTHER RESOLVED, that approval of the interim use permit shall be subject to the following conditions:

1. The building inspector shall inspect the accessory structure to ensure all applicable building and fire codes are met.
2. Business related activity that is detectable from surrounding property shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
3. The applicant shall sign a consent agreement from the City of St. Francis agreeing:
 - a. That the applicant, owner, operator, tenant and/or user has no entitlement to future re-approvals of the Interim Use Permit;

- b. That the interim use will not impose additional cost on the public if it is necessary for the public to fully or partially take the property in the future; and
 - c. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval attached to the Interim Use Permit.
4. The interim use permit shall expire upon discontinuation of the business for more than three months, or sale of the property to a new owner.
 5. The interim use shall expire upon violation of the conditions of the IUP, upon a change in zoning regulations which renders the use nonconforming, or upon a change in City regulations which renders the use either a permitted or conditionally permitted use in the applicable zoning district for the property.

The motion for adoption of the foregoing resolution was duly seconded by Council Member _____ and, upon vote being taken thereon, the following voted in favor thereof: _____. The following voted against or abstained: _____.

Whereupon the resolution was declared duly passed and adopted the 5th day of September, 2017.

Steven D. Feldman

ATTEST:

Barbara I. Held, City Clerk

Dated

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____

Brent Rau

Subscribed and sworn to before me this _____ day of _____, 2017.

Notary Public

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
Beth Walker-Rau

Subscribed and sworn to before me this _____ day of _____, 2017.

Notary Public

JEFFREY S. JOHNSON
RUSSELL H. CROWDER
MICHAEL F. HURLEY
DOUGLAS G. SAUTER
HERMAN L. TALLE
CHARLES M. SEYKORA
DANIEL D. GANTER, JR.
BEVERLY K. DODGE
JAMES D. HOEFT
*JOAN M. QUADE
*JOHN T. BUCHMAN
SCOTT M. LEPAK
ELIZABETH A. SCHADING
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*Also Licensed in Wisconsin



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OF COUNSEL
JON P. ERICKSON
STEVEN G. THORSON
W. JAMES VOGL, JR.
*JAMES H. WILLS

MEMORANDUM

TO: St. Francis Administrator and City Council
FROM: Scott Lepak, St. Francis City Attorney
RE: Fee Schedule
DATED: August 11, 2017

With the 2017 amendments to the State Building Code, the fee schedules in the City Code are no longer consistent with the fee schedule outlined in state statute. Minn. Stat. Sec. 326B.153, Subdivision 1 provides that a city fee schedule must be "the fee as set forth in the fee schedule in paragraph (b) **or** as adopted by a municipality". (emphasis added).

In order to provide clarity on the required fee, I recommend that the City fee schedule be as adopted by the City and remove the reference to the state statute.

Recommended Action:

Approve First Reading of Ordinance _____ Amending Chapter 15, Section 9(P) Building Permits as follows:

Valuation Schedule ~~as set by State Statutes 326B.153~~ For Building Permit Fees

Subdivision 1. Building Permits.

(a) Fees for building permits ~~submitted as required in section 326B.106~~ include :

(1) the fee as set forth in the fee schedule in paragraph (b) ~~or as adopted by a municipality~~; and

(2) the surcharge required by section Minnesota Statutes Section 326B.148 ...

Balance of Chapter 15, Section 9(P) unchanged.

720474-v1

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

ORDINANCE ____, SECOND SERIES

**AN ORDINANCE AMENDING CHAPTER 15, SECTION 9 (FEE SCHEDULE), PART
P (BUILDING PERMITS)**

THE CITY OF ST. FRANCIS ORDAINS:

Section 1. Code Adopted. That Chapter 15, Section 9, Part P entitled "Building Permits" shall hereby be amended to read as follows:

Valuation Schedule ~~as set by State Statutes 326B.153~~ For Building Permit Fees

Subdivision 1. Building Permits.

(a) Fees for building permits ~~submitted as required in section 326B.106~~ include :

(1) the fee as set forth in the fee schedule in paragraph (b) ~~or as adopted by a municipality~~; and

(2) the surcharge required by section Minnesota Statutes Section 326B.148 ...

Balance of Chapter 15, Section 9(P) unchanged.

Section 2. Effective Date. This Ordinance shall take effect on the later of 30 days after its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS THIS
____ DAY OF _____, 2017.

APPROVED:

Steve Feldman
Mayor of St. Francis

ATTEST:

Barbara I. Held
City Clerk

**CITY COUNCIL
AGENDA REPORT**

Agenda Item #:

9 D

TO: Joe Kohlmann, City Administrator
FROM: Kate Thunstrom, Community Development Director
SUBJECT: City Code, Chapter 8 Ordinance Amendment for Chickens and
DATE: 08/31/2017

OVERVIEW:

Ordinance Revisions are being requested to update City Code, Chapter 8 to address two issues:

1. **Chickens.** Through Council work sessions and research staff is requesting the following Ordinance change to address the growing demand for back yard chickens. This change will affect the Animal code as it relates to chickens ONLY. Updates would allow chicken to be kept on properties with less than 5 acres, with a permit, following the outlined Ordinance. A total of 20 properties with less than 2.5 acres will be allowed to have chickens through a new permitting process. Staff is continuing to work on the permit process and documentation requirements.

ACTION TO BE CONSIDERED:

Council is being requested to consider moving forward the proposed changes to Chapter 8 addressing the language applied to and changed for chickens and diseased trees. (Diseased trees separate memo)

If Council agrees with the proposed language the following schedule will apply:

1st Reading – September 5th
2nd Reading – September 19th
30 day publication, September 22nd
Effective October 23rd

BUDGET IMPLICATION:

None

Attachments: Memo from Sambatek and Chicken Ordinance revision

St. Francis City Council Agenda Item
Executive Summary

Title of Item: **Chickens Ordinance**

Meeting Date: **9-5-17**

Staff Reporting: **Ben Gozola, City Planner**

Summary: The keeping of urban chickens has become a popular hobby for many people throughout the metro, which in turn has required Cities to re-examine their zoning regulations to provide allowances for the practice. In the spring of this year, the City of St. Francis took up the matter and directed staff to prepare an ordinance to allow urban chickens provided a number of conditions could be met. This ordinance is our first attempt at a set of regulations to govern urban chickens, and we believe all previously requested restrictions have been included.

Recommendations: **▪ The City Council is asked to review this language, and recommend any needed changes/updates OR adopt the language as presented.**

List of Attachments: A) *Staff Memo on Ordinance Contents*
B) *DRAFT Chickens Ordinance*

Memorandum

DATE: 9-5-17
TO: St Francis City Council
FROM: Ben Gozola, AICP
SUBJECT: Chickens

Overview

The keeping of urban chickens has become a popular hobby for many people throughout the metro, which in turn has required Cities to re-examine their zoning regulations to provide allowances for the practice. In the spring of this year, the City of St. Francis took up the matter and directed staff to prepare an ordinance to allow urban chickens provided a number of conditions could be met. This draft is our first attempt at a set of regulations to govern urban chickens, so we are seeking Council feedback on needed changes, or if the language is acceptable, adoption of the prepared ordinance.

Proposed Ordinance

The new ordinance language is organized as follows:

- (A) Findings** – The findings section establishes the reasons the City is adopting new regulations to allow for expanded keeping of Chickens. The listed reasons include
 - a. Giving citizens the ability to raise their own locally sourced food
 - b. Rewarding past time
 - c. Rules needed to govern the proper treatment and keeping of chickens.
- (B) Definitions** – Terms specific to the chicken ordinance are defined in this subsection. Definitions are given for the following terms: “chicken,” “coop,” “hen,” “rooster,” and “run.”
- (C) Keeping of Chickens** – this section limits the keeping of chickens to only certain zoning districts (A-1, A-2, A-3, R-R, R-1, and R-2), and dictates which rules will apply to chickens:
 - a. If you have less than five acres, these new rules will apply.
 - b. If you have five acres or more, the existing “Animal & Fowl” rules will apply

(D) In General – This section lays out the minimum requirements that must be met in order to keep chickens on properties that are less than five acres in size. In summary:

- a. No roosters, no on-site butchering, no cockfighting, no infested coops or feed bins.
- b. Less than 2.5 acres = no more than five chickens; 2.5 to 5.0 acres = no more than ten chickens.
- c. Chickens must always be confined to a pen or run, and cannot be in the principal dwelling, garage, front yard, or side yard.
- d. Waste management plan and following of the plan will be required.
- e. Permit holders cannot treat chickens in a cruel or inhumane manner.

(E) Coop and Run – This section lays out the minimum requirements for housing chickens:

- a. Chickens must have BOTH a coop and a run. A coop is the structure for the keeping & housing of chickens, and a run is a fully enclosed and covered area attached to a coop where chickens can roam unsupervised. Requiring both features is a common provision in urban chicken ordinances.
- b. Coops do not count towards a property's maximum accessory structure count.
- c. All fencing, construction, electrical work, etc, must adhere to all applicable building and zoning codes, and all permits & licenses must be obtained.
- d. Chicken coops and runs must be at least 15 feet from side lot lines, and must be closer to the principal dwelling on the permitted property than to any dwelling on an adjacent property.
- e. Coops and runs must be 25 feet from wetlands, ponds, filtration/infiltration basins.
- f. Minimum and maximum coop and run sizes are outlined.
- g. Coops must be at least one foot off the ground, cannot exceed 6 feet in height, and must be completely enclosed & rodent proof.
- h. Cannot place coops or runs within ROWs or easements.
- i. Coops must be winterized if chickens are to be kept between Nov 1st and April 30th of any given year.
- j. Once an owner stops raising chickens, the coop and run must be removed.

(F) Permit – This section says property owners must pay for and obtain a permit before raising chickens. Specific requirements include:

- a. Permits once issued remain in effect until it is voluntarily cancelled or it is revoked by the City. Permits cannot be transferred and may be revoked by the City if the rules and regulations governing chickens are updated.
- b. No permits to rental properties or HOA lands unless the owner or HOA signs off on the permit application.
- c. Application requirements spelled out.
- d. A site visit will be required before issuance of any permit to ensure the set-up meets all minimum standards.
- e. A maximum of 20 permits will be issued throughout the city for properties less than 2.5 acres in size; unlimited permits will be issued for properties having between 2.5 and 5.0 acres.
- f. Permits are subject to conditions that staff may add based on the specifics of a site.
- g. Reasons for denying or revoking a permit are outlined.
- h. Permit holders must consent to an inspection of their property in the event of a complaint.

Recommendation

The City Council is asked to review the proposed ordinance and provide feedback to staff on needed changes or amendment. If the language is acceptable or can be approved with conditions on changes, staff is recommending Council take action on the ordinance at this time.

Attachments

- **Draft Ordinance Language**
- **Summary Publication Resolution**

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

ORDINANCE 231, SECOND SERIES

**AN ORDINANCE TO AMEND LOCAL REGULATIONS
REGARDING THE KEEPING OF CHICKENS**

SUMMARY OF SECTIONS AMENDED:

- 8-3-2 *Animals and Fowl – keeping, transporting, treatment, housing;*
- 8-3-3 *Animal Waste;*
- 8-3-4 *Non-Domestic Animals; and*
- 8-3-5 *Keeping of Bees.*

THE CITY OF SAINT FRANCIS ORDAINS:

Section 1. The City Council of the City of St. Francis hereby amends City Code Chapter 8 (Public Protection), Section 8 (Animals) as follows:

Existing section 8-3-1, Dog Licensing and Regulation, is restated and incorporated herein unchanged.

Existing section 8-3-2 is hereby renumbered to 8-3-3 and is amended to include the following changes:

8 - 3 - 2 3 ANIMALS AND FOWL – KEEPING, TRANSPORTING, TREATMENT, HOUSING

- A. Except for chickens which may be allowed on limited acreage in accordance with Section 8-3-2, it ~~It~~ is unlawful for any person to keep, stable, board, or harbor horses, colts, ponies, mules, goats, sheep, cattle, pigs, and other farm-type animals, mink, chickens, ducks, pigeons, geese, and other fowl, whether owned or not, unless the person has sufficient contiguous real estate to house and enclose said animals or fowl.

Subsections B through M are restated and incorporated herein unchanged.

Existing section 8-3-3, Animal Waste, is hereby renumbered to 8-3-4 but is otherwise restated and incorporated herein unchanged.

Existing section 8-3-4, Non-Domestic Animals, is hereby renumbered to 8-3-5 but is otherwise restated and incorporated herein unchanged.

Existing section 8-3-5, Keeping of Bees, is hereby renumbered to 8-3-6 but is otherwise restated and incorporated herein unchanged.

The following new language is hereby added as Section 8-3-2

8 - 3 - 2 CHICKENS

- A. Findings.** The Council finds that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this Section to permit the limited keeping and maintenance of chicken hens for eggs and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety and welfare of the community.
- B. Definitions.** For the purposes of this Section:
1. "Chicken" means a domesticated bird that serves as a source of eggs or meat.
 2. "Coop" means a structure for the keeping or housing of chickens
 3. "Hen" means a female chicken.
 4. "Rooster" means a male chicken.
 5. "Run" means a fully enclosed and covered area attached to a coop where the chicken(s) can roam unsupervised.
- C. Keeping of Chickens.** The raising, harboring, maintaining, and keeping of Chickens within the City of St. Francis shall be limited to properties within following zoning classifications: A-1, A-2, A-3, R-R, R-1, and R-2; as determined by Chapter 10 of City Code.
1. On parcels of less than five (5) acres, the provisions within Section 8-3-2 shall apply.
 2. On parcels of five (5) acres or more, the Animal and Fowl provisions within Section 8-3-3 shall apply.

D. In General.

1. The keeping of roosters is prohibited.
2. The butchering of chickens on-site is prohibited.
3. On properties of less than 2.5 acres, no more than five (5) chickens shall be kept on the permitted premises.
4. On properties of 2.5 acres or more, no more than ten (10) chickens shall be kept on the permitted premises.
5. Chickens must be confined on the permitted premises at all times in a chicken coop or chicken run, and may not be kept in any part of the principal dwelling, garage, front yard, or side yard.
6. All chicken grains and feed must be stored in a rodent proof container.
7. The use of chickens for cockfighting is prohibited.
8. Fowl manure and other waste shall not be allowed to accumulate to create offensive odors. Accumulations of manure and other waste shall be removed at such periods as will insure that no objectionable aroma exists and the premises shall not be allowed to become unsightly or harbor rodents, flies, or insects.
9. It is unlawful for any person to treat a chicken in a cruel or inhumane manner.
10. It is unlawful for any person to keep a chicken in a coop or run infested by rodents, vermin, flies, or insects.

E. Coop and Run.

1. All chickens shall be provided access to both a coop and run.
2. A coop and run is exempt from accessory structure maximums as may be established in Chapter 10 of City Code.
3. All fencing and electrical work associated with a chicken coop or run shall be consistent with applicable building and zoning codes, and all appropriate permits and/or licenses shall be obtained prior to construction.
4. Any chicken coop or run shall be set back at least fifteen (15) feet from the property line, and shall be located closer to the principal dwelling on the permitted property than to any principal dwelling on adjacent properties.

5. Any coop or run shall be set back at least twenty- five (25) feet from the following features:
 - a. A delineated wetland edge;
 - b. The top of a bank of a pond, filtration basin, or infiltration basin.
6. Chicken coops shall have a maximum footprint area of ten (10) square feet per chicken, and a minimum footprint area of five (5) square feet per chicken.
7. Chicken runs shall have a maximum footprint area of twenty (20) square feet per chicken, and a minimum footprint area of ten (10) square feet per chicken.
8. The coop shall be elevated a minimum of twelve (12) inches off the ground, and may not exceed a height of six (6) feet as measured from the ground.
9. No coop or run shall be located in any form of easement or right-of-way.
10. Both the coop and run shall be completely enclosed and be rodent proof.
11. The coop shall provide adequate protection from the elements and shall be winterized if chickens are being kept between November 1st and April 30th of any given year.
12. Once an owner is finished raising chickens or if a permit is revoked, the coop and run shall be removed from the property.

F. Permit. No person shall own, harbor, or keep within the City a hen chicken unless a valid permit for such chicken has been obtained pursuant to the following provisions.

1. A permit shall be obtained prior to any chickens being introduced to a site. All permits will remain in effect until voluntarily cancelled or revoked. Valid permits may be revoked by the City if this section is repealed in its entirety or is modified. Permits are non-transferrable.
2. Permit application fees are due upon submittal of the permit application. The fee will be established yearly by ordinance.
3. No permit shall be issued to a rental property unless the property owner provides written consent to the application. For properties located within a managed community with a Home Ownership Association (HOA), the association management must provide written consent to the application.

4. Application. Any person desiring a permit under this Section shall make written application on a form prescribed by the City which shall contain, at a minimum, the following information:
 - a. A scaled drawing (site plan) showing the location, size, and dimensions of the coop & run. The site plan shall include the proposed distances between the coop & run from neighboring homes and other structures on the subject property, neighboring property lines, and applicable required setbacks.
 - b. The maximum number of chickens to be kept on site.
 - c. A detailed feces and waste removal plan.
 - d. An agreement by the applicant that the premises may be inspected by the city at all reasonable times to ensure compliance with all applicable conditions.
 - e. Statements that the applicant will at all times keep their chickens in accordance with all of the conditions prescribed by the City (or modification thereof), and that failure to obey such conditions will constitute a violation of the provisions of this Section and will be grounds for cancellation of the permit.
5. Site Visit Required. An inspection of the property, coop, and run is required prior to the initial issuance of a permit.
6. Permit Allotment. A maximum of twenty (20) permits will be issued citywide for properties that are less than 2.5 acres in size; there is no maximum on the number of permits for properties that are 2.5 acres or greater.
7. Permit Conditions. If granted, the permit shall be issued and shall state the conditions, if any, imposed upon the property for the keeping of chickens under the permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the City deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety.
8. Denial or Revocation. The City may deny or revoke any permit, permit application, or renewal application if it deems the applicant is:
 - a. Unable or unwilling to fulfill or comply with the provisions of Section 8-3-2;
 - b. Submitting inaccurate or incomplete permit information;

- c. Failing to meet the conditions of an issued permit;
- d. Creating a nuisance; or
- e. If the public health and safety would be unreasonably endangered by the granting or renewing of such a permit.

Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all chickens being owned, kept, or harbored by such person, and no part of the permit fee shall be refunded.

- 9. Complaints. If a complaint regarding a chicken permit is received, the permit holder shall consent to an inspection of the property to demonstrate that all minimum standards and conditions of the permit are being met. Refusal to consent to an inspection shall be grounds for revocation of the permit.

Section 2. Effective Date. This Ordinance shall take effect on the later of 30 days after its publication or _____.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS
THIS _____ DAY OF _____, 2017.

APPROVED:

Steven D. Feldman
Mayor of St. Francis

ATTEST:

Barbara I. Held
City Clerk

XXXXXX-VX

**CITY COUNCIL
AGENDA REPORT**

Agenda Item #:

9 E

TO: Joe Kohlmann, City Administrator
FROM: Kate Thunstrom, Community Development Director
SUBJECT: **City Code, Chapter 8 Ordinance Amendment for Diseased Tree Management**
DATE: 08/31/2017

OVERVIEW:

Ordinance Revisions are being requested to update City Code, Chapter 8:

1. **Diseased Trees.** Diseased trees are identified as a nuisance and threat to communities. Shade tree pests can wipe out a particular species in a neighborhood or community if not addressed both timely and properly. This Ordinance update supports the Public Works department in its ability to address diseased trees within the City. These Ordinances are common within Cities to regulate the handling and transporting of diseased trees. This Ordinance update is requested as an effort to control and prevent the spread of shade tree pests.

ACTION TO BE CONSIDERED:

Council is being requested to consider moving forward the proposed changes to Chapter 8 addressing the language applied to and changed for chickens and diseased trees.

If Council agrees with the proposed language the following schedule will apply:

1st Reading – September 5th

2nd Reading – September 19th

30 day publication, September 22nd

Effective October 23rd

BUDGET IMPLICATION:

None

Attachments: Memo from Sambatek and Diseased Tree Ordinance revision

St. Francis City Council Agenda Item
Executive Summary

Title of Item: **Diseased Trees**

Meeting Date: **9-5-17**

Staff Reporting: **Ben Gozola, City Planner**

Summary: | Proper maintenance of yards and removal of dead & diseased trees from properties are important components of the health, safety, and welfare of the Community. This ordinance would amend the City's existing regulations on landscaping maintenance in ways desired by public works director Paul Teicher, and would introduce new regulations deeming dead and diseased trees a public nuisance. How the City would identify such nuisances and the abatement process to remove dead and diseased trees is fully laid out in this new language.

Recommendations: | **▪ The City Council is asked to review this language, recommend any needed changes/updates, OR adopt the language as presented.**

List of Attachments: | A) *Staff Memo on Ordinance Contents*
B) *DRAFT Diseased Trees Ordinance*
C) *Summary Publication Resolution (to be provided at second reading)*

Memorandum

DATE: 9-5-17
TO: St Francis City Council
FROM: Ben Gozola, AICP
SUBJECT: Diseased Trees

Overview

Proper maintenance of yards and removal of dead & diseased trees from properties are important components of the health, safety, and welfare of the Community. This ordinance would amend the City's existing regulations on landscaping maintenance in ways desired by public works director Paul Teicher, and would introduce new regulations deeming dead and diseased trees a public nuisance. How the City would identify such nuisances and the abatement process to remove dead and diseases trees is fully laid out in this new language.

Proposed Ordinance

The new ordinance language is organized as follows:

SECTION 1 is intended to amend the City's existing regulations on the maintenance of grass, weeds, and trees to provide clarity or address longstanding issues as identified by Public Works. A summary of changes by subsection is as follows:

- (A) City to Control Tree Planting and Landscaping** – "Treasurer" was removed from the title "City Clerk/Treasurer" as those are two separate positions now.
- (B) Permit Required** – language would be clarified to state that citizens cannot plant or remove trees within the right-of-way, and cannot plant or place any materials within a right-of-way boulevard—other than lawn grass—without first securing a permit.
- (C) Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs** – provides greater clarity to the City's requirements for maintaining a safe and aesthetic lawn which is not a hazard to the public.

(D) City May Order Work Done – clarifies that the city can order a property owner to maintain their landscaping in accordance with adopted regulations, and that they are subject to violations if they do not comply. Existing language stating the City can initiate the maintenance work is amended to allow the City to hire a contractor rather than having to use City staff.

(E) Assessment – “Treasurer” was removed from the two instances of “City Clerk/Treasurer” as those are two separate positions now.

SECTION 2 of the ordinance would add NEW language on Shade Tree Pest Control. This section identifies the various Shade Tree Pests that must be addressed when identified within the City, discusses who will be identifying problems and enforcing the code, and the process by which shade tree pest nuisances will be abated.

(A) Findings – Outlines the reasons the shade tree pest regulations are being adopted.

(B) Diseased Tree Program – Includes language referencing the statutory language which allows the City to institute these types of rules.

(C) Declaration of a Shade Tree Pest – States that Council from time to time can declare new shade tree pests as they arise.

(D) Declared Shade Tree Pests – A listing of current pests which would need to be removed/abated if discovered by the City. The list is proposed to include Oak Wilt, Dutch Elm disease, the Emerald Ash Borer, the Gypsy Moth, and the Asian Long-horned Beetle.

(E) Control Areas for Declared Shade Tree Pests – This section would allow the City to limit regulations to only a portion of the City if ever so desired. For now, we are recommending that the control area be the entirety of the City.

(F) Dead Tree Nuisance – identifies dead, diseased, or dangerous trees a nuisance that must be abated.

(G) Shade Tree Pest Nuisances are Unlawful – states that keeping of trees with shade tree pests is unlawful and such trees must be abated.

(H) Enforcement – assigns the Public Works director, or any other person or party designated by the Public Works Director, as the person who may enforce the provisions of the shade tree pest ordinance.

- (I) Inspection and Investigation** – Allows the enforcing party authority to enter land at all reasonable hours for the purpose of inspecting trees, removing specimens for analysis, and carrying out enforcement.
- (J) Interference Prohibited** – prohibits people from preventing or delaying action by an enforcement agent engaged in activities to address shade tree pests.
- (K) Standard Abatement Procedure** – outlines how abatement will be carried out:
 - a. Notification of a problem will be sent to the property owner in writing requesting abatement of the problem.
 - b. Notice must ID the problem, specify control measures to be taken by the landowner, and provide a reasonable deadline to abate the nuisance. The notice must also say that failure to act will allow the City to abate the nuisance on its own accord at the landowner's expense.
 - c. Notice must give the landowner the right to appeal the abatement request. An appeal must be filed within seven (7) days of service of the notice or before the date by which abatement must be completed, whichever comes first.
 - d. If no appeal is filed and the abatement is not handled by the landowner, the ordinance then outlines actions that will be taken by the City.
 - e. If the Public Works director estimates abatement will cost the landowner in excess of \$5000, the matter will be forwarded to the City Council for direction before any action occurs.
- (L) Abatement Procedure in the Event of Imminent Danger** – outlines the abatement procedure for an emergency situation.
- (M) Recovery of Cost of Abatement; Liability and Assessment** – states the landowner is responsible for all abatement costs and failure to pay bills will result in amounts due being assessed to the property.

Recommendation

The City Council is asked to review the proposed ordinance and provide feedback to staff on needed changes or amendment. If the language is acceptable or can be approved with conditions on changes, staff is recommending Council take action on the ordinance at this time.

Attachments

- **Draft Ordinance Language**
- **Summary Publication Resolution (will be provided for second reading)**

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

ORDINANCE 232, SECOND SERIES

AN ORDINANCE TO MAKE DISEASED OR UNSOUND TREES A PUBLIC NUISANCE

SUMMARY OF SECTIONS AMENDED OR CREATED:

- *7-2-6 Regulation of Grass, Weeds, and Trees*
- *8-2-8 Diseased or Unsound Trees*

THE CITY OF SAINT FRANCIS ORDAINS:

Section 1. The City Council of the City of St. Francis hereby amends City Code Chapter 7 (Right-of-Way/Traffic/Parking/Streets), Section 2 (Obstructions and Usage) as follows:

Existing sections 7-2-1 through 7-2-5 are restated and incorporated herein unchanged.

Existing section 7-2-6 is amended as follows:

7 - 2 - 6 REGULATION OF GRASS, WEEDS, AND TREES.

- A. City to Control Tree Planting and Landscaping (Standards).** City shall have control and supervision of the placement of Landscaping materials and the planting of shrubs and trees upon, or overhanging, all the streets or other public property. Landscaping materials include but are not limited to; landscaping timbers, landscaping blocks or bricks, fencing, trees, shrubs, etc. The City may establish and enforce additional uniform standards relating to the kinds and types of trees to be planted and the placement thereof. Such standards shall be kept on file in the office of the City Clerk/~~Treasurer~~ and may be revised from time to time by action of the Council.

- B. Permit Required.** It is a misdemeanor for any person to ~~plant, spray, trim or remove trees or other plants which are upon City property, including rights-of-way, plant trees, remove trees, or plant/place anything upon City right-of-way boulevards—other than lawn grass—~~without first procuring from the City a permit in writing to do so. Such permits shall only be granted when in conformance with a Council approved plan for public property plantings.
- C. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs.** ~~Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provisions herein required a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.~~
1. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision.
 2. Every owner of property abutting on any street shall trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.
 - a. All trees and shrubs shall be maintained in the manner required by Section 10-16-7 (Traffic Sight Visibility).
 - b. No trees or shrubs shall project over trails and sidewalks at a height less than 8 feet.
 - c. No trees or shrubs shall project over streets at a height less than 12 feet.
 - d. No tree, shrub, or other vegetation may obscure a traffic sign.
 - e. No tree or shrub on public or private property shall become, or threaten to become, a hazard which adversely affects the public safety.

- D. City May Order Work Done.** ~~The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.~~ The City may request a private property owner to maintain or remove grass, trees, shrubs, or other plantings in violation of this Section.
- a. For violations of Section 7-2-6(C)(1), enforcement shall follow the process outlined in Section 8-2-3(B);
 - b. For violations of Section 7-2-6(C)(2), enforcement shall follow the process outlined in Section 8-2-2(F).
 - c. The City may, in cases of failure to comply with this Section, perform such work with employees or contractors of the City, keeping accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.
- E. Assessment.** If such maintenance work is performed by the City as set forth in the foregoing Subdivision, the City Clerk/Treasurer shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Clerk/Treasurer shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

Section 2. The City Council of the City of St. Francis hereby amends City Code Chapter 8 (Public Protection), Section 2 (Refuse, Junk and Nuisances) as follows:

Existing sections 8-2-1 through 8-2-7 are restated and incorporated herein unchanged.

The following new section 8-2-8 is added in its entirety:

8 - 2 - 8 SHADE TREE PEST CONTROL.

- A. Findings.** The City Council finds that the health of trees in the city is threatened by shade tree pests, and that diseased or unsound trees within the community shall be deemed a nuisance in recognition of the following:
1. A healthy urban and rural forest is necessary and desirable for preserving the character of St. Francis; and
 2. The loss of large numbers of oak, elm and ash trees (and other species in the future as new diseases arise) would depreciate the value of property in the City of St. Francis and impair the safety, good order, general welfare and convenience of the public; and
 3. Loss of oak, elm and ash trees (and other species in the future as new diseases arise) over a short time period would impose financial hardship on property owners to replace them all at once; and
 4. In addition to and in accordance with Minn. Stat. §§ 89.001, 89.01, and 89.51-.64, the provisions of this section are adopted as an effort to control and prevent the spread of shade tree pests.
- B. Diseased Tree Program.** It is the intention of the City of St. Francis to conduct a program of plant pest control pursuant to authority granted by Minnesota Statutes, Section 18G.12. This program is directed specifically at the control and elimination within the city of any diseases, infestations, or pests deemed to be causing economic or environmental harm to trees, and is undertaken at the recommendation of the Commissioner of Agriculture and Minnesota State Statutes.
- C. Declaration of a shade tree pest.** The Council may by ordinance declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or the community forest, as defined by Minn. Stat. § 89.001, to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest, including necessary timelines for action.
- D. Declared Shade Tree Pests**
1. **Oak Wilt.** Any living or standing Oak tree or part thereof infected to any degree with the Oak Wilt fungus, *Ceratocystis Fagacerarum*.

2. **Dutch Elm Disease.** Any living or standing Elm tree or part thereof infected with the Dutch Elm disease fungus, *Ceratocystis Ulmi* (Buisson) Moreau; or which harbors any of the Elm Bark Beetles, *Scolytus Multistriatus* (Eich.) or *Hylurgopinus Rufipes* (Marsh.).
 3. **Emerald Ash Borer.** Any living or dead *Fraxinus* spp tree or part thereof infested to any degree with the insect Emerald Ash Borer (*Agrilus Planipennis*)
 4. **Gypsy Moth.** Any living or dead tree or part thereof infested to any degree with the insect Gypsy Moth (*Lymantria dispar*)
 5. **Asian Long-horned Beetle.** Any living or dead tree or part thereof infested to any degree with the insect Asian Long-horned Beetle (*Anoplophora glabripennis*)
- E. **Control Areas for Declared Shade Tree Pests.** The control area for all declared shade tree pests shall be all lands within the boundaries of the city.
- F. **Dead Tree Nuisance.** Any dead, diseased, or dangerous tree that endangers or potentially endangers neighboring property or a public right-of-way or easement shall be considered a public nuisance affecting the peace and safety of the community.
- G. **Shade Tree Pest Nuisances are Unlawful.** It is unlawful for any person to permit any public nuisance as defined in this section to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in this section.
- H. **Enforcement.** The Public Works Director or other person or party designated by the Public Works Director, may enforce the provisions of this section.
- I. **Inspection and Investigation.** In order to carry out the provisions of this section, the Public Works Director or other designated City official(s) are hereby empowered to enter upon any parcel of land at all reasonable hours for the purposes of inspecting any trees or wood, removing specimens therefrom for laboratory analysis, and carrying out enforcement of this section.

- J. Interference Prohibited.** It shall be unlawful for any person to prevent, delay or interfere with the Public Works Director or other designated City official while they are engaged in the performance of duties imposed by this Section.
- K. Standard abatement procedure.** Except as otherwise provided in subdivisions (K) and (L), whenever the Public Works Director or other designated City official determines with reasonable certainty that a public nuisance, as described by in this Section, is being maintained or exists on a premises in the city, they are authorized to abate the public nuisance according to the procedures in this subdivision.
1. The Public Works Director or other designated City official will notify in writing the owner of record or occupant of the premises that a public nuisance exists and order that the nuisance be terminated or abated. The notice may be given in person or by mail. Failure of any party to receive the mail does not invalidate the service of the notice. A copy of the notice shall be filed with the city clerk.
 2. The notice of abatement shall state that unless the public nuisance is abated by the owner or occupant, it will be abated by the city at the expense of the owner or occupant. The notice shall specify the control measures to be taken to abate the nuisance, and provide a reasonable amount of time to abate the nuisance. The notice will also state that the owner or occupant has the right to appeal the determination that a public nuisance exists by submitting a request in writing to the city clerk within seven (7) days after service of the notice, or before the date by which abatement must be completed, whichever comes first.
 - a. The appeal request shall state the reasons for the appeal and include any such evidence that contradicts the diagnosis by the tree inspector.
 - b. If an appeal is filed, the tree inspector shall not enforce the abatement until the appeal process is complete.
 - c. The City may utilize laboratory testing in order to confirm a diagnosis of a tree disease diagnosed by the City official via field testing methods. Such laboratory testing may be done at the expense of the property owner if it confirms the presence of the disease

3. If no timely appeal is submitted and the control measures prescribed in the notice of abatement are not complied with within the time provided by the notice or any additional time granted, the Public Works Director or other designated City official shall have the authority to obtain permission or an administrative search warrant, enter the property, and carry out abatement in accordance with the notice of abatement. Methods of abatement may include but are not limited to:
 - a. Destruction of diseased trees by removal to a chipping station; removal and destruction of all bark; or burning pursuant to all relevant codes and with any necessary permits. No trees, logs or parts thereof shall be buried.
 - b. Debarking of elm tree stumps to the ground line.
 - c. Root graft control.
 - d. Girdling diseased oak trees and avoiding pruning or other damage to oak trees during the months of May and June.
 - e. Other methods deemed acceptable by the Public Works Director.
- L. High-cost abatement.** If the Public Works Director or other designated City official determines that the cost of abating a nuisance will exceed \$5,000 based on a reasonable, good faith estimate, the written notice referred to in subdivision (J) must provide that if the nuisance is not abated within the reasonable amount of time provided, the matter will be referred to the City Council for a hearing. The date, time, and location of the hearing must be provided in the notice.
- M. Abatement Procedure in Event of Imminent Danger.**
1. If the Public Works Director or other designated City official determines that the danger of infestation to other shade trees is imminent; and delay in control measures may put public health, safety, or welfare in immediate danger; the tree inspector may provide for abatement without following subdivisions (J) or (K). The Public Works Director or other designated City official must reasonably attempt to notify the owner or occupant of the affected property of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

2. Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

N. Recovery of cost of abatement; liability and assessment.

1. The owner of the premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.
2. After notice and hearing, as provided in Minn. Stat. § 429.061 (which may be amended from time to time), the city clerk shall, on or before Sept. 1 following abatement of the nuisance, list the total unpaid charges as well as other charges for current services to be assessed under Minn. Stat. § 429.101 against each separate lot or parcel to which the charges are attributable. The city council may then certify the charges against the property to the county auditor for collection along with current taxes the following year or in annual installments as the city council may determine in each case.

Section 2. Effective Date. This Ordinance shall take effect on the later of 30 days after its publication or _____.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. FRANCIS
THIS ____ DAY OF ____, 2017.

APPROVED:

Steven D. Feldman
Mayor of St. Francis

ATTEST:

Barbara I. Held
City Clerk

XXXXXX-VX

St. Francis City Council Agenda Item
Executive Summary

Title of Item: **Proposed Survey Policy for the City of St. Francis**

Meeting Date: **9-5-17**

Staff Reporting: **Ben Gozola, City Planner**

Summary: City code currently requires that applicants for building permits be accompanied by two (2) copies of a certified land survey “unless exempted by the Building Official.” As this language is awfully vague and could lead to inconsistent enforcement, staff is recommending that Council adopt a policy to provide guidance on when surveys should be required. Enacting a policy like this ensures that all citizens are treated equally, and surveys are only required when necessary to ensure compliance with local regulations.

The Planning Commission has reviewed this policy and is recommending its adoption by the City Council.

Recommendations: **▪ Council adoption of an official survey policy guiding when surveys will be required.**

List of Attachments: **A) Draft City of St. Francis Survey Policy**

City of St. Francis Policy on when to Require Surveys (DRAFT)

Policy on when to require surveys:

It is the objective of this policy to establish criteria defining the circumstances in which a survey will be required with a building permit application. Certain provisions of zoning (i.e. stormwater management, floodplain compliance, etc) can only be reviewed for compliance via submission of a survey. However, the City recognizes that requiring a survey adds additional cost for its residents and businesses, and **all** City staff members should strive to only require information that is necessary to ensure compliance with City Code. This policy is intended to establish consistency on when surveys will be required.

Proposed Construction:

- Surveys shall not be necessary for the following permit types:
 - Interior remodels
 - Re-roofs
 - Re-siding
 - Re-window
- General maintenance projects (defined as the repair or replacement of an existing structure where no expansion is proposed) can be excluded from the survey requirement if the following occurs:
 1. The applicant provides an old certified survey which shows the current location of the structure being replaced/repared. Note that the dimensions of the proposed construction on the plan sets must match the old survey.

OR

 2. The applicant provides a to-scale site plan showing that the structure being repaired or replaced is at least 3 feet away from any applicable setback, and there are no grading or stormwater concerns posed by the proposed project.

In addition to the above, staff is directed to use discretion to accept a site plan when the distance from a setback is less than 3 feet based on the adjacent land. Is the adjacent land non-buildable? Is the adjacent land parkland? Is there little chance of anyone complaining either now or in the future if the project is built out of compliance? This discretion should only be used when staff is 100% certain that the potential for a nonconformity will not create any future problems.

- Additions to existing structures which expand the building footprint can be excluded from the survey requirement if:
 1. The proposed addition is greater than five (5) feet beyond any applicable structural setback requirement; AND

2. The low floor of the proposed addition will be at least three feet above the regulatory flood protection elevation based on an old survey or LiDAR data; AND
 3. The proposed addition will not require any grading within twenty (20) feet of adjacent property (note that engineering can still be requested to review the plans and/or conduct a site visit if there are any concerns about drainage issues); AND
 4. The proposed addition will clearly be conforming to impervious surface requirements for the property by 2% or more.
- Additions that do not require expansion of a building footprint (i.e. a second story addition) can be excluded from the survey requirement if:
1. The existing structure is greater than one (1) foot beyond any applicable structural setback requirement; AND
 2. The applicant provides adequate information to show the structure is either outside of the floodplain, or that the elevation of the existing structure meets all applicable floodplain requirements.

Foundation Surveys:

Foundation surveys (a survey to certify the location and elevation of a structure prior to the framing of a structure) will not be required by the City of St. Francis. Applicants may wish to complete such a survey on their own accord to ensure a proposed structure is located and elevated as proposed to avoid significant future problems before it's too late.

As-Built Survey Criteria:

Applications for new structures will be required to provide an as-built **grading** survey if ONE of the following criteria apply:

- The new construction includes proposed grading that will alter (or has the potential to alter) the drainage patterns onto adjacent property; OR
- The new construction will be within ten (10) feet of any lot line; OR
- The proposed new construction is being built in conjunction with a variance or conditional use permit subject to specific grading or screening requirements; OR
- The proposed new construction is being built in accordance with an approved master grading plan.