

**REGULAR CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
AUGUST 8, 2016
6:00 P.M.
AGENDA**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. COUNCIL ACTIVITY REPORTS
- IV. DEPARTMENT HEAD REPORT – Ron Mergen
- V. CONSENT AGENDA
 - A. Minutes (page 1) – Planning Commission
 - B. Vouchers (page 2)
 - C. Planning Commission Member Resignation & Appointment (page 3)
 - D. 2016 Municipal Clerks Advanced Academy (MCAA) (page 5)

- VI. NEW BUSINESS
 - A. City Of Paynesville Invoice – Dustin Mehr (page 8)
 - B. Board of Appeal & Equalization Training (page 15)
 - C. Gambling Permit – Paynesville Baseball Club, Inc. (page 18)
 - D. SafeAssure Contract (page 22)
 - E. 2017 Proposed Budget (page 31)
 - F. Minimum Wage Increase (page 83)
 - G. Ordinance No. 159, 2nd Series – Opting Out Of Requirements – Temporary Health Care Dwellings (page 85)
 - H. Ordinance No. 160, 2nd Series – Solar Energy Systems Regulations (page 99)
 - I. Ordinance No. 161, 2nd Series – Wind Energy Conversion Systems Regulations (page 103)
 - J. Ordinance No. 162, 2nd Series – Intermodal Containers (page 106)
 - K. Ordinance No. 163, 2nd Series – Signs (page 114)
 - L. Ordinance No. 164, 2nd Series – Land Use Regulation (Zoning) (page 132)

- VII. OLD BUSINESS
 - A. 2016 Street Project (page 237)
 - B. Heatherwood Plat Three Lots – Bill Lieser Request (page 243)
 - C. VOC - Water Treatment Plant - Variance Request & Land Purchase (page 244)
 - D. Golf Carts (page 251)

- VIII. INFORMATIONAL
 - A. July Liquor Store Report (page 252)
 - B. Mediacom Rental Pricing For Digital Transport Adapters (page 243)
 - C. Night To Unite (page 259)
 - D. Area Center Appreciation Supper – Please RSVP (page 260)
 - E. Administrative Fine Hearing Board – Administrative Fine Citation – Barking Dog Determination (page 261)

- IX. ADJOURN

The agenda has been prepared to provide information regarding an upcoming meeting of the Paynesville City Council. This document does not claim to be complete and is subject to change.

BARRIER FREE: All Paynesville City Council meetings are accessible to the handicapped. Attempts will be made to accommodate any other individual need for special services. Please contact City Hall at (320) 243-3714 early so that the necessary arrangements can be made.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: Consent Agenda

Originating Department: Administration

Item Number: V – A

ITEM DESCRIPTION: Minutes

Prepared by: Staff

COMMENTS:

Please review the minutes from the following meetings:

Meeting

June 20, 2016 Planning Commission

**Emailed
7-19-16**

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the minutes from the following meetings:

June 20, 2016 Planning Commission

7-19-16

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Originating Department: Administration

Agenda Section: Consent

Item Number: V-B

ITEM DESCRIPTION: Vouchers

Prepared by: Staff

COMMENTS:

Due to vacations and an early Council agenda deadline vouchers will be emailed out and distributed at the meeting.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: Consent Agenda

Originating Department: Public Works

Item Number: V – C

ITEM DESCRIPTION: Planning Commission Member Resignation & Appointment

Prepared by: Staff

COMMENTS:

Darlene Loven has submitted her resignation from the Planning Commission effective August 9, 2016. Carly Brockner is interested in serving in the vacant position. The Planning Commission has reviewed this and recommends approving the resignation and appointment.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to accept the resignation from Darlene Loven from the Planning Commission, effective August 9, 2016.

Motion to appoint Carly Brockner to the Planning Commission, effective August 9, 2016.

So Planning and Zoning -

Effective August 9, 2016, I resign
my position on this Commission. Thanks for
the wonderful experience!

Darlene McQueen

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Originating Department: Administration

Agenda Section: Consent

Item Number: V-D

ITEM DESCRIPTION: 2016 Municipal Clerks Advanced Academy (MCAA)

Prepared by: Staff

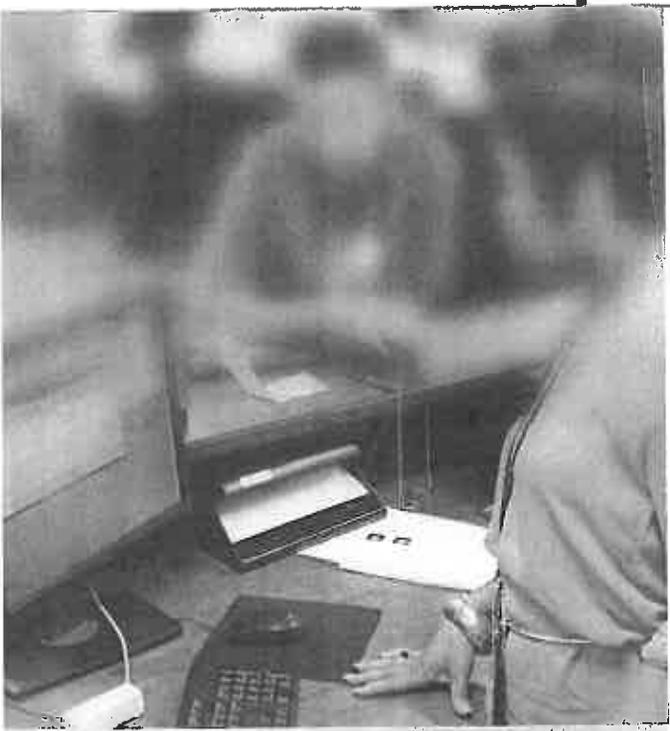
COMMENTS:

Renee Eckerly is interested in attending the 2016 Municipal Clerks Advanced Academy (MCAA) September 8-9, 2016 in Bloomington, MN. The registration fee is \$195.00 (Eckerly has received a \$100.00 grant to attend the academy) plus mileage, hotel accommodations (\$124.00), and staff time.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the attendance of Renee Eckerly to the 2016 Municipal Clerks Advanced Academy (MCAA) September 8-9, 2016.



FOR FURTHER INFORMATION

For registration questions, please contact:

Roxann Neu
320-308-4962
reneu@stcloudstate.edu

For program questions, please contact:

Jennifer Janasic
320-308-3050
jjanasic@stcloudstate.edu



ST. CLOUD STATE
UNIVERSITY

EDUCATION FOR LIFE.



St. Cloud State University is committed to legal affirmative action, equal opportunity, access and diversity of its campus community (<http://scsu.mn/scsuoba>)

T. CLOUD STATE UNIVERSITY
Center for Continuing Studies
20 Fourth Avenue South, BH211
St. Cloud, MN 56301-4498

**MUNICIPAL CLERKS
ADVANCED ACADEMY
(MCAA)**

September 8 - 9, 2016

NON PROFIT ORG.
U.S. POSTAGE
PAID
ST. CLOUD, MN
56301
PERMIT NO. 460

*****AUTO**3-DIGIT 583
A99 T2 P1
RENEE ECKERLY
CITY ADMINISTRATOR
CITY OF PAYNESVILLE
OR CURRENT OCCUPANT
221 WASHBURNE AVE
PAYNESVILLE MN 58362-1642

MAY 20 2016

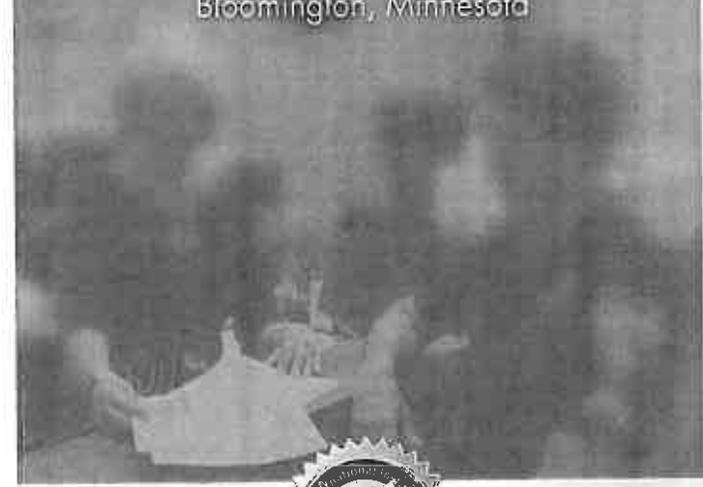


2016 MUNICIPAL CLERKS
ADVANCED ACADEMY (MCAA)

**Communicating
for Impact**

September 8 - 9, 2016

Embassy Suites by Hilton
Bloomington, Minnesota



Sponsored by:



MCFOA



**CENTER FOR
CONTINUING STUDIES**

Thursday, September 8, 2016

Writing for Impact Component

3:00 PM - 4:00 PM with lunch provided

Welcome & Introduction:

Donna Surdu & Jennifer Jansone

Instructor:

Emil B. Towner, PhD

Assistant Professor of Business Communication
Marketing Department, Haskayne Business School
St. Cloud State University

Prerequisites:

- Tips for writing more effective written messages that build credibility with staff, the public, and boards and city councils
- When to use written communication
- How to format messages for impact
- How to convey a clear oral message while presenting
- Techniques for elevating your writing
- Writing styles and grammar updates and
- An overview of Outreach and Resolutions

Friday, September 9, 2016

Public Speaking and Beyond

8:00 AM - 12:00 PM

Instructor:

Emil B. Towner, PhD

Prerequisites:

- How to convey clear oral messages while speaking in public
- Tips for public speaking
- The nuts and bolts of developing presentations and
- The visual components of a well-told presentation

Emil B. Towner, PhD

An SCSU Professor Towner teaches Writing in the Professions and Civic Writing amongst other courses, and has previously taught Public Speaking, Visual Communication, and Persuasion in Society courses at the College of Saint Benedict and St. John's University.

With 19 years in corporate communications, 14 years teaching college courses, and a PhD in technical communication, he's passionate about bridging academic and industry to help learners and organizations achieve their communication goals.

Prior to entering academia, Emil obtained experience in the industry, overseeing web, social media, e-communications, and marketing communications. In addition, his research has focused on how knowledge is transferred (and negotiated) through business communication practices and visual communication.

Rec. 100% Quant

REGISTRATION AND FEES

The early registration fee for the Academy postmarked by August 15 is \$195.00. The registration fee postmarked after August 15 is \$215.00. This fee includes instruction, course materials, one lunch, and refreshment breaks. You are encouraged to register early to take advantage of the lower fee.

A refund, minus a \$30 processing fee, will be granted if you cancel by August 19. If you cancel after this date, you will not be eligible for a refund. A full refund will be issued if St. Cloud State University cancels the Academy. **To register, please see: www.scsutrainning.com/MCAA**

WHAT ELSE?

ACADEMY MCFOA BOARD POLICY

The Advanced Academy consists of a 1 1/2 day, 12 hour curriculum of programming. ALL CURRICULUM HOURS ARE MANDATORY. There is a strict adherence to punctuality in each session and no cell phone calls or texting are allowed in the classroom. Attendance will be tracked. In rare instances related to emergencies, excused absences are allowed if approved by the Institute Director. These excused absences will require a "makeup assignment" that is provided by the Institute Director (who will collaborate with the instructor prior to the end of the programming). **PARTICIPANTS WHO FAIL TO COMPLY WITH ATTENDANCE AND PUNCTUALITY REQUIREMENTS WILL NOT RECEIVE A**

GENERAL PROGRAM DESCRIPTION

The Academy provides graduates of the Minnesota Municipal Clerks Institute (MMCI) three year program with an opportunity to focus on an in-depth topic of importance to the profession. Clerks who have completed the requirements for the MCMC and/or CMC designation may use this MCFOA and IIMC-approved program to earn 6 Education points. These points can be used toward the Minnesota Master Municipal Clerk (MMMC) designation through MCFOA and/or toward the IIMC Master Municipal Clerks (MMC) designation.

WHO SHOULD ATTEND?

Clerks who have successfully completed the MMCI program are encouraged to attend to further their professional training and earn points toward their advanced certifications.

SCHOLARSHIPS

The Minnesota Clerks and Finance Officers Association (MCFOA) is a membership organization open to the Municipal Clerks and Finance Officers of the 855 Minnesota cities. Members are eligible to apply to MCFOA for an MCAA scholarship. You must be a paid member to apply. For more information, please visit: www.mcfoa.org. If you are applying for a scholarship please register after you receive notification from the MCFOA of their decision. You will be able to complete your registration prior to early registration deadline. The Academy will still have space for you.

2016 MUNICIPAL CLERKS ADVANCED ACADEMY (MCAA)

Communicating for Impact

ACCOMMODATIONS

The Academy will be held at the Embassy Suites by Hilton in Bloomington, 2800 American Boulevard West. Guests receive a daily free cooked-to-order breakfast and a daily complimentary evening reception, plus they have a complimentary shuttle service to Mall of America.

A block of sleeping rooms has been reserved at the Embassy Suites by Hilton in Bloomington at a discounted rate of \$124 plus tax per room per night for a king bed (and \$134 for two double beds). In order to book your room at the group discounted rate, individuals can call the hotel directly at 1-952-884-4811. Please refer to "Municipal Clerks Advanced Academy" when making all reservations. Please call the hotel by August 8, 2016. After this date, reservations will be handled on a first-come, first-served basis at the hotel.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI – A

ITEM DESCRIPTION: City of Paynesville Invoice – Dustin Mehr, 313 Lake Ave.

Prepared by: Staff

COMMENTS:

Dustin Mehr will be in attendance to address the City Council regarding an invoice he received from the City regarding past due bills in the amount of \$1,888.20 for 313 Lake Ave. in which he purchased as a tax forfeit property. Please see the attached letter and invoice from Mr. Mehr as well as documents from the City notifying Mr. Mehr of the amount due.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to _____.

July 26, 2016

Good morning/ afternoon,

My name is Dustin Mehr. I am writing this letter in regards to an invoice I received in the mail after I had purchased, 313 Lake Ave. South (Tax Forfeited property) . I had bought the property under the impression that there was \$0 assessment balance, according to Stearns County. After having the property I received an invoice for \$1,888.20. When I called Xcel Energy and Centerpoint about the electric and the gas, they said " I am not responsible for any prior bills".

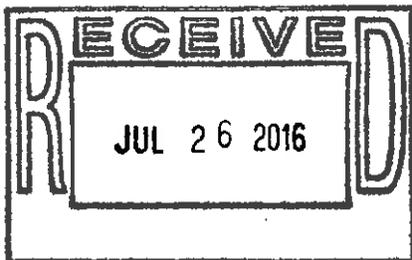
I hope that that the board will strongly look into this invoice. I am trying to make the city of Paynesville more appealing to a potential buyer by fixing up the property at 313 Lake Ave. South, so it does not look like such a dump and eye sore for the town. I am also fixing it up to hopefully get a family to live there, so the city has the property on its books. Assuming that the potential owner will pay the future water / sewer and taxes on the property. I also intend to buy local material at the local business to fix up the property. I am going to have my workers eat at the local restaurant in town and I am going to hire local Contractors to help out and pull permits with the City of Paynesville. In the end helping the local community of Paynesville. I would also like to see more homes in the Paynesville area, that are not occupied and look dumpy, fixed up but with this circumstance this is leading me to fix up this ONE property and be done.

Thank you for taking the time to read this letter. I look forward to seeing you soon.

Dustin Mehr



(320) 249-3869



CITY OF PAYNESVILLE

INVOICE

221 WASHBURNE AVE.
 PAYNESVILLE, MN 56362
 Phone 320-243-3714

DATE: July 1, 2016

Bill To:
 Dustin Mehr
 21974 Forest Hills Rd
 Richmond, MN 56368

CHARGES AND CREDITS				AMOUNT
Re: 313 Lake Ave Assessments				
Lake Ave 2004 Street Project				678.79
2009 refuse due 2010 taxes				211.81
2010 refuse due 2011 taxes				106.17
2011 refuse due 2012 taxes				73.76
2015 refuse due 2016 taxes				353.15
2015 water/sewer due 2016 taxes				161.51
current water/sewer due				153.01
2016 mowing due <i>added after the fact!</i>				150.00
CURRENT	1-30 DAYS	31-60 DAYS PAST DUE	OVER 90 DAYS PAST DUE	TOTAL DUE
1888.20				\$ 1,888.20

IF THIS INVOICE IS NOT PAID WITHIN 30 DAYS OF INVOICE DATE, A SERVICE CHARGE OF 1.5 PERCENT WILL BE ADDED EACH MONTH. (18% PER ANNUM.) .50 MINIMUM

CITY OF PAYNESVILLE

INVOICE

221 WASHBURNE AVE.
 PAYNESVILLE, MN 56362
 Phone 320-243-3714

DATE: August 1, 2016

Bill To:
 Dustin Mehr
 21974 Forest Hills Rd
 Richmond, MN 56368

DATE		CHARGES AND CREDITS		AMOUNT
		Re: 313 Lake Ave Assessments		
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		2009 refuse due 2010 taxes		211.81
		2010 refuse due 2011 taxes		106.17
		2011 refuse due 2012 taxes		73.76
		2015 refuse due 2016 taxes		353.15
		2015 water/sewer due 2016 taxes		161.51
		current water/sewer due		153.01
		2016 mowing due		150.00
		PAST DUE - PLEASE PAY PROMPTLY		
CURRENT	1-30 DAYS	31-60 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
	\$1,888.20			\$ 1,888.20

IF THIS INVOICE IS NOT PAID WITHIN 30 DAYS OF INVOICE DATE, A SERVICE CHARGE OF 1.5 PERCENT WILL BE ADDED EACH MONTH. (18% PER ANNUM.) .50 MINIMUM

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CITY OF PAYNESVILLE

INVOICE

221 WASHBURNE AVE.
 PAYNESVILLE, MN 56362
 Phone 320-243-3714

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Bill To:
 Dustin Mehr
 21974 Forest Hills Rd
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IF THIS INVOICE IS NOT PAID WITHIN 30 DAYS OF INVOICE DATE, A SERVICE CHARGE OF 1.5 PERCENT WILL BE ADDED EACH MONTH. (18% PER ANNUM.) .50 MINIMUM

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Belinda Ludwig

From: Bill Spooner <bill@spoonerglenz.com>
Sent: Thursday, June 16, 2016 10:41 AM
To: Belinda Ludwig
Subject: Re: 313 lake ave

For my two cents I think we are likely to see this again in the near future with lots in Heatherwood Plat 3 and it would be a dangerous precedent to let unpaid assessments go unpaid in tax forfeiture situations.

I agree that getting this property fixed up is a good thing but apparently it was sold for \$1,000 which is a heck of a deal for a lot with municipal services even with an additional \$1,700 in assessments.

Sent from my iPhone

On Jun 16, 2016, at 10:34 AM, Belinda Ludwig <Belinda@paynesvillemn.com> wrote:

Just a heads up Dustin just came back in and his feeling is that these assessments were the other persons and that they are off the taxes and would need to be reassessed. Anyway he wants to come to the council meeting on the 27th to discuss this. I think he feels he is bettering the community by fixing up this place and the city should forgive the assessments. He plans to come back today after 11 to talk to Jen to get put on the agenda. Renee if you need to call me tomorrow or next week with any questions that is fine. I got all my figures from the assessment books from the county and Lori Gross and Arlin from the county confirmed and told me what parts were not paid on past taxes. Again Lori was concerned that possibly a new employee may not have told him to check their website and talk to the city but he came in at the last minute and didn't question much.

Belinda Ludwig
Finance Specialist
City of Paynesville
320-243-3714 Ext 228
Belinda@paynesvillemn.com

Belinda Ludwig

From: Belinda Ludwig
Sent: Thursday, June 16, 2016 9:57 AM
To: 'dustin.r.mehr@gmail.com'
Cc: Renee Eckerly; Ron Mergen; bill@spoonerglenz.com
Subject: 313 Lake Ave property assessments

Dustin, after calculating the past due assessments due on 313 Lake Ave, the following is the breakdown of assessments due to the City of Paynesville prior to turning on water/sewer at the curb.

Lake Ave 2004 Street project:	\$ 678.79
2009 refuse due 2010 taxes:	\$ 211.81
2010 refuse due 2011 taxes:	\$ 106.17
2011 refuse due 2012 taxes:	\$ 73.76
2015 refuse due 2016 taxes:	\$ 353.15
2015 water/sewer due 2016 taxes:	\$ 161.51
Current water/sewer due:	\$ 153.01
Total due:	\$1,738.20

plus 150- mowing

I will be out of the office until June 27th. Please let me know if you have any further questions.

Belinda Ludwig
Finance Specialist
City of Paynesville
320-243-3714 Ext 228
Belinda@paynesvillemn.com

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - B

ITEM DESCRIPTION: Board of Appeal & Equalization

Prepared by: Staff

COMMENTS:

The City is required to have at least one Council member trained. Currently Donovan Mayer and Kay McDaniel are certified. Attached is the on-line training information.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

MINNESOTA • REVENUE

Memo

Date: March 2, 2016
To: Local and County Board Members
From: Jessi Glancey, State Program Administrator Principal
Subject: Board of Appeal and Equalization Training Update

Online Training Version I

Board of Appeal and Equalization (BAE) online training was launched on July 2, 2015. At that time, all board members had the opportunity to register and take the training prior to the February 1, 2016 compliance date.

In total, 554 board members completed the training statewide, which is the largest group of trained members ever trained in the history of Board of Appeal and Equalization training. Thank you to all of you that took the time to register and take the training. We hope your experience with the training was a positive one.

Online Training Version II

Online training will be available to all board members after July 1, 2016 and will remain available until February 1, 2017. Anyone who completes the training between July 1, 2016 and February 2, 2017 will be certified until July 1, 2020.

There will be an updated version of the online training due to feedback we received. Some things you will notice include:

- There will be one training link instead of seven modules.
- It is also shorter than version one; it will now take a user 30-45 mins to complete.
- We are also working on resolving some of the technical issues that came up this past year for some of our users.

Board members interested in taking the training need to complete the following steps:

1. Register to take the training by accessing the MN Department of Revenue website
 - http://www.revenue.state.mn.us/local_gov/prop_tax_admin/Pages/lbaetraining.aspx
2. Watch for a confirmation email, with login information
3. Login to start the training **within 30 days** of receiving the confirmation email
4. Complete the training
5. Print/save completion certificate

How do I register?

You can register starting **June 27, 2016**. We encourage all board members to use their own email addresses when registering for the training, so that the system can create an accurate user profile for you. More information about the registration process will be posted on the website in June.

Be sure to check the website often for updates and additional information.

What if I have additional questions?

We will be offering a webinar for anyone who would like a live demonstration on how to register, how to access the training, and some other basic technical tips. A webinar is a seminar conducted over the internet. It is very easy to access, and all you would need is an internet connection to view this webinar.

We are hoping to offer this webinar sometime in the fall of this year. We highly encourage that board clerks view this webinar, therefore if a board member is struggling with accessing the training, the clerk could assist them in most situations. More information about this webinar will be announced as we get closer to scheduling the webinar.

Summary

Key points to take away from this memo:

- Online training and registration will be launched on July 1, 2016
- Registration will open on June 27, 2016
- The training will be available until February 1, 2017
- Be sure to check the DOR website throughout the year for updates/announcements/information
 - http://www.revenue.state.mn.us/local_gov/proptax_admin/Pages/lbaetraining.aspx
- A live demonstration webinar will be offered this fall, stay tuned for more information

If you have any questions, please contact us via email at proptax.bae@state.mn.us.

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - C

ITEM DESCRIPTION: Gambling Permit – Paynesville Baseball Club, Inc.

Prepared by: Staff

COMMENTS:

Please review the attached MN Lawful Gambling LG220 Application For Exempt Permit from the Paynesville Baseball Club, Inc. to conduct a raffle on Friday, September 30, 2016 at 795 Hwy. 23 W. (Paynesville Football Field).

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the MN Lawful Gambling LG220 Application For Exempt Permit from the Paynesville Baseball Club, Inc. to conduct a raffle on Friday, September 30, 2016.

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)
Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Paynesville Baseball Club, Inc. Previous Gambling Permit Number: _____
Minnesota Tax ID Number, if any: 3940269 Federal Employer ID Number (FEIN), if any: 27-3708054
Mailing Address: 29153 Koron's Dr.
City: Paynesville State: MN Zip: 56362 County: Stearns
Name of Chief Executive Officer (CEO): Chris Stanley
Daytime Phone: 320-290-9838 Email: chrisst Stanley1313@gmail.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
60 Empire Drive, Suite 100 www.sos.state.mn.us
St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Paynesville Football Field
Address (do not use P.O. box): 795 W HWY 23
City or Township: Paynesville Zip: 56362 County: Stearns
Date(s) of activity (for raffles, indicate the date of the drawing): 9.30.16

Check each type of gambling activity that your organization will conduct:
 Bingo* Paddlewheels* Pull-Tabs* Tipboards*
 Raffle (total value of raffle prizes awarded for the calendar year: \$ 10,000.00)

* Gambling equipment for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

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LG220 Application for Exempt Permit

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print City Name: _____

Signature of City Personnel: _____

Title: _____ Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)
On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

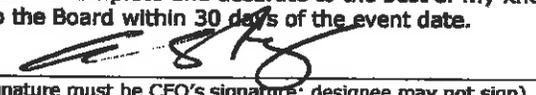
Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature:  Date: 7/20/16

(Signature must be CEO's signature; designee may not sign)

Print Name: Chris Stanley

REQUIREMENTS

- Complete a separate application for:**
- all gambling conducted on two or more consecutive days, or
 - all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- a copy of your proof of nonprofit status, and
- application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

AUG 31 2011

PAYNESVILLE BASEBALL CLUB INC
29153 KORONIS DR
PAYNESVILLE, MN 56362

Employer Identification Number:
27-3708054
DLN:
17053208321031
Contact Person:
DALE T SCHABER ID# 31175
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
August 20, 2010
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Lois G. Lerner
Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - D

ITEM DESCRIPTION: SafeAssure Contract

Prepared by: Staff

COMMENTS:

Please review the attached 2016 SafeAssure Contract for OSHA compliance, safety consulting, and employee training in the amount of \$4,623.66. This is an increase of \$90.66 from 2015. The last significant increase was in 2013.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve the 2016 SafeAssure Contract in the amount of \$4,623.66 and authorize the Mayor and City Administrator to sign the document.

SafeAssure Consultants Inc.

Invoice

PO Box 281
Willmar, MN 56201

Date	Invoice #
8/1/2016	1058

Bill To
City of Paynesville Attn: Renee Eckerly, Administrator 221 Washburne Ave Paynesville MN 56362

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Due by August 31st		8/1/2016			
Quantity	Item Code	Description			Price Each	Amount
1	Consulting	Safety Training			4,623.66	4,623.66
Thank you for your business! We appreciate your partnership with us!					Total	\$4,623.66

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The United States Department of Labor, Division of Occupational Safety and Health Administration and the Minnesota Department of Labor, Division of Occupational Safety and Health Administration require employers to have documented proof of employee training and written procedures for certain specific standards. **The attached addendum and training schedule clarifies written and training requirements.**

The required standards that apply to The City of Paynesville are listed below:

A.W.A.I.R.

MN Statute 182.653

"An employer covered by this section must establish a written Work-place Accident & Injury program that promotes safe & healthful working conditions".

EMERGENCY ACTION PLAN

29 CFR 1910.35 THRU .38

"The emergency action plan shall be in writing and shall cover the designated actions employers & employees must take to insure employee safety from fire & other emergencies".

CONTROL OF HAZARDOUS ENERGY

29 CFR 1910.147 &

MN Statute 5207.0600

"Procedures shall be developed, documented & utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section".

HAZARD COMMUNICATIONS

29 CFR 1910.1200 &

MN Statute 5206.0100 thru 5206.1200

"Evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees may include, but is not limited to, provision for: development & maintaining a written hazard communication program for the work-place..."

RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

29 CFR 1904

"Each employer shall maintain in each establishment a log and summary of all occupational injuries and illnesses for that establishment....."

CONFINED SPACE

29 CFR 1910.146

If the employer decides that its employees will enter permit spaces, the employer shall develop and implement a written permit space program.....

RESPIRATORY PROTECTION

29 CFR 1910.134

Written standard operating procedures governing the selection and use of respirators shall be established.

OCCUPATIONAL NOISE EXPOSURE

29 CFR 1910.95

The employer shall institute a training program for all employees who are exposed to noise at or above an 8-hour time weighted average of 85 decibels, and shall ensure employee participation in such a program.

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BLOODBORNE PATHOGENS

29 CFR 1910.1030

Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure.

POWERED INDUSTRIAL TRUCKS

29 CFR 1910.178

"Only trained and authorized operators shall be permitted to operate a powered industrial truck. Methods shall be devised to train operators in the safe operation of Powered Industrial Trucks".

GENERAL DUTY CLAUSE

PL91-596

"Hazardous conditions or practices not covered in an O.S.H.A. Standard may be covered under section 5(a)(1) of the act, which states: Each employer shall furnish to each of {their} employees employment and a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to {their} employees."

PERSONAL PROTECTIVE EQUIPMENT

1926.95 a)

"Application." Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

OVERHEAD CRANES

1910.179(j)(3)

Periodic inspection. Complete inspections of the crane shall be performed at intervals as generally defined in paragraph (j)(1)(ii)(b) of this section, depending upon its activity.....

ERGONOMICS

29 CFR PART 1910.900 THRU 1910.944

"Training required for each employee and their supervisors must address signs and symptoms of MSD's, MSD hazards and controls used to address MSD hazards."

MOBILE EARTHMOVING EQUIPMENT

MN RULES 5207.1000

Mobile earth-moving equipment operators and all other employees working on the ground exposed to mobile earth-moving equipment shall be trained in the safe work procedures pertaining to mobile earth-moving equipment and in the recognition of unsafe or hazardous conditions.

In the interest of Quality Safety Management, it may be recommended that written procedures and documented employee training also be provided for the following Subparts. (Subparts represent multiple standards)

1910 Subparts

- Subpart D - Walking - Working Surfaces
- Subpart E - Means of Egress
- Subpart F - Powered Platforms, Man-lifts, and Vehicle-Mounted Work Platforms
- Subpart G - Occupational Health and Environmental Control
- Subpart H - Hazardous Materials
- Subpart I - Personal Protective Equipment
- Subpart J - General Environmental Controls
- Subpart K - Medical and First Aid
- Subpart L - Fire Protection
- Subpart M - Compressed Gas and Compressed Air Equipment
- Subpart N - Materials Handling and Storage
- Subpart O - Machinery and Machine Guarding
- Subpart P - Hand and Portable Powered Tools and Other Hand-Held Equipment.
- Subpart Q - Welding, Cutting, and Brazing.
- Subpart S - Electrical
- Subpart Z - Toxic and Hazardous Substances

1926 Subparts

- Subpart C - General Safety and Health Provisions
- Subpart D - Occupational Health and Environmental Controls
- Subpart E - Personal Protective and Life Saving Equipment
- Subpart F - Fire Protection and Prevention
- Subpart G - Signs, Signals, and Barricades
- Subpart H - Materials Handling, Storage, Use, and Disposal
- Subpart I - Tools - Hand and Power
- Subpart J - Welding and Cutting
- Subpart K - Electrical
- Subpart L - Scaffolds
- Subpart M - Fall Protection
- Subpart N - Cranes, Derricks, Hoists, Elevators, and Conveyors
- Subpart O - Motor Vehicles, Mechanized Equipment, and Marine Operations
- Subpart P - Excavations
- Subpart V - Power Transmission and Distribution
- Subpart W - Rollover Protective Structures; Overhead Protection
- Subpart X - Stairways and Ladders
- Subpart Z - Toxic and Hazardous Substances

Applicable MN OSHA 5205 Rules

Applicable MN OSHA 5207 Rules

Applicable MN OSHA 5206 Rules (Employee Right to Know)

All training on the programs written by SafeAssure Consultants, Inc. will meet or exceed State and/or Federal OSHA requirements.

These programs/policies and procedures listed on the addendum **do not** include the cost of hardware such as labels, signs, etc. and will be the responsibility of The City of Paynesville to obtain as required to comply with OSHA standards.

Our contract year will begin on the signing of this proposal/contract. Classroom training will be accomplished at a time convenient to most employees/management and so selected as to disrupt the workday as little as possible.

All documents and classroom training produced by SafeAssure Consultants for The City of Paynesville are for the sole and express use by The City of Paynesville and its employees and not to be shared, copied, recorded, filmed or used by any division, department, subsidiary, or parent organization or any entity whatsoever, without prior written approval of SafeAssure Consultants.

It is always the practice of SafeAssure Consultants to make modifications and/or additions to your program when necessary to comply with changing OSHA standards/statutes. These changes or additions, when made during a contract year, will be made at no additional cost to The City of Paynesville.

All written programs/services that are produced by SafeAssure Consultants, Inc. are guaranteed to meet the requirements set forth by MNOSHA/OSHA. SafeAssure Consultants, Inc. will reimburse The City of Paynesville should MNOSHA/OSHA assess a fine for a deficient or inadequate written program that was produced by SafeAssure Consultants, Inc. SafeAssure Consultants, Inc. does not take responsibility for financial loss due to MNOSHA/OSHA fines that are unrelated to written programs mentioned above.

ADDENDUM
SAFETY PROGRAM RECOMMENDATIONS
The City of Paynesville

Written Programs & Training

A.W.A.I.R. (A Workplace Accident and Injury Reduction Act)

- review/modify or write site specific program
- documented training of all personnel
- accident investigation
- simulated OSHA inspection

Employee Right to Know/Hazard Communication

- review/modify or write site specific program
- documented training of all personnel (general and specific training)
- various labeling requirements
- assist with installing and initiating DAMARCO Solutions, LLC, MSDS and data base program

Lock Out/Tag Out (Control of Hazardous Energy)

- review/modify or write site specific program
- documented training of all personnel

Emergency Action Plan

- review/modify or write site specific program
- documented training of all personnel

Respiratory Protection

- review/modify or write site specific program
- documented training of all personnel

Bloodborne Pathogens

- review/modify or write site specific program
- documented training of all personnel

Cranes-Chains-Slings

- review/modify or write site specific program
- documented training of all personnel (inspections)

Hearing Conservation (Occupational Noise Exposure)

- review/modify or write site specific program
- documented training of all personnel
- decibel testing and documentation

Personal Protective Equipment

- review/modify or write site specific program
- documented training of all personnel

Confined Space

- review/modify or write site specific program
- documented training of all personal

Powered Industrial Trucks/Forklifts

- review/modify or write site specific program
- documented training of all personnel
- testing and licensing

Mobile Earthmoving Equipment

- review/modify or write site specific program
- documented training of all personal

Ergonomics

- review/modify or write site specific program
- documented training of all personnel
 - job hazards-recognition
 - control steps
 - reporting
 - management leadership requirements
 - employee participation requirements

General Safety Requirements

- review/modify or write site specific program
- documented training of all personnel

The "SafeAssure Advantage"

- On-Line training available for AWAIR, EAP, ERTK, ERGO, Bloodborne
- Safety Committee Advisor
- Employee Safety Progress Analysis
- SafeAssure "Client Discount Card" from Fastenal Stores or Catalogs (15% off any item)
- Job Hazard Analysis (JHA for more hazardous tasks/jobs)
- Training manual maintenance
- Safety manual maintenance
- Documented decibel testing
- Documented air quality readings-(CO2 testing in shops with 5 or more vehicle capacity)
- Documented foot-candle readings (if needed)
- OSHA recordkeeping
- General Duty Clause
- Assistance during an actual OSHA inspection
- General safety recommendations
- "ALERT" data base
- Unlimited consulting services

Contract/ Agreement

THIS AGREEMENT is made this first day of September, 2016, between The City of Paynesville, Paynesville, Minnesota, herein referred to as The City of Paynesville and SafeAssure Consultants, Inc. 200 S.W. Fourth Street, Willmar, Minnesota, herein referred to as SafeAssure.

SafeAssure agrees to abide by all applicable federal and state laws including, but not limited to, OSHA regulations and local/state/national building codes. Additionally, SafeAssure will practice all reasonable and appropriate safety and loss control practices.

SafeAssure agrees to provide, at the time of execution of this contract/agreement, The City of Paynesville (upon request) with a current Certificate of Insurance with proper coverage lines and a **minimum of \$2,000,000.00** in insurance limits of general liability and statutory for workers' compensation insurance. SafeAssure is insured by "The Hartford" insurance companies.

SafeAssure further agrees that The City of Paynesville will not be held liable for any claims, injuries, or damages of whatever nature due to negligence, alleged negligence, acts or omissions of SafeAssure to third parties. SafeAssure expressly forever releases and discharges The City of Paynesville, its agents, members, officers, employees, heirs and assigns from any such claims, injuries, or damages. SafeAssure will also agree to defend, indemnify and hold harmless The City of Paynesville, its agents, members and heirs from any and all claims, injuries, or damages of whatever nature pursuant to the provisions of this agreement.

SafeAssure and its employees is an independent contractor of The City of Paynesville, and nothing in this agreement shall be considered to create the relationship of an employer/employee.

In consideration of this signed agreement/contract, for the period of **Twelve Months** from the signing month, SafeAssure Consultants, Inc. agrees to provide The City of Paynesville, the aforementioned features and services. These features and services include but are not limited to OSHA compliance recommendations and consultations, providing scheduled classroom-training sessions, writing and maintaining mandatory OSHA programs. These features and services will be prepared to meet the specific needs of The City of Paynesville.

ANNUAL CONTRACT	\$ 4623.66
DAMARCO SERVICES (MSDS ON-LINE)	\$Included
ANNUAL	\$4,623.66

IN TESTIMONY WHEREOF, we agree to the day and year first above written and, if representing an organization or similar entity, further certify the undersigned are a duly authorized agent of said entity and authorized to sign on behalf of identified entity.

TWELVE MONTH CONTRACT 

X _____
The City of Paynesville

X _____
The City of Paynesville

x 

SafeAssure Consultants, Inc.

080116

Date

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - E

ITEM DESCRIPTION: 2017 Proposed Budget

Prepared by: Staff

COMMENTS:

This is being presented as information at this time and no action is required. Please review the proposed 2017 Budget. The Budget & Finance Committee will be reviewing it on August 2, 2016. The Council will be discussing it further at their August 22, 2016 Working Session and Regular City Council meetings.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

2017 Levy Calculation
As of 8-02-16

2017 Expenses	\$2,053,029.00	
2017 Revenue	<u>(\$1,380,408.00)</u>	
Difference needed to Balance Budget	\$672,621.00	
Levy 2017	\$672,621.00	
Levy 2016	<u>(\$611,354.00)</u>	this line is previous yr property tax, market value credit & mobile home credit
Levy Increase	\$61,267.00	
Levy Increase	\$61,267.00	divide by \$611,354.00 (Levy 2016)= 0.100215

Need to be at \$25,000 (cut \$36,267 to be at a 4% increase)

23
2

City Hall Front Counter Reconfiguration – this is not in the current budget so would have to be determined where it will come from. Some of the expenses that will incur are listed here:

Estimate from Safeguard Security for security system: \$13,015.00

Estimate for security lights: \$1,029.

Estimate for wiring & sound: \$2,000

Holiday Lights – Revenue and Expense are both in the General Fund under Community Enhancement

EDAP budget at 4/30/16 has \$50,216.70 of which \$21,967.75 is small cities money leaving \$28,248.95.

Should part of the remaining \$12,000 expense come from EDAP or should we budget in General Fund?

CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

Copy B

100-GENERAL FUND

REVENUES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
INTEREST										
100-4-0010-3080 INTEREST REVENUE TIF#1-8	0	0	0	0	0	0	0	0	0	0.00
100-4-0010-3100 INTEREST INCOME ON INVESTMENT	(5,011)	(5,432)	19,999	18,000	37,422	20,000	2,000	11.11		
100-4-0010-3110 CHANGE IN FAIR MARKET VALUE	(15,780)	3,053	2,811	0	0	0	0	0.00		
TOTAL INTEREST	(20,791)	(2,379)	22,810	18,000	37,422	20,000	2,000	11.11		
EDAP RECEIPTS										
100-4-1805-5240 TOWNSHIP DONATIONS	3,000	3,000	3,000	3,000	3,000	3,000	0	0.00		
TOTAL EDAP RECEIPTS	3,000	3,000	3,000	3,000	3,000	3,000	0	0.00		
GENERAL PROPERTY TAXES										
100-4-3011-0010 CURRENT REAL & PERSONAL PROPER	554,357	559,199	583,536	611,354	237,073	0	(611,354)	100.00-		
100-4-3011-0020 HACA AID	0	0	0	0	0	0	0	0.00		
100-4-3011-0030 LOCAL PERFORMANCE AID	0	0	0	0	0	0	0	0.00		
100-4-3011-0040 LOCAL GOVERNMENT AID--STATE AI	679,593	716,095	721,343	722,959	0	723,840	881	0.12		
100-4-3011-0050 INTEREST ON LOCALS	0	0	0	0	0	0	0	0.00		
100-4-3011-0060 MARKET VALUE CREDIT	0	0	5	0	0	0	0	0.00		
100-4-3011-0250 MOBILE HOME HOMESTEAD CREDIT	0	0	0	0	0	0	0	0.00		
100-4-3011-0260 PERA AID	2,731	2,731	2,731	2,731	0	2,731	0	0.00		
100-4-3011-0270 LOW INCOME HOUSING AID	0	0	0	0	0	0	0	0.00		
TOTAL GENERAL PROPERTY TAXES	1,236,681	1,278,025	1,307,616	1,337,044	237,073	726,571	(610,473)	45.66-		
LICENSES AND PERMITS										
100-4-3110-0300 PET LICENSES	3,015	3,015	1,940	3,000	330	2,500	(500)	16.67-		
100-4-3110-0310 BEER LICENSES	200	200	300	200	200	300	100	50.00		
100-4-3110-0320 CIGARETTE LICENSES	500	600	600	600	600	600	0	0.00		
100-4-3110-0321 GOLF CART/DRIVER PERMITS	0	0	0	0	0	500	500	0.00		
100-4-3110-0330 FIRE PIT PERMIT	0	0	0	0	0	0	0	0.00		
100-4-3110-0350 ON-SALE LIQUOR LICENSES	6,400	6,450	6,400	6,400	6,550	6,400	0	0.00		
100-4-3110-0360 COMPOST PERMIT FEE	4,970	5,460	5,740	5,200	4,440	4,045	(1,155)	22.21-		
100-4-3110-0370 REFUSE/GARBAGE HAULERS LICENSE	150	250	300	200	200	200	0	0.00		
TOTAL LICENSES AND PERMITS	15,235	15,975	15,280	15,600	12,320	14,545	(1,055)	6.76-		
COURT										
100-4-3210-0400 COURT FINES	6,525	6,916	6,730	6,150	2,631	6,150	0	0.00		
100-4-3210-0410 ADMINISTRATIVE FINES-CITY	1,315	1,880	2,440	2,000	830	2,000	0	0.00		
100-4-3210-0411 POLICE STATE ADMIN FINES	920	1,060	600	1,000	240	1,000	0	0.00		
100-4-3210-0412 STATE GEN FUND ADMIN FINES	920	1,060	600	1,000	240	1,000	0	0.00		
100-4-3210-0413 CITY GEN FUND STATE ADMIN FINE	920	1,060	600	1,000	240	1,000	0	0.00		
TOTAL COURT	10,600	11,976	10,970	11,150	4,181	11,150	0	0.00		

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND

REVENUES	(----- 2016 -----) (----- 2017 -----)				Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET				
RENT								
100-4-3411-0660 RENTAL OF BUILDINGS	1,900	1,400	1,500	1,000	825	1,200	200	20.00
100-4-3411-0760 RENTAL OF GAZEBO PARK	325	400	125	200	125	200	0	0.00
100-4-3411-0770 RENTAL OF VETERANS PARK	2,407	1,600	2,700	2,000	1,300	2,500	500	25.00
100-4-3411-0780 DAMAGE DEPOSIT	1,000	850	1,350	1,000	650	1,000	0	0.00
100-4-3411-2150 SALES TAX	160	138	187	150	96	150	0	0.00
TOTAL RENT	5,792	4,388	5,862	4,350	2,996	5,050	700	16.09
FILING FEES								
100-4-3511-0470 ELECTION FILING FEES	0	12	0	10	0	0	(10)	100.00-
100-4-3511-4073 REFUNDS/REIMBURSEMENTS	0	1,885	0	0	0	0	0	0.00
TOTAL FILING FEES	0	1,897	0	10	0	0	(10)	100.00-
PUBLIC SAFETY								
100-4-3522-1021 POLICE PROTECTION	0	0	5,000	10,000	5,000	10,000	0	0.00
100-4-3522-1031 POLICE DEPT TRAINING REIMB	1,025	1,287	2,166	1,500	0	1,500	0	0.00
100-4-3522-1032 ANIMAL IMPOUND	179	69	338	200	14	200	0	0.00
100-4-3522-1033 FINGERPRINTING FEES	540	405	425	300	315	300	0	0.00
100-4-3522-1050 MISC INCOME TO POLICE DEPT.	310	1,078	249	400	1,067	400	0	0.00
100-4-3522-1051 POLICE DEPT DONATIONS	0	0	2,244	0	0	0	0	0.00
100-4-3522-1052 NATIONAL NIGHT OUT DONATIONS	0	0	0	1,000	0	0	(1,000)	100.00-
100-4-3522-1091 POLICEMEN'S STATE AID	20,509	29,195	31,902	31,000	0	31,000	0	0.00
100-4-3522-1112 PD BUY BACK SICK LEAVE THRU WC	0	0	0	0	0	0	0	0.00
100-4-3522-1170 GRANT MONIES	6,804	23,613	11,587	10,000	778	10,000	0	0.00
100-4-3522-2000 FIRE RUNS	11,245	680	400	1,000	0	500	(500)	50.00-
100-4-3522-2031 FIRE DEPT REIMB	4,572	4,988	3,050	5,000	2,188	4,500	(500)	10.00-
100-4-3522-2040 DESIGNATED DONATIONS TO FIRE	0	0	0	0	0	0	0	0.00
100-4-3522-2050 MISC INCOME TO FIRE DEPT.	50	0	0	0	0	0	0	0.00
100-4-3522-2070 FIRE CONTRACTS	81,397	82,519	70,864	81,000	45,064	81,988	988	1.22
100-4-3522-2090 FIREMEN'S RELIEF, STATE AID	36,148	36,938	39,489	34,000	1,000	39,489	5,489	16.14
100-4-3522-2091 FD RELIEF SHARE OF CONTRIB	1,555	572	0	0	0	0	0	0.00
100-4-3522-2120 RESCUE RUNS	1,295	2,750	1,100	1,050	350	1,100	50	4.76
100-4-3522-2170 GRANT MONIES	1,672	0	0	0	0	0	0	0.00
100-4-3522-3050 AMBULANCE GARAGE RENT	0	0	7,250	8,700	5,075	8,700	0	0.00
100-4-3522-4073 REFUNDS/REIMBURSEMENTS	0	0	0	0	1,500	0	0	0.00
100-4-3522-4075 CODE RED REIMBURSEMENT	0	0	2,050	2,000	2,933	3,000	1,000	50.00
TOTAL PUBLIC SAFETY	167,303	184,093	178,114	187,150	65,285	192,677	5,527	2.95

100-3522-2070 FIRE CONTRACTS

CURRENT YEAR NOTES:

7-28-16 BELINDA - I CALCULATED FIGURE USING THE FIRE CONTRACT FORMULA WITH 2017 PROPOSED EXP OF \$176,905 AND SUBTRACTED THE 2015 ACTUAL STATE AID OF \$39,489 AS WE DON'T GET THE 2016 FIGURE UNTIL OCTOBER. I LEFT THE HOURS, POPULATION, AND MARKET VALUE AS 2016 FIGURES. THIS GAVE ME A TOTAL OF \$137,416 AND AFTER SUBTRACTING THE PAYNESVILLE AMOUNT OF \$55,428 THIS LEFT A TOTAL OF \$81,988.

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND

REVENUES	2016				2017			
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
4-3522-2090	FIREMEN'S RELIEF, STATECURRENT YEAR NOTES: 7-28-16 BELINDA - I USED THE 2015 ACTUAL STATE AID AS WE DON'T HAVE THE 2016 FIGURE YET AND AM TRYING TO FIGURE SO THE GAP AT YEAR END TO EITHER DEBIT OR CREDIT THE ENTITIES IS SMALLER.							
<u>AIRPORT</u>								
100-4-3591-0700	CITY HANGAR RENTAL	24,340	28,740	26,030	27,500	20,450	27,000 (500)	1.82-
100-4-3591-0710	RENTAL OF LAND-HANGARS	3,130	2,470	2,370	2,500	1,250	2,500	0.00
100-4-3591-0720	RENTAL OF LAND-FARM	17,359	20,652	23,983	25,000	18,534	25,600	600
100-4-3591-0730	RENTAL-POLE STORAGE	1,250	0	0	0	0	0	0.00
100-4-3591-0740	STATE O & M REIMB (GRANT)	13,795	15,175	20,400	20,400	20,400	20,400	0
100-4-3591-0750	AVIATION FUEL RECEIPTS	72,421	45,609	46,367	43,700	16,735	45,320	1,620
100-4-3591-4040	DONATIONS	0	0	0	0	100	0	0.00
100-4-3591-4050	OTHER MISCELLANEOUS INCOME	1,046	10,912	0	0	0	0	0.00
	TOTAL AIRPORT	133,342	123,557	119,150	119,100	77,468	120,820	1,720
								1.44
<u>BUILDING PERMITS</u>								
100-4-3930-0430	BUILDING PERMIT FEES	29,614	30,218	29,361	25,000	8,139	25,000	0
100-4-3930-0460	ZONING FEES	800	1,125	450	700	380	700	0
100-4-3930-0471	PLAN CHECK FEE	5,065	4,775	4,965	4,000	576	3,000 (1,000)	25.00-
100-4-3930-0472	VARIANCE FEES	1,250	1,250	250	750	750	750	0
100-4-3930-0473	CONDITIONAL USE FEES	225	250	225	225	225	225	0
100-4-3930-0474	LOT SPLIT FEES	170	170	220	170	0	170	0
100-4-3930-0475	PLATTING FEES	150	700	0	350	0	350	0
100-4-3930-0476	PLACEMENT FEES	250	350	250	350	300	350	0
100-4-3930-0477	SIGN FEES	275	225	0	200	0	200	0
100-4-3930-0478	TEMPORARY USE PERMIT	0	0	0	0	0	0	0.00
100-4-3930-0479	LEAD CERTIFICATION FEE	0	0	0	0	0	0	0.00
100-4-3930-0480	STATE SURCHARGE ON BLDG PERMIT	2,520	2,172	2,014	2,000	429	2,000	0
100-4-3930-0490	EXC/MOVING/VACATION PERMIT FEE	455	560	610	500	425	500	0
100-4-3930-4073	REFUNDS/REIMBURSEMENTS	0	0	0	0	0	0	0.00
	TOTAL BUILDING PERMITS	40,773	41,795	38,345	34,245	11,224	33,245 (1,000)	2.92-
<u>MOTOR VEHICLE</u>								
100-4-3949-0150	CASH OVER/SHORT	0	104	0	0	0	0	0.00
100-4-3949-0570	MOTOR VEHICLE DEPUTY FEES	104,758	104,021	105,816	110,000	19,575	110,000	0
100-4-3949-0580	DNR LICENSE FEES	8,653	8,602	8,791	9,000	2,069	9,000	0
100-4-3949-0590	DRIVERS LICENSE DEPUTY FEES	18,363	26,655	28,291	28,000	6,264	28,000	0
100-4-3949-4050	OTHER MISCELLANEOUS INCOME	375	215	292	300	87	300	0
	TOTAL MOTOR VEHICLE	132,149	139,597	143,189	147,300	27,995	147,300	0
								0.00
<u>MISCELLANEOUS</u>								
100-4-3950-0150	CASH OVER/SHORT	0	10 (90)	0 (0)	0 (0)	0	0	0.00
100-4-3950-0160	CASH SHORT (DON'T USE)	0	0	0	0	0	0	0.00
100-4-3950-1112	PD BUY BACK SICK LEAVE THRU WC	0	0	0	0	0	0	0.00
100-4-3950-1113	ADMINISTRATION OF WORKERS COMP	787	929	662	600	0	600	0
100-4-3950-4040	DONATIONS	0	0	0	0	0	0	0.00

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND

REVENUES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE		
100-4-3950-4050 OTHER MISCELLANEOUS INCOME	2,272	8,692	4,044	3,000	84	3,000	0	0.00		
100-4-3950-4070 REIMBURSEMENTS TO ST/PARK DEPT	10,692	9,399	4,855	9,000	6,856	8,300	(700)	7.78-		
100-4-3950-4071 REIMBURSEMENTS-LIFEGUARDS	6,000	6,000	6,000	6,000	0	6,000	0	0.00		
100-4-3950-4072 STREET LIGHTING ASSESSMENT	11,938	12,096	16,031	16,000	3,995	16,000	0	0.00		
100-4-3950-4074 SPRING CLEAN UP REIMBURSEMENT	0	375	450	350	450	450	100	28.57		
100-4-3950-4080 SNOW REMOVAL--DOWNTOWN	5,465	5,373	5,243	5,400	5,282	5,200	(200)	3.70-		
100-4-3950-4140 COMPOST SITE-TWP PARTICIPATION	407	395	289	500	0	0	(500)	100.00-		
100-4-3950-4530 LOANS RECEIVED TIF#1-4	0	0	0	0	0	0	0	0.00		
100-4-3950-7430 TWP ANNEXATION TAX REIMB	0	0	0	0	0	0	0	0.00		
TOTAL MISCELLANEOUS	37,560	43,270	37,484	40,850	16,667	39,550	(1,300)	3.18-		
SPECIAL ASSESSMENTS										
100-4-3951-5110 SPECIAL ASSESSMENTS FROM MUNI	0	0	0	0	0	0	0	0.00		
100-4-3951-5320 SPECIAL ASSESSMENTS FROM COUNT	1,927	2,021	(369)	1,500	650	0	(1,500)	100.00-		
100-4-3951-5390 ASSESSMENTS FROM PAY-DEL-CO	0	0	0	0	0	0	0	0.00		
TOTAL SPECIAL ASSESSMENTS	1,927	2,021	(369)	1,500	650	0	(1,500)	100.00-		
CABLE TV										
100-4-3952-1170 GRANT MONIES	1,000	1,000	1,000	1,000	1,000	1,000	0	0.00		
100-4-3952-4580 TWP REIMBURSEMENT	1,576	5,685	4,888	3,000	2,767	3,000	0	0.00		
100-4-3952-9000 FRANCHISE FEE	23,400	23,954	23,705	23,000	6,111	23,000	0	0.00		
100-4-3952-9010 FRANCHISE FEE- WINDSTREAM	2,966	3,013	2,797	3,000	672	3,000	0	0.00		
TOTAL CABLE TV	28,942	33,651	32,389	30,000	10,550	30,000	0	0.00		
TRANSFERS										
100-4-3961-9600 PERMANENT TRANSFERS IN	42,500	55,766	48,742	30,000	9	30,000	0	0.00		
TOTAL TRANSFERS	42,500	55,766	48,742	30,000	9	30,000	0	0.00		
REFUSE										
100-4-3968-9000 FRANCHISE FEE	5,421	5,572	5,120	5,500	3,266	5,500	0	0.00		
TOTAL REFUSE	5,421	5,572	5,120	5,500	3,266	5,500	0	0.00		
FIXED ASSETS										
100-4-4000-0990 SALE OF FIXED ASSETS	2,271	1,689	665	1,000	0	1,000	0	0.00		
TOTAL FIXED ASSETS	2,271	1,689	665	1,000	0	1,000	0	0.00		
HUMAN RIGHTS										
100-4-4030-4830 FESTIVAL OF ETHNIC TRADITIONS	0	0	0	0	0	0	0	0.00		
TOTAL HUMAN RIGHTS	0	0	0	0	0	0	0	0.00		
PUBLIC SERVICE-TRANSIT										
100-4-4130-4130 TICKET SALES/RIDER FEES	0	0	0	0	0	0	0	0.00		
TOTAL PUBLIC SERVICE-TRANSIT	0	0	0	0	0	0	0	0.00		

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND

REVENUES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	(----- 2016 -----)		(----- 2017 -----)		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
<u>COMMUNITY ENHANCEMENT</u>								
100-4-4751-1170 GRANT MONIES	3,785	1,215	0	0	0	0	0	0.00
100-4-4751-4050 OTHER MISCELLANEOUS INCOME	0	0	0	0	0	0	0	0.00
100-4-4751-4051 CHAMBER HOLIDAY LIGHT MONEY	0	0	7,626	0	5,074	0	0	0.00
100-4-4751-9600 PERMANENT TRANSFERS IN	0	0	0	0	0	0	0	0.00
TOTAL COMMUNITY ENHANCEMENT	3,785	1,215	7,626	0	5,074	0	0	0.00
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TOTAL REVENUES	1,846,487	1,945,108	1,975,994	1,985,799	515,181	1,380,408	(605,391)	30.49-

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 MAYOR AND COUNCIL

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
100-5-4010-1000 SALARIES	20,184	21,963	25,358	23,538	10,737	27,554	4,016	17.06		
100-5-4010-1060 FICA WITHHOLDINGS	1,334	1,362	1,451	1,459	787	1,708	249	17.07		
100-5-4010-1070 FICA WITHHOLDINGS	0	0	0	0	0	0	0	0.00		
100-5-4010-1080 MEDICARE WITHHOLDINGS	312	318	339	341	184	400	59	17.30		
100-5-4010-1300 PROFESSIONAL SERVICES (LEGAL)	645	641	132	250	0	100	(150)	60.00-		
100-5-4010-1311 PROFESSIONAL SERVICES (GENERAL)	0	0	3,539	0	0	3,500	3,500	0.00		
100-5-4010-2000 POSTAGE	0	56	33	50	25	50	0	0.00		
100-5-4010-2100 PRINTING & PUBLISHING	121	238	209	250	17	200	(50)	20.00-		
100-5-4010-2300 TRAVEL & SCHOOLS	5,843	5,326	7,281	7,000	5,325	7,000	0	0.00		
100-5-4010-2400 MAINTENANCE & REPAIR OF EQUIP	868	70	0	345	0	200	(145)	42.03-		
100-5-4010-3000 GENERAL/OFFICE SUPPLIES	166	269	497	500	42	500	0	0.00		
100-5-4010-3811 UNIFORMS	450	0	101	500	0	500	0	0.00		
100-5-4010-4100 INSURANCE AND BONDS	650	632	1,809	817	0	687	(130)	15.91-		
100-5-4010-4110 WORKERS' COMP INS	10	133	404	110	0	110	0	0.00		
100-5-4010-4300 SUBSCRIPTIONS & MEMBERSHIPS	50	50	30	50	0	50	0	0.00		
100-5-4010-5300 EQUIPMENT RENTAL/LEASE	351	466	477	445	188	445	0	0.00		
TOTAL MAYOR AND COUNCIL	30,984	31,525	41,661	35,655	17,306	43,004	7,349	20.61		

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 RECREATIONAL PROGRAMS

EXPENDITURES	(----- 2016 -----)				(----- 2017 -----)			
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
100-5-4020-4800 RECREATIONAL PROGRAMS	0	0	0	0	0	0	0	0.00
100-5-4020-4801 AFTER PROM PARTY	450	450	0	0	0	0	0	0.00
100-5-4020-4802 COMMUNITY EDUCATION	6,251	6,251	6,251	6,251	6,251	6,251	0	0.00
100-5-4020-4803 HISTORICAL SOCIETY	8,000	8,000	7,000	6,750	6,750	6,750	0	0.00
100-5-4020-4804 PAYNESVILLE AREA CENTER	8,500	8,500	9,000	8,750	8,750	8,750	0	0.00
100-5-4020-4805 PNLB HOCKEY ASSOCIATION	6,000	6,500	6,500	6,500	0	0	(6,500)	100.00-
100-5-4020-4806 FIREWORKS	2,000	2,000	2,000	2,000	0	2,000	0	0.00
TOTAL RECREATIONAL PROGRAMS	31,201	31,701	30,751	30,251	21,751	23,751	(6,500)	21.49-

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND
HUMAN RIGHTS

EXPENDITURES			2016		2017		PERCENT VARIANCE	
	2015 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
100-5-4030-1340 PROFESSIONAL SERVICES (SPEAKER	0	0	0	0	0	0	0	0.00
100-5-4030-2100 PRINTING & PUBLISHING	0	0	0	0	0	0	0	0.00
100-5-4030-2101 ADVERTISING	0	0	0	0	0	0	0	0.00
100-5-4030-2300 TRAVEL & SCHOOLS	0	0	0	0	0	0	0	0.00
100-5-4030-2840 MEALS	0	0	0	0	0	0	0	0.00
100-5-4030-4100 INSURANCE AND BONDS	0	0	0	0	0	0	0	0.00
100-5-4030-4300 SUBSCRIPTIONS & MEMBERSHIPS	0	0	0	0	0	0	0	0.00
100-5-4030-4810 DONATIONS	0	0	0	0	0	0	0	0.00
100-5-4030-4811 FESTIVAL OF ETHNIC TRADITIONS	0	0	0	0	0	0	0	0.00
100-5-4030-5200 NEW EQUIPMENT	0	0	0	0	0	0	0	0.00
100-5-4030-8020 MISCELLANROUS	0	0	0	0	0	0	0	0.00
TOTAL HUMAN RIGHTS	0	0	0	0	0	0	0	0.00

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 ELECTION AND VOTER REGIST

EXPENDITURES			2016		2017		PERCENT VARIANCE	
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
100-5-4040-1000 SALARIES	429	1,942	0	2,000	0	0	(2,000)	100.00-
100-5-4040-1300 PROFESSIONAL SERVICES (LEGAL)	0	0	0	0	0	0	0	0.00
100-5-4040-2000 POSTAGE	0	29	0	0	0	0	0	0.00
100-5-4040-2100 PRINTING & PUBLISHING	26	212	0	225	0	0	(225)	100.00-
100-5-4040-2300 TRAVEL & SCHOOLS	114	499	70	500	32	70	(430)	86.00-
100-5-4040-2400 MAINTENANCE & REPAIR OF EQUIP	388	452	388	450	614	400	(50)	11.11-
100-5-4040-3000 GENERAL/OFFICE SUPPLIES	22	55	0	50	0	0	(50)	100.00-
100-5-4040-5200 NEW EQUIPMENT	0	0	0	300	0	0	(300)	100.00-
100-5-4040-5400 TF TO CAPITAL IMP	0	0	5,000	5,000	0	5,000	0	0.00
100-5-4040-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00
TOTAL ELECTION AND VOTER REGIST	979	3,189	5,458	8,525	646	5,470	(3,055)	35.84-

5-4040-5400 TF TO CAPITAL IMP CURRENT YEAR NOTES:
 7-29-16 RENEE - FOR PROPOSED NEW ELECTION EQUIPMENT
 ESTIMATED TO COST \$20,000 IN YEAR 2018 OR 2020.

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND
ADMINISTRATION AND FINANC

EXPENDITURES	2016				2017		PERCENT VARIANCE	
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
100-5-4051-1000 SALARIES	51,943	59,594	52,701	68,577	28,716	70,641	2,064	3.01
100-5-4051-1020 TEMPORARY SALARIES	13,019	0	0	0	0	0	0	0.00
100-5-4051-1060 FICA WITHHOLDINGS	2,856	3,368	3,071	4,252	1,584	4,339	87	2.05
100-5-4051-1070 PERA WITHHOLDINGS	3,359	4,359	6,530	5,142	2,284	5,247	105	2.04
100-5-4051-1080 MEDICARE WITHHOLDINGS	668	788	718	994	371	1,015	21	2.11
100-5-4051-1090 HEALTH INSURANCE	7,662	9,613	10,086	15,887	6,288	15,786	(101)	0.64-
100-5-4051-1290 PROFESSIONAL SERVICES (SAFETY)	158	234	192	250	0	250	0	0.00
100-5-4051-1300 PROFESSIONAL SERVICES (LEGAL)	7,741	11,736	8,712	9,000	10,156	9,000	0	0.00
100-5-4051-1310 PROFESSIONAL SERVICES (AUDIT)	8,747	8,714	8,936	9,000	11,916	9,000	0	0.00
100-5-4051-1311 PROFESSIONAL SERVICES (GENERAL)	1,128	1,996	4,690	1,200	502	1,200	0	0.00
100-5-4051-1312 PROFESSIONAL SERVICES (UNION)	79	328	63	1,000	61	500	(500)	50.00-
100-5-4051-2000 POSTAGE	883	1,692	890	1,000	434	900	(100)	10.00-
100-5-4051-2020 TELEPHONE	1,028	1,141	1,017	1,200	483	1,000	(200)	16.67-
100-5-4051-2100 PRINTING & PUBLISHING	494	373	397	300	645	300	0	0.00
100-5-4051-2101 ADVERTISING	379	704	686	600	636	600	0	0.00
100-5-4051-2300 TRAVEL & SCHOOLS	1,351	2,094	2,207	2,500	1,268	2,500	0	0.00
100-5-4051-2400 MAINTENANCE & REPAIR OF EQUIP	4,440	1,137	845	2,000	821	2,000	0	0.00
100-5-4051-3000 GENERAL/OFFICE SUPPLIES	2,176	4,346	5,285	4,000	3,494	4,000	0	0.00
100-5-4051-3320 CREDIT CARD FEES	0	0	0	0	123	0	0	0.00
100-5-4051-3811 UNIFORMS	81	0	0	0	0	0	0	0.00
100-5-4051-4100 INSURANCE AND BONDS	858	820	988	1,004	0	799	(205)	20.42-
100-5-4051-4110 WORKERS' COMP INS	1,153	1,460	1,296	1,230	0	1,300	70	5.69
100-5-4051-4300 SUBSCRIPTIONS & MEMBERSHIPS	4,511	4,679	4,914	4,850	1,874	4,850	0	0.00
100-5-4051-4600 LICENESES & TAXES	0	815	0	0	0	0	0	0.00
100-5-4051-5200 NEW EQUIPMNT	511	1,586	3,035	1,000	382	1,000	0	0.00
100-5-4051-5300 EQUIPMENT RENTAL/LEASE	586	796	477	465	188	475	10	2.15
100-5-4051-5400 TF TO CAPITAL IMP	1,000	1,000	1,000	1,000	0	3,000	2,000	200.00
100-5-4051-5410 TF 2008 COMMUNITY CELEBRATION	0	0	0	0	0	0	0	0.00
100-5-4051-8020 MISCELLANEOUS	0	0	17,693	0	2,998	0	0	0.00
TOTAL ADMINISTRATION AND FINANC	116,913	123,373	136,431	136,451	75,221	139,702	3,251	2.38

5-4051-5400 TF TO CAPITAL IMP CURRENT YEAR NOTES:
7-29-16 RENEE INCREASED TO COVER COST OF NEW COMPUTERS

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND
ASSESSOR

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	(------ 2016 -----) (------ 2017 -----)		PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL			
100-5-4053-2900 CONTRACTUAL SERVICE	14,596	15,107	13,997	14,500	0	14,000	(500)	3.45-
TOTAL ASSESSOR	14,596	15,107	13,997	14,500	0	14,000	(500)	3.45-

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
 GENERAL PLANNING

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
00-5-4080-1000 SALARIES	22,428	27,797	25,642	18,802	10,426	19,400	598	3.18		
00-5-4080-1060 FICA WITHHOLDINGS	1,265	1,544	1,404	1,166	664	1,178	12	1.03		
00-5-4080-1070 PERA WITHHOLDINGS	1,629	1,888	1,873	1,410	887	1,425	15	1.06		
00-5-4080-1080 MEDICARE WITHHOLDINGS	296	361	328	273	155	276	3	1.10		
00-5-4080-1090 HEALTH INSURANCE	3,532	4,550	4,397	3,424	2,427	3,363	(61)	1.78-		
00-5-4080-1180 ENGINEERING	1,150	1,580	1,511	2,500	230	1,500	(1,000)	40.00-		
00-5-4080-1300 PROFESSIONAL SERVICES (LEGAL)	6,071	12,030	5,388	6,000	1,492	5,500	(500)	8.33-		
00-5-4080-1311 PROFESSIONAL SERVICES (GENERAL)	552	5,613	955	1,000	368	1,000	0	0.00		
00-5-4080-2000 POSTAGE	100	0	50	250	25	250	0	0.00		
00-5-4080-2020 TELEPHONE	5	84	60	100	23	50	(50)	50.00-		
00-5-4080-2100 PRINTING & PUBLISHING	490	850	281	600	318	500	(100)	16.67-		
00-5-4080-2101 ADVERTISING	0	65	0	0	0	0	0	0.00		
00-5-4080-2300 TRAVEL & SCHOOLS	0	70	43	100	183	200	100	100.00		
00-5-4080-2900 CONTRACTUAL SERVICE	0	20,850	0	0	0	0	0	0.00		
00-5-4080-3000 GENERAL/OFFICE SUPPLIES	21	94	0	200	18	100	(100)	50.00-		
00-5-4080-4100 INSURANCE AND BONDS	3,342	4,350	5,901	5,989	0	4,515	(1,474)	24.61-		
00-5-4080-4300 SUBSCRIPTIONS & MEMBERSHIPS	0	120	0	0	0	0	0	0.00		
00-5-4080-5300 EQUIPMENT RENTAL/LEASE	315	474	477	445	188	475	30	6.74		
00-5-4080-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00		
TOTAL GENERAL PLANNING	41,197	82,321	48,312	42,259	17,403	39,732	2,527	5.98-		

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 MUNICIPAL BUILDING

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
100-5-4090-1300 PROFESSIONAL SERVICES (LEGAL)	0	0	0	0	0	0	0	0	0.00	
100-5-4090-2020 TELEPHONE	7,519	7,279	6,539	7,000	3,095	6,500	(500)	7.14-		
100-5-4090-2200 UTILITIES	7,606	8,861	7,076	8,000	3,863	8,056	56	0.70		
100-5-4090-2400 MAINTENANCE & REPAIR OF EQUIP	9,437	16,877	23,504	14,000	6,117	19,848	5,848	41.77		
100-5-4090-2500 MAINTENANCE & REPAIR OF BLDG	2,308	2,462	1,229	2,500	1,017	2,500	0	0.00		
100-5-4090-2600 MAINTENANCE & REPAIR OF GROUND	0	86	103	100	53	100	0	0.00		
100-5-4090-3000 GENERAL/OFFICE SUPPLIES	5,280	2,612	2,167	3,000	255	2,500	(500)	16.67-		
100-5-4090-3810 LAUNDRY	0	0	0	0	0	0	0	0.00		
100-5-4090-3811 UNIFORMS	0	0	0	0	0	0	0	0.00		
100-5-4090-3820 REFUSE COLLECTION	1,259	1,134	1,307	1,300	506	1,300	0	0.00		
100-5-4090-3830 CUSTODIAN	0	0	0	0	0	0	0	0.00		
100-5-4090-4100 INSURANCE AND BONDS	2,832	2,688	2,396	3,380	0	3,005	(375)	11.09-		
100-5-4090-5010 LAND	0	0	0	0	0	0	0	0.00		
100-5-4090-5200 NEW EQUIPMENT	880	1,574	1,685	1,000	0	1,500	500	50.00		
100-5-4090-5300 EQUIPMENT RENTAL/LEASE	1,155	1,390	1,708	1,500	488	1,550	50	3.33		
100-5-4090-5400 TF TO CAPITAL IMP	2,500	2,500	2,500	2,500	0	5,000	2,500	100.00		
100-5-4090-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00		
TOTAL MUNICIPAL BUILDING	40,776	47,463	50,213	44,280	15,394	51,859	7,579	17.12		

5-4090-2200 UTILITIES CURRENT YEAR NOTES:
 7-28-16 BELINDA - XCEL IS INCREASING 1.7% SO I TOOK 2016
 6MOS PAID TO XCEL OF 3217.53 X 2 FOR FULL YEAR AND INCREASED
 BY 1.7% AND ADDED THE OTHER BILLS IN THIS LINE ITEM SO FAR
 FOR THE 6 MONTHS AT \$755.88 X 2 FOR FULL YEAR. TOTAL IS
 \$8.056

5-4090-2400 MAINTENANCE & REPAIR OF CURRENT YEAR NOTES:
 7-28-16 BELINDA - RAISED FROM 14,000 TO 19,848 TO COVER
 MARCO SUPPORT AT 1,654 PER MONTH

5-4090-5400 TF TO CAPITAL IMP CURRENT YEAR NOTES:
 7-29-16 RENEE NEED TO INCREASE BALANCE IN BLDG CAP IMP FUND

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
 MOTOR VEHICLE

EXPENDITURES	2016			2017			PERCENT VARIANCE	
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
.00-5-4100-1000 SALARIES	51,052	56,984	55,149	65,123	27,812	67,231	2,108	3.24
.00-5-4100-1020 TEMPORARY SALARIES	0	0	0	0	0	0	0	0.00
.00-5-4100-1060 FICA WITHHOLDINGS	2,988	3,336	3,189	4,038	1,676	4,168	130	3.22
.00-5-4100-1070 PERA WITHHOLDINGS	3,570	4,124	4,106	4,883	2,221	5,041	158	3.24
.00-5-4100-1080 MEDICARE WITHHOLDINGS	599	780	746	944	392	975	31	3.28
.00-5-4100-1090 HEALTH INSURANCE	9,326	10,576	11,116	14,345	6,709	14,345	0	0.00
.00-5-4100-1290 PROFESSIONAL SERVICES (SAFETY)	37	50	119	100	0	120	20	20.00
.00-5-4100-1300 PROFESSIONAL SERVICES (LEGAL)	0	0	0	100	0	100	0	0.00
.00-5-4100-1310 PROFESSIONAL SERVICES (AUDIT)	200	28	14	100	252	250	150	150.00
.00-5-4100-1311 PROFESSIONAL SERVICES (GENERAL)	0	0	0	0	10	0	0	0.00
.00-5-4100-2000 POSTAGE	323	1,224	501	1,150	430	1,100	(50)	4.35-
.00-5-4100-2020 TELEPHONE	486	433	427	500	181	450	(50)	10.00-
.00-5-4100-2100 PRINTING & PUBLISHING	28	34	163	100	90	100	0	0.00
.00-5-4100-2101 ADVERTISING	90	591	90	100	0	100	0	0.00
.00-5-4100-2300 TRAVEL & SCHOOLS	301	216	577	300	58	300	0	0.00
.00-5-4100-2400 MAINTENANCE & REPAIR OF EQUIP	944	1,694	810	2,100	786	1,200	(900)	42.86-
.00-5-4100-3000 GENERAL/OFFICE SUPPLIES	430	670	732	700	339	700	0	0.00
.00-5-4100-4100 INSURANCE AND BONDS	550	633	810	818	0	686	(132)	16.14-
.00-5-4100-4300 SUBSCRIPTIONS & MEMBERSHIPS	253	253	293	253	173	300	47	18.58
.00-5-4100-5200 NEW EQUIPMENT	0	683	1,390	600	0	600	0	0.00
.00-5-4100-5300 EQUIPMENT RENTAL/LEASE	435	537	477	445	188	475	30	6.74
.00-5-4100-5400 TF TO CAPITAL IMP	0	0	0	0	0	0	0	0.00
TOTAL MOTOR VEHICLE	71,512	82,845	80,711	96,699	41,317	98,241	1,542	1.59

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CITY OF PAINESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
 POLICE PROTECTION

EXPENDITURES	(----- 2016 -----)					(----- 2017 -----)		
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
.00-5-4110-1000 SALARIES	216,329	260,378	274,611	273,836	123,176	273,080	(756)	0.28-
.00-5-4110-1020 TEMPORARY SALARIES	300	0	0	0	0	0	0	0.00
.00-5-4110-1060 FICA WITHHOLDINGS	256	309	438	1,049	370	1,083	34	3.24
.00-5-4110-1070 PERA WITHHOLDINGS	30,544	39,303	43,198	42,646	21,133	42,270	(376)	0.88-
.00-5-4110-1080 MEDICARE WITHHOLDINGS	2,911	3,518	3,795	3,971	1,901	3,941	(30)	0.76-
.00-5-4110-1090 HEALTH INSURANCE	27,588	29,406	24,988	28,551	11,438	31,014	2,463	8.63
.00-5-4110-1290 PROFESSIONAL SERVICES (SAFETY)	12,108	12,123	6,048	200	0	200	0	0.00
.00-5-4110-1300 PROFESSIONAL SERVICES (LEGAL)	30,096	25,865	29,533	25,000	9,500	25,000	0	0.00
.00-5-4110-1310 PROFESSIONAL SERVICES (AUDIT)	800	69	71	400	952	400	0	0.00
.00-5-4110-1311 PROFESSIONAL SERVICES (GENERAL)	970	682	227	1,000	3,097	1,000	0	0.00
.00-5-4110-1312 PROFESSIONAL SERVICES (UNION)	416	144	1,431	0	2,678	1,000	1,000	0.00
.00-5-4110-1350 PHYSICALS	818	468	0	0	445	0	0	0.00
.00-5-4110-1351 MEDICAL	372	0	0	0	415	0	0	0.00
.00-5-4110-2000 POSTAGE	224	420	454	400	125	400	0	0.00
.00-5-4110-2010 RADIO SERVICE	0	0	0	0	0	0	0	0.00
.00-5-4110-2020 TELEPHONE	4,580	4,606	4,697	4,600	1,646	4,600	0	0.00
.00-5-4110-2100 PRINTING & PUBLISHING	78	222	261	300	210	300	0	0.00
.00-5-4110-2101 ADVERTISING	508	35	160	300	90	300	0	0.00
.00-5-4110-2200 UTILITIES	2,547	2,775	2,364	2,884	1,288	2,686	(198)	6.87-
.00-5-4110-2300 TRAVEL & SCHOOLS	2,846	856	1,623	3,000	572	5,000	2,000	66.67
.00-5-4110-2400 MAINTENANCE & REPAIR OF EQUIP	4,706	4,291	4,146	4,000	3,798	4,000	0	0.00
.00-5-4110-2402 COMPUTER SUPPORT FEES	4,878	4,781	4,852	5,000	594	5,000	0	0.00
.00-5-4110-2403 HOLIDAY GIVING-SHOP WITH A COP	0	0	2,276	0	0	0	0	0.00
.00-5-4110-2404 NATIONAL NIGHT OUT	0	0	0	1,000	0	0	(1,000)	100.00-
.00-5-4110-2500 MAINTENANCE & REPAIR OF BLDG	243	557	1,309	2,000	0	2,000	0	0.00
.00-5-4110-2900 CONTRACTUAL SERVICE	0	0	0	0	0	0	0	0.00
.00-5-4110-3000 GENERAL/OFFICE SUPPLIES	1,570	1,540	2,280	2,500	604	2,500	0	0.00
.00-5-4110-3300 MOTOR FUELS & LUBRICANTS	11,670	14,981	11,532	12,500	3,919	10,000	2,500	20.00-
.00-5-4110-3811 UNIFORMS	1,738	1,410	1,550	2,000	1,202	2,000	0	0.00
.00-5-4110-3830 CUSTODIAN	0	0	0	0	0	0	0	0.00
.00-5-4110-4100 INSURANCE AND BONDS	8,256	10,365	11,786	12,195	0	9,184	(3,011)	24.69-
.00-5-4110-4110 WORKERS' COMP INS	5,925	8,588	8,527	7,000	0	7,000	0	0.00
.00-5-4110-4300 SUBSCRIPTIONS & MEMBERSHIPS	798	129	260	500	210	500	0	0.00
.00-5-4110-4600 LICENSES & TAXES	270	180	127	225	191	225	0	0.00
.00-5-4110-4601 STATE GEN FUND ADMIN FINES	920	1,080	0	1,000	580	1,000	0	0.00
.00-5-4110-4602 POLICE STATE ADMIN FINES	3,138	0	615	620	0	620	0	0.00
.00-5-4110-5200 NEW EQUIPMENT	2,030	1,248	604	4,000	2,608	4,500	500	12.50
.00-5-4110-5300 EQUIPMENT RENTAL/LEASE	520	621	477	445	188	445	0	0.00
.00-5-4110-5400 TF TO CAPITAL IMP	5,000	22,459	11,500	14,000	0	17,000	3,000	21.43
.00-5-4110-8020 MISCELLANEOUS	182	170	0	0	51	0	0	0.00
TOTAL POLICE PROTECTION	386,137	453,577	455,740	457,122	192,981	458,248	1,126	0.25

--4110-2200 UTILITIES CURRENT YEAR NOTES:
 7-28-16 BELINDA - XCEL IS INCREASING 1.7% SO I TOOK 2016 6
 MOS PAID TO XCEL OF 1072.53 X 2 FOR FULL YEAR AND INCREASED

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
POLICE PROTECTION

(----- 2016 -----) (----- 2017 -----)

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
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BY 1.7% AND ADDED THE OTHER BILLS IN THIS LINE ITEM SO FAR
FOR THE 6 MONTHS AT \$251.99 X 2 FOR FULL YEAR. TOTAL IS
\$2,686

4110-5200 NEW EQUIPMENT

CURRENT YEAR NOTES:
7-28-16 BELINDA - ADDED 2,500 TO EQUIP FOR A SPEED SIGN

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
 FIRE PROTECTION

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
.00-5-4120-1000 SALARIES	35,608	35,405	37,719	39,070	13,507	40,304	1,234	3.16		
.00-5-4120-1060 FICA WITHHOLDINGS	2,205	2,194	2,309	2,478	840	2,499	21	0.85		
.00-5-4120-1070 PERA WITHHOLDINGS	88	90	64	276	32	284	8	2.90		
.00-5-4120-1080 MEDICARE WITHHOLDINGS	516	513	540	579	197	584	5	0.86		
.00-5-4120-1090 HEALTH INSURANCE	155	157	158	834	87	834	0	0.00		
.00-5-4120-1300 PROFESSIONAL SERVICES (LEGAL)	1,141	691	818	800	166	800	0	0.00		
.00-5-4120-1310 PROFESSIONAL SERVICES (AUDIT)	627	696	717	1,000	3,075	2,000	1,000	100.00		
.00-5-4120-1311 PROFESSIONAL SERVICES (GENERAL)	0	0	0	0	0	0	0	0.00		
.00-5-4120-1330 RELIEF ASSOCIATION	44,258	43,081	44,489	34,000	6,000	43,000	9,000	26.47		
.00-5-4120-1350 PHYSICALS	2,340	7	5,844	0	362	6,000	6,000	0.00		
.00-5-4120-1352 MEDICAL SUPPLIES	0	360	134	500	166	350	(150)	30.00-		
.00-5-4120-2000 POSTAGE	60	129	115	200	35	100	(100)	50.00-		
.00-5-4120-2010 RADIO SERVICE	859	1,436	1,844	1,050	714	1,000	(50)	4.76-		
.00-5-4120-2020 TELEPHONE	1,156	940	957	1,000	403	950	(50)	5.00-		
.00-5-4120-2100 PRINTING & PUBLISHING	75	355	443	200	374	400	200	100.00		
.00-5-4120-2200 UTILITIES	3,614	5,103	4,289	5,500	2,287	5,072	(428)	7.78-		
.00-5-4120-2300 TRAVEL & SCHOOLS	840	1,133	2,117	2,000	2,874	2,500	500	25.00		
.00-5-4120-2301 TRAINING	4,191	3,728	6,120	5,000	3,738	6,000	1,000	20.00		
.00-5-4120-2400 MAINTENANCE & REPAIR OF EQUIP	4,198	4,166	12,962	5,000	1,525	5,000	0	0.00		
.00-5-4120-2500 MAINTENANCE & REPAIR OF BLDG	976	793	30	1,000	540	1,000	0	0.00		
.00-5-4120-2800 FIRE CONTRACT MEETING	30	30	32	50	17	30	(20)	40.00-		
.00-5-4120-3000 GENERAL/OFFICE SUPPLIES	1,100	1,905	320	1,000	104	1,000	0	0.00		
.00-5-4120-3300 MOTOR FUELS & LUBRICANTS	3,880	2,631	2,169	3,000	442	2,200	(800)	26.67-		
.00-5-4120-3811 UNIFORMS	135	384	0	425	0	425	0	0.00		
.00-5-4120-4100 INSURANCE AND BONDS	5,549	5,316	5,448	5,762	(372)	4,650	(1,112)	19.30-		
.00-5-4120-4110 WORKERS' COMP INS	7,511	9,681	8,502	6,895	0	6,895	0	0.00		
.00-5-4120-4300 SUBSCRIPTIONS & MEMBERSHIPS	941	690	567	600	319	600	0	0.00		
.00-5-4120-4590 LICENSES & PERMITS	0	68	0	0	561	0	0	0.00		
.00-5-4120-5200 NEW EQUIPMENT	3,614	1,056	1,699	2,000	1,717	2,000	0	0.00		
.00-5-4120-5300 EQUIPMENT RENTAL/LEASE	864	488	477	775	188	500	(275)	35.48-		
.00-5-4120-5400 TF TO CAPITAL IMP	5,000	5,000	5,000	5,000	0	5,000	0	0.00		
.00-5-4120-6100 RESERVE FOR BLDG/EQUIP	35,000	35,000	35,000	35,000	0	35,000	0	0.00		
.00-5-4120-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00		
TOTAL FIRE PROTECTION	166,530	163,227	180,882	160,994	39,897	176,977	15,983	9.93		

.00-4120-2200 UTILITIES

CURRENT YEAR NOTES:
 7-28-16 BELINDA - XCEL IS INCREASING 1.7% SO I TOOK 2016
 6MOS PAID TO XCEL OF 871.89 X 2 FOR FULL YEAR AND INCREASED
 BY 1.7% AND ADDED THE OTHER BILLS IN THIS LINE ITEM SO FAR
 FOR THE 6 MONTHS AT \$1649.23 X 2 FOR FULL YEAR. TOTAL IS
 \$5072

CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 BUILDING INSPECTION

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
100-5-4131-1000 SALARIES	0	16,653	8,310	43,524	13,990	45,768	2,244	5.16		
100-5-4131-1060 FICA WITHHOLDINGS	0	995	513	2,698	867	2,838	140	5.19		
100-5-4131-1070 FERA WITHHOLDINGS	0	1,207	623	3,264	1,049	3,433	169	5.18		
100-5-4131-1080 MEDICARE WITHHOLDINGS	0	233	120	631	203	664	33	5.23		
100-5-4131-1090 HEALTH INSURANCE	0	1,301	319	8,340	0	0	8,340	100.00-		
100-5-4131-1290 PROFESSIONAL SERVICES (SAFETY)	0	40	0	0	0	0	0	0.00		
100-5-4131-1300 PROFESSIONAL SERVICES (LEGAL)	40	328	8	500	0	0	0	0.00		
100-5-4131-1310 PROFESSIONAL SERVICES (AUDIT)	0	0	0	0	0	300	(200)	40.00-		
100-5-4131-1311 PROFESSIONAL SERVICES (GENERAL)	0	1,610	0	0	0	0	0	0.00		
100-5-4131-1312 PROFESSIONAL SERVICES (UNION)	0	0	0	0	0	0	0	0.00		
100-5-4131-2000 POSTAGE	0	0	11	0	0	0	0	0.00		
100-5-4131-2020 TELEPHONE	0	173	126	450	13	25	25	0.00		
100-5-4131-2100 PRINTING & PUBLISHING	0	225	0	100	95	400	(50)	11.11-		
100-5-4131-2101 ADVERTISING	0	252	0	0	0	100	0	0.00		
100-5-4131-2300 TRAVEL & SCHOOLS	0	226	1,609	1,275	1,852	1,200	(75)	5.88-		
100-5-4131-2400 MAINTENANCE & REPAIR OF EQUIP	0	371	2,035	1,000	1,495	2,000	1,000	100.00		
100-5-4131-2900 CONTRACTUAL SERVICE	30,794	6,457	8,513	4,500	2,491	3,000	(1,500)	33.33-		
100-5-4131-2960 MINNESOTA STATE SURCHARGE	5,398	(933)	1,892	1,500	98	1,500	0	0.00		
100-5-4131-3000 GENERAL/OFFICE SUPPLIES	50	122	295	250	168	250	0	0.00		
100-5-4131-3300 MOTOR FUELS & LUBRICANTS	0	0	184	0	184	400	400	0.00		
100-5-4131-3811 UNIFORMS	0	0	0	0	0	100	100	0.00		
100-5-4131-4100 INSURANCE AND BONDS	0	0	293	301	0	269	(32)	10.63-		
100-5-4131-4110 WORKERS' COMP INS	0	271	257	250	0	275	25	10.00		
100-5-4131-4300 SUBSCRIPTIONS & MEMBERSHIPS	0	0	300	600	0	300	(300)	50.00-		
100-5-4131-5200 NEW EQUIPMENT	0	6,858	1,341	0	200	500	500	0.00		
100-5-4131-5300 EQUIPMENT RENTAL/LEASE	275	433	477	600	188	475	(125)	20.83-		
100-5-4131-5400 TF TO CAPITAL IMP	0	0	0	0	0	1,000	1,000	0.00		
100-5-4131-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00		
TOTAL BUILDING INSPECTION	36,557	36,821	27,228	69,783	22,894	64,797	(4,986)	7.15-		

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

00-GENERAL FUND
WEED INSPECTION

EXPENDITURES			2016		2017			
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
00-5-4132-1000 SALARIES	425	448	456	465	206	489	24	5.16
00-5-4132-1060 FICA WITHHOLDINGS	24	26	26	29	13	30	1	3.45
00-5-4132-1070 PERA WITHHOLDINGS	31	32	34	35	17	37	2	5.71
00-5-4132-1080 MEDICARE WITHHOLDINGS	6	6	6	7	3	7	0	0.00
00-5-4132-1090 HEALTH INSURANCE	84	53	66	72	37	67	5)	6.94-
00-5-4132-2100 PRINTING & PUBLISHING	0	0	0	200	0	200	0	0.00
00-5-4132-2300 TRAVEL & SCHOOLS	0	0	0	50	0	50	0	0.00
00-5-4132-3000 GENERAL/OFFICE SUPPLIES	0	0	0	100	0	100	0	0.00
TOTAL WEED INSPECTION	570	565	588	958	275	980	22	2.30

-4132-2100 PRINTING & PUBLISHING CURRENT YEAR NOTES:
 Ads for noxious weed
 Ron

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
 TREE INSPECTION - COMPOST

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
.00-5-4133-1000 SALARIES	9,601	11,580	10,587	9,036	4,293	10,060	1,024	11.33		
.00-5-4133-1060 FICA WITHHOLDINGS	553	655	622	560	262	622	62	11.07		
.00-5-4133-1070 PERA WITHHOLDINGS	648	787	764	635	327	708	73	11.50		
.00-5-4133-1080 MEDICARE WITHHOLDINGS	129	153	146	131	61	146	15	11.45		
.00-5-4133-1090 HEALTH INSURANCE	1,330	1,720	1,622	1,676	815	2,062	386	23.03		
.00-5-4133-1180 ENGINEERING	0	0	0	750	0	750	0	0.00		
.00-5-4133-1300 PROFESSIONAL SERVICES (LEGAL)	57	0	87	200	186	200	0	0.00		
.00-5-4133-1311 PROFESSIONAL SERVICES (GENERAL)	0	0	450	0	0	0	0	0.00		
.00-5-4133-1320 PROFESSIONAL SERVICES (TESTING)	0	30	0	50	5	50	0	0.00		
.00-5-4133-2000 POSTAGE	0	0	0	0	0	0	0	0.00		
.00-5-4133-2100 PRINTING & PUBLISHING	497	428	1,083	550	437	600	50	9.09		
.00-5-4133-2300 TRAVEL & SCHOOLS	0	0	22	0	0	0	0	0.00		
.00-5-4133-2400 MAINTENANCE & REPAIR OF EQUIP	488	1,094	69	1,250	308	1,500	250	20.00		
.00-5-4133-2900 CONTRACTUAL SERVICE	4,865	2,119	3,097	3,500	22,518	2,000	(1,500)	42.86-		
.00-5-4133-2902 CITY SHARE OIL DEPOT EXPENSES	915	1,017	993	1,100	0	1,100	0	0.00		
.00-5-4133-3000 GENERAL/OFFICE SUPPLIES	143	175	183	250	12	250	0	0.00		
.00-5-4133-3300 MOTOR FUELS & LUBRICANTS	969	1,131	994	1,100	6	850	(250)	22.73-		
.00-5-4133-4300 SUBSCRIPTIONS & MEMBERSHIPS	15	15	15	20	15	20	0	0.00		
.00-5-4133-5200 NEW EQUIPMENT	0	534	0	550	0	550	0	0.00		
.00-5-4133-5300 EQUIPMENT RENTAL/LEASE	0	0	0	0	0	0	0	0.00		
TOTAL TREE INSPECTION - COMPOST	20,210	21,438	20,732	21,358	29,247	21,468	110	0.52		

- 4133-1180 ENGINEERING CURRENT YEAR NOTES:
Small project that may need engineering at the compost easements, etc. Ron
- 4133-1300 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
Legal issues
Ron
- 4133-1311 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
2105 amount was for the shredding service at spring clean up , move to contractual service
Ron
- 4133-1320 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
We are required to run a inert & PH test
Ron
- 4133-2100 PRINTING & PUBLISHING CURRENT YEAR NOTES:
Compost operation ads, spring clean up & HHW pick up
Ron 7-16
- 4133-2400 MAINTENANCE & REPAIR OF CURRENT YEAR NOTES:
We will have more equipment, cameras possible gates

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
EMERGENCY SERVICES

EXPENDITURES	2016					2017		PERCENT VARIANCE
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
.00-5-4150-1000 SALARIES	4,836	11,581	9,403	9,035	1,552	9,390	355	3.93
.00-5-4150-1060 FICA WITHHOLDINGS	280	671	572	560	97	575	15	2.68
.00-5-4150-1070 PERA WITHHOLDINGS	212	776	715	1,031	129	1,066	35	3.39
.00-5-4150-1080 MEDICARE WITHHOLDINGS	65	157	134	131	23	134	3	2.29
.00-5-4150-1090 HEALTH INSURANCE	426	1,330	1,623	902	441	884	(18)	2.00-
.00-5-4150-1300 PROFESSIONAL SERVICES (LEGAL)	0	0	0	0	0	0	0	0.00
.00-5-4150-2000 POSTAGE	0	324	135	100	0	100	0	0.00
.00-5-4150-2020 TELEPHONE	638	823	1,137	890	540	720	(170)	19.10-
.00-5-4150-2100 PRINTING & PUBLISHING	141	160	480	150	0	150	0	0.00
.00-5-4150-2300 TRAVEL & SCHOOLS	36	28	0	200	79	200	0	0.00
.00-5-4150-2400 MAINTENANCE & REPAIR OF EQUIP	400	1,559	0	250	0	250	0	0.00
.00-5-4150-2900 CONTRACTUAL SERVICE	0	0	0	0	0	0	0	0.00
.00-5-4150-3000 GENERAL/OFFICE SUPPLIES	2	692	74	150	185	150	0	0.00
.00-5-4150-4100 INSURANCE AND BONDS	550	632	809	817	0	687	(130)	15.91-
.00-5-4150-5200 NEW EQUIPMENT	0	3,500	5,300	6,000	5,000	6,000	0	0.00
.00-5-4150-5300 EQUIPMENT RENTAL/LEASE	147	84	0	165	4,100	4,100	3,935	2,384.85
.00-5-4150-5400 TF TO CAPITAL IMP	1,000	1,000	1,000	1,000	0	1,000	0	0.00
TOTAL EMERGENCY SERVICES	8,834	23,315	21,383	21,381	12,145	25,406	4,025	18.83

--4150-5300 EQUIPMENT RENTAL/LEASE CURRENT YEAR NOTES:
7-29-16 BELINDA CODE RED

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

00-GENERAL FUND
 ANIMAL CONTROL

EXPENDITURES	(------ 2016 -----) (------ 2017 -----)							
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
.00-5-4160-1000 SALARIES	893	935	948	922	425	940	18	1.95
.00-5-4160-1060 FICA WITHHOLDINGS	23	24	24	25	11	25	0	0.00
.00-5-4160-1070 PERA WITHHOLDINGS	101	112	118	114	59	117	3	2.63
.00-5-4160-1080 MEDICARE WITHHOLDINGS	13	13	13	13	7	14	1	7.69
.00-5-4160-1090 HEALTH INSURANCE	116	128	133	137	70	137	0	0.00
.00-5-4160-2000 POSTAGE	63	0	0	75	0	75	0	0.00
.00-5-4160-2100 PRINTING & PUBLISHING	0	0	0	0	0	0	0	0.00
.00-5-4160-2400 MAINTENANCE & REPAIR OF EQUIP	0	495	495	495	525	495	0	0.00
.00-5-4160-2900 CONTRACTUAL SERVICE	713	798	700	750	0	725	(25)	3.33-
.00-5-4160-3000 GENERAL/OFFICE SUPPLIES	136	71	80	150	81	150	0	0.00
.00-5-4160-4100 INSURANCE AND BONDS	650	650	810	818	0	687	(131)	16.01-
.00-5-4160-5200 NEW EQUIPMENT	0	0	0	150	0	150	0	0.00
.00-5-4160-5300 EQUIPMENT RENTAL/LEASE	83	0	0	0	0	0	0	0.00
TOTAL ANIMAL CONTROL	2,791	3,225	3,322	3,649	1,178	3,515	(134)	3.67-

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 STREETS AND ALLEYS

EXPENDITURES	2016		2017					
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
100-5-4220-1000 SALARIES	30,665	33,569	34,378	33,010	14,707	35,710	2,700	8.18
100-5-4220-1060 FICA WITHHOLDINGS	1,846	1,961	1,996	2,047	910	2,202	155	7.57
100-5-4220-1070 PERA WITHHOLDINGS	2,034	2,217	2,386	2,304	1,117	2,483	179	7.77
100-5-4220-1080 MEDICARE WITHHOLDINGS	432	459	467	479	213	515	36	7.52
100-5-4220-1090 HEALTH INSURANCE	3,730	3,746	4,209	4,825	2,166	5,545	720	14.92
100-5-4220-1180 ENGINEERING	323	1,783	1,025	1,000	0	1,000	0	0.00
100-5-4220-1290 PROFESSIONAL SERVICES (SAFETY)	1,197	1,340	1,029	1,500	0	1,500	0	0.00
100-5-4220-1300 PROFESSIONAL SERVICES (LEGAL)	520	78	8	200	26	200	0	0.00
100-5-4220-1311 PROFESSIONAL SERVICES (GENERAL)	105	576	367	500	45	500	0	0.00
100-5-4220-1312 PROFESSIONAL SERVICES (UNION)	0	0	0	0	0	0	0	0.00
100-5-4220-1350 PHYSICALS	0	215	0	0	0	0	0	0.00
100-5-4220-2000 POSTAGE	40	197	65	200	45	200	0	0.00
100-5-4220-2020 TELEPHONE	330	297	306	400	143	1,050	650	162.50
100-5-4220-2100 PRINTING & PUBLISHING	266	0	158	300	113	300	0	0.00
100-5-4220-2200 UTILITIES	1,379	1,775	1,154	2,000	440	1,022	978	48.90-
100-5-4220-2300 TRAVEL & SCHOOLS	0	0	0	0	0	50	50	0.00
100-5-4220-2400 MAINTENANCE & REPAIR OF EQUIP	7,431	8,471	5,271	9,000	3,753	9,500	500	5.56
100-5-4220-2700 MAINTENANCE & REPAIR OF STREET	14,871	16,705	26,794	24,000	3,164	25,000	1,000	4.17
100-5-4220-3000 GENERAL/OFFICE SUPPLIES	1,325	593	296	1,000	260	1,000	0	0.00
100-5-4220-3300 MOTOR FUELS & LUBRICANTS	6,178	4,551	2,010	5,000	317	2,500	2,500	50.00-
100-5-4220-3811 UNIFORMS	1,019	1,112	800	1,500	337	1,700	200	13.33
100-5-4220-3820 REFUSE COLLECTION	796	754	871	850	337	900	50	5.88
100-5-4220-4100 INSURANCE AND BONDS	4,221	5,089	6,982	7,756	0	4,408	3,348	43.17-
100-5-4220-4110 WORKERS' COMP INS	5,178	6,964	5,425	4,637	0	4,637	0	0.00
100-5-4220-4300 SUBSCRIPTIONS & MEMBERSHIPS	266	270	398	300	402	400	100	33.33
100-5-4220-4590 LICENSES & PERMITS	0	144	0	150	80	150	0	0.00
100-5-4220-5200 NEW EQUIPMENT	1,396	1,834	1,672	2,000	1,396	2,500	500	25.00
100-5-4220-5300 EQUIPMENT RENTAL/LEASE	393	537	607	500	188	600	100	20.00
100-5-4220-5400 TF TO CAPITAL IMP	12,000	24,919	15,000	20,000	0	40,000	20,000	100.00
100-5-4220-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00
TOTAL STREETS AND ALLEYS	97,941	120,154	113,675	125,458	30,159	145,572	20,114	16.03

- i-4220-1180 ENGINEERING CURRENT YEAR NOTES:
Small projects & mapping
Ron 7-16
- i-4220-1290 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
Safety contract with safe Assure
Ron 7-16
- i-4220-1311 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
CDL screening and tasc annual fee
Ron 7-16
- i-4220-1350 PHYSICALS CURRENT YEAR NOTES:

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
ST EQUIPMENT/SEALCOAT

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
.00-5-4221-5400 TF TO CAPITAL IMP	70,804	67,577	67,882	67,987	0	67,778	(209)	0.31-
TOTAL ST EQUIPMENT/SEALCOAT	70,804	67,577	67,882	67,987	0	67,778	(209)	0.31-

.00-5-4221-5400 TF TO CAPITAL IMP

CURRENT YEAR NOTES:
Reference street Equip. Replacement list
Ron 7-16

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
SIDEWALK

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
.00-5-4222-5400 TF TO CAPITAL IMP	0	0	0	0	0	0	0	0.00
TOTAL SIDEWALK	0	0	0	0	0	0	0	0.00

.00-5-4222-5400 TF TO CAPITAL IMP

CURRENT YEAR NOTES:
We have 34,900.00 in the sidewalk CIP and we don't have any
sidewlk expansions planned.
Ron 7-16

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
 SNOW AND ICE REMOVAL

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
.00-5-4230-1000 SALARIES	13,748	14,309	14,406	14,950	6,354	16,289	1,339	8.96		
.00-5-4230-1060 FICA WITHHOLDINGS	829	832	823	927	392	1,005	78	8.41		
.00-5-4230-1070 PERA WITHHOLDINGS	988	1,032	1,072	1,121	513	1,216	95	8.47		
.00-5-4230-1080 MEDICARE WITHHOLDINGS	194	195	193	217	92	235	18	8.29		
.00-5-4230-1090 HEALTH INSURANCE	2,079	1,819	2,156	2,177	1,108	2,519	342	15.71		
.00-5-4230-1300 PROFESSIONAL SERVICES (LEGAL)	0	0	0	150	0	150	0	0.00		
.00-5-4230-2400 MAINTENANCE & REPAIR OF EQUIP	5,198	2,691	3,198	4,000	108	4,000	0	0.00		
.00-5-4230-2910 SNOW HAULING	12,994	8,494	3,359	11,500	2,395	8,500	(3,000)	26.09-		
.00-5-4230-2920 BLADING	13,565	30,116	13,008	24,000	8,565	19,000	(5,000)	20.83-		
.00-5-4230-3000 GENERAL/OFFICE SUPPLIES	8	29	0	100	0	100	0	0.00		
.00-5-4230-3001 SAND & SALT	3,498	5,497	6,736	7,000	9,171	7,000	0	0.00		
.00-5-4230-4100 INSURANCE AND BONDS	0	1,000	0	0	0	0	0	0.00		
.00-5-4230-5200 NEW EQUIPMENT	59	169	0	500	0	500	0	0.00		
.00-5-4230-5300 EQUIPMENT RENTAL/LEASE	313	433	477	500	188	500	0	0.00		
.00-5-4230-5301 LAND/BLDG RENTAL/LEASE	1,500	1,500	1,500	1,500	0	1,500	0	0.00		
.00-5-4230-5400 TF TO CAPITAL IMP	0	9,221	0	0	0	0	0	0.00		
TOTAL SNOW AND ICE REMOVAL	54,974	77,337	46,927	68,642	28,887	62,514	(6,128)	8.93-		

- i-4230-1300 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
Contract review,
Ron 7-16
- i-4230-2400 MAINTENANCE & REPAIR OFCURRENT YEAR NOTES:
M & R on Dump truck, tractor, snow blowers etc.
ron 7-16
- i-4230-2910 SNOW HAULING CURRENT YEAR NOTES:
Down town snow removal
Ron 7-16
- i-4230-2920 BLADING CURRENT YEAR NOTES:
Snow plowing on all city streets
Ron 7-16
- i-4230-3001 SAND & SALT CURRENT YEAR NOTES:
We are purchasing for the twp, so we have revenue and will
be purchasing less due to a large stock pile carry over from
the mild winter.
Ron 7-16
- i-4230-5300 EQUIPMENT RENTAL/LEASE CURRENT YEAR NOTES:
Copier lease
Ron 7-16
- i-4230-5301 LAND/BLDG RENTAL/LEASE CURRENT YEAR NOTES:

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
 STREET LIGHTING

EXPENDITURES			(------ 2016 -----)		(------ 2017 -----)			
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
.00-5-4260-2200 UTILITIES	53,816	46,859	46,204	49,000	20,931	49,000	0	0.00
.00-5-4260-2401 WHITEWAY UPKEEP	0	0	0	850	0	850	0	0.00
TOTAL STREET LIGHTING	53,816	46,859	46,204	49,850	20,931	49,850	0	0.00

-4260-2200 UTILITIES
 CURRENT YEAR NOTES:
 Street light Xcel utility expences
 Ron 7-16

-4260-2401 WHITEWAY UPKEEP
 CURRENT YEAR NOTES:
 Downtown street lights M & R
 Ron 7-16

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 LIBRARY

EXPENDITURES	2013		2014		2015		2016		2017	
	ACTUAL	ACTUAL	ACTUAL	ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE	
100-5-4620-2000 POSTAGE	0	0	0	0	0	0	0	0	0.00	
100-5-4620-2020 TELEPHONE	0	0	0	0	0	0	0	0	0.00	
100-5-4620-2100 PRINTING & PUBLISHING	90	92	90	90	0	90	0	0	0.00	
100-5-4620-2200 UTILITIES	2,891	3,590	3,050	3,500	1,399	2,991	(509)	14.54-		
100-5-4620-2400 MAINTENANCE & REPAIR OF EQUIP	2,334	595	179	500	22	500	0	0.00		
100-5-4620-2500 MAINTENANCE & REPAIR OF BLDG	955	1,181	1,269	1,500	197	1,500	0	0.00		
100-5-4620-2600 MAINTENANCE & REPAIR OF GROUND	53	0	77	500	0	500	0	0.00		
100-5-4620-3000 GENERAL/OFFICE SUPPLIES	314	187	201	350	51	0	350	100.00-		
100-5-4620-3810 LAUNDRY	0	0	0	0	0	0	0	0.00		
100-5-4620-3820 REFUSE COLLECTION	404	310	435	425	169	450	25	5.88		
100-5-4620-3830 CUSTODIAN	0	0	0	0	0	0	0	0.00		
100-5-4620-4100 INSURANCE AND BONDS	1,098	1,090	970	1,220	0	1,076	(144)	11.80-		
100-5-4620-4500 ALLOTMENT	0	0	0	0	0	0	0	0.00		
100-5-4620-5200 NEW EQUIPMENT	150	0	0	0	726	0	0	0.00		
TOTAL LIBRARY	8,289	7,044	6,272	7,995	2,654	7,017	(978)	12.23-		

100-4620-2200 UTILITIES
 CURRENT YEAR NOTES:
 Gas, Electric, Water
 Ron 7-16
 7-28-16 BELINDA -- XCEL IS INCREASING 1.7% SO I TOOK 2016
 6MOS PAID TO XCEL OF 863.56 X 2 FOR FULL YEAR AND INCREASED
 BY 1.7% AND ADDED THE OTHER BILLS IN THIS LINE ITEM SO FAR
 FOR THE 6 MONTHS AT \$617.09 X 2 FOR FULL YEAR. TOTAL IS
 \$2,991

100-4620-2500 MAINTENANCE & REPAIR OF
 CURRENT YEAR NOTES:
 Library Building M & R
 Ron 7-16
 7-28-16 BELINDA - LAST TIME WE CLEANED CARPETS AND WAXED
 FLOORS WAS IN 2013 AT A COST OF \$650.00. THIS SHOULD BE
 DONE AGAIN IN 2017. SHCULD BE ENOUGH TO COVER AT \$1,500

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
SKATING RINK

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
.00-5-4745-1370 PROFESSIONAL SERVICES (MANAGER	5,500	5,500	5,500	5,500	0	5,500	0	0.00
.00-5-4745-1375 OUTDOOR RINK	2,250	2,250	2,250	2,250	0	2,250	0	0.00
.00-5-4745-2900 CONTRACTUAL SERVICE	0	0	0	0	0	0	0	0.00
TOTAL SKATING RINK	7,750	7,750	7,750	7,750	0	7,750	0	0.00

Use

CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND
BEACHES

EXPENDITURES	2016				2017		PERCENT VARIANCE	
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
100-5-4746-1000 SALARIES	24,340	25,471	27,470	26,471	9,301	27,838	1,367	5.16
100-5-4746-1060 FICA WITHHOLDINGS	1,478	1,544	1,664	1,641	580	1,724	83	5.06
100-5-4746-1070 PERA WITHHOLDINGS	867	971	1,196	965	549	1,056	91	9.43
100-5-4746-1080 MEDICARE WITHHOLDINGS	346	361	389	384	136	403	19	4.95
100-5-4746-1090 HEALTH INSURANCE	1,368	1,243	1,529	1,513	765	1,879	366	24.19
100-5-4746-1300 PROFESSIONAL SERVICES (LEGAL)	130	0	0	100	0	100	0	0.00
100-5-4746-2000 POSTAGE	20	25	0	60	10	60	0	0.00
100-5-4746-2020 TELEPHONE	156	188	246	200	283	350	150	75.00
100-5-4746-2100 PRINTING & PUBLISHING	861	0	84	200	103	200	0	0.00
100-5-4746-2101 ADVERTISING	293	446	997	450	222	450	0	0.00
100-5-4746-2200 UTILITIES	652	592	438	600	141	478	122	20.33
100-5-4746-2300 TRAVEL & SCHOOLS	0	75	0	0	0	0	0	0.00
100-5-4746-2400 MAINTENANCE & REPAIR OF EQUIP	706	2,002	1,026	2,200	230	2,500	300	13.64
100-5-4746-2500 MAINTENANCE & REPAIR OF BLDG	481	108	379	700	95	600	100	14.29
100-5-4746-2600 MAINTENANCE & REPAIR OF GROUND	500	943	3,098	2,000	2,087	2,500	500	25.00
100-5-4746-2900 CONTRACTUAL SERVICE	2,743	5,954	4,300	4,500	0	4,500	0	0.00
100-5-4746-3000 GENERAL/OFFICE SUPPLIES	770	848	567	900	525	900	0	0.00
100-5-4746-3300 MOTOR FUELS & LUBRICANTS	1,172	1,088	566	1,600	0	800	800	50.00
100-5-4746-3811 UNIFORMS	327	321	243	400	148	400	0	0.00
100-5-4746-3820 REFUSE COLLECTION	533	566	653	600	253	650	50	8.33
100-5-4746-4100 INSURANCE AND BONDS	1,357	1,003	1,006	1,256	0	874	382	30.41
100-5-4746-4110 WORKERS' COMP INS	349	481	404	329	0	329	0	0.00
100-5-4746-4590 LICENSES & PERMITS	400	0	35	400	451	400	0	0.00
100-5-4746-5060 NEW BUILDINGS AND STRUCTURES	0	0	0	0	0	0	0	0.00
100-5-4746-5200 NEW EQUIPMENT	449	257	331	2,000	915	2,000	0	0.00
100-5-4746-5300 EQUIPMENT RENTAL/LEASE	0	0	0	0	0	0	0	0.00
100-5-4746-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00

TOTAL BEACHES	40,396	44,487	46,621	49,469	16,793	50,991	1,522	3.08
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100-4746-2020 TELEPHONE CURRENT YEAR NOTES:
Beach Phone
Ron 7-16

100-4746-2101 ADVERTISING CURRENT YEAR NOTES:
Life guard ads
Ron 7-16

100-4746-2200 UTILITIES CURRENT YEAR NOTES:
Electrical at vets. Park
Ron 7-16
7-28-16 BELINDA - XCEL IS INCREASING 1.7% SO I TOOK 2016
6MOS PAID TO XCEL OF 140.54 X 2 FOR FULL YEAR AND INCREASED
BY 1.7%. TOTAL IS \$478

100-4746-2400 MAINTENANCE & REPAIR OF CURRENT YEAR NOTES:

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

.00-GENERAL FUND
MUNICIPAL PARKS

EXPENDITURES	2016			2017			PERCENT VARIANCE	
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
.00-5-4750-1000 SALARIES	27,712	30,564	32,650	27,575	13,946	29,322	1,747	6.34
.00-5-4750-1060 FICA WITHHOLDINGS	1,650	1,801	1,926	1,710	864	1,809	99	5.79
.00-5-4750-1070 PERA WITHHOLDINGS	1,699	1,895	2,157	1,768	1,008	1,872	104	5.88
.00-5-4750-1080 MEDICARE WITHHOLDINGS	386	421	450	400	202	423	23	5.75
.00-5-4750-1090 HEALTH INSURANCE	2,785	2,907	3,147	3,637	1,644	3,982	345	9.49
.00-5-4750-1180 ENGINEERING	0	30	3,548	500	0	500	0	0.00
.00-5-4750-1290 PROFESSIONAL SERVICES (SAFETY)	1,009	733	1,017	1,050	0	1,100	50	4.76
.00-5-4750-1300 PROFESSIONAL SERVICES (LEGAL)	2,141	26	561	1,000	26	1,000	0	0.00
.00-5-4750-1350 PHYSICALS	0	0	215	225	0	225	0	0.00
.00-5-4750-2000 POSTAGE	66	238	87	100	30	100	0	0.00
.00-5-4750-2020 TELEPHONE	697	885	1,081	850	578	1,175	325	38.24
.00-5-4750-2100 PRINTING & PUBLISHING	94	81	79	250	0	250	0	0.00
.00-5-4750-2200 UTILITIES	8,032	7,910	5,103	8,500	1,638	6,618	(1,882)	22.14-
.00-5-4750-2300 TRAVEL & SCHOOLS	0	0	20	0	0	0	0	0.00
.00-5-4750-2400 MAINTENANCE & REPAIR OF EQUIP	3,863	2,335	2,576	4,000	2,677	4,000	0	0.00
.00-5-4750-2500 MAINTENANCE & REPAIR OF BLDG	1,222	1,173	1,448	1,500	181	1,500	0	0.00
.00-5-4750-2600 MAINTENANCE & REPAIR OF GROUND	2,105	2,214	2,633	2,250	2,264	2,500	250	11.11
.00-5-4750-2900 CONTRACTUAL SERVICE	1,064	787	1,390	400	0	400	0	0.00
.00-5-4750-3000 GENERAL/OFFICE SUPPLIES	1,151	1,327	2,086	1,700	634	2,000	300	17.65
.00-5-4750-3300 MOTOR FUELS & LUBRICANTS	2,065	1,618	691	2,000	619	1,500	(500)	25.00-
.00-5-4750-3811 UNIFORMS	123	342	262	500	373	500	0	0.00
.00-5-4750-3820 REFUSE COLLECTION	1,022	942	1,089	1,050	422	1,100	50	4.76
.00-5-4750-4100 INSURANCE AND BONDS	6,003	5,910	3,901	6,096	0	7,651	1,555	25.51
.00-5-4750-4110 WORKERS' COMP INS	(26)	302	408	333	0	333	0	0.00
.00-5-4750-4600 LICENSES & TAXES	115	1,742	854	200	16	200	0	0.00
.00-5-4750-5200 NEW EQUIPMENT	2,010	632	1,888	2,000	638	2,500	500	25.00
.00-5-4750-5300 EQUIPMENT RENTAL/LEASE	507	1,078	477	500	188	500	0	0.00
.00-5-4750-5400 TR TO CAPITAL IMP	15,000	18,000	18,000	18,000	0	20,000	2,000	11.11
.00-5-4750-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00
.00-5-4750-8030 DAMAGE DEPOSIT REFUND	1,000	800	850	1,000	734	1,000	0	0.00
TOTAL MUNICIPAL PARKS	83,496	86,694	90,591	89,094	28,683	94,060	4,966	5.57

5-4750-1180 ENGINEERING CURRENT YEAR NOTES:
2015 was Hunter land survey etc.
Ron 7-16

5-4750-1290 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
Safety contract
Ron 7-16

5-4750-1300 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
contracts etc
Ron 7-16

5-4750-1350 PHYSICALS CURRENT YEAR NOTES:

Handwritten initials or mark.

CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 COMMUNITY ENHANCEMENT

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
100-5-4751-1180 ENGINEERING	0	0	0	0	0	0	0	0.00
100-5-4751-1300 PROFESSIONAL SERVICES (LEGAL)	0	0	0	0	0	0	0	0.00
100-5-4751-1311 PROFESSIONAL SERVICES (GENERAL)	0	0	0	0	0	12,000	12,000	0.00
100-5-4751-2100 PRINTING & PUBLISHING	0	0	0	0	0	0	0	0.00
100-5-4751-2101 ADVERTISING	0	0	0	0	0	0	0	0.00
100-5-4751-2300 TRAVEL & SCHOOLS	0	0	0	0	0	0	0	0.00
100-5-4751-2400 MAINTENANCE & REPAIR OF EQUIP	0	0	0	0	0	0	0	0.00
100-5-4751-2830 WINE TASTING EVENT	0	0	0	0	0	0	0	0.00
100-5-4751-2831 HOLIDAY LIGHTS	0	0	0	0	11,539	0	0	0.00
100-5-4751-3000 GENERAL/OFFICE SUPPLIES	0	0	0	0	0	0	0	0.00
100-5-4751-4813 GRANT EXPENSES	2,230	0	2,840	0	0	0	0	0.00
100-5-4751-5200 NEW EQUIPMENT	0	0	0	0	0	0	0	0.00
TOTAL COMMUNITY ENHANCEMENT	2,230	0	2,840	0	11,539	12,000	12,000	0.00

5-4751-1311 PROFESSIONAL SERVICES (CURRENT YEAR NOTES:
 7-28-16 BELINDA - ADDED 12,000 FOR DOWNTOWN REVITALIZATION

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND
RECREATIONAL TRAIL

EXPENDITURES	2016				2017		PERCENT VARIANCE	
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
100-5-4752-1180 ENGINEERING	0	0	50	0	0	0	0	0.00
100-5-4752-1300 PROFESSIONAL SERVICES (LEGAL)	0	0	0	0	0	0	0	0.00
100-5-4752-2100 PRINTING & PUBLISHING	0	0	0	0	0	0	0	0.00
100-5-4752-2600 MAINTENANCE & REPAIR OF GROUND	0	0	0	0	0	0	0	0.00
100-5-4752-2900 CONTRACTUAL SERVICE	3,407	3,735	3,297	3,500	0	3,500	0	0.00
100-5-4752-3000 GENERAL/OFFICE SUPPLIES	0	0	0	0	0	0	0	0.00
100-5-4752-4100 INSURANCE AND BONDS	650	650	809	817	0	686	(131)	16.03-
100-5-4752-4110 WORKERS' COMP INS	0	0	0	0	0	0	0	0.00
100-5-4752-4600 LICENSES & TAXES	8	0	0	0	0	0	0	0.00
100-5-4752-5400 TF TO CAPITAL IMP	7,500	7,500	7,500	11,000	0	11,000	0	0.00
TOTAL RECREATIONAL TRAIL	11,565	11,885	11,656	15,317	0	15,186	(131)	0.86-

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 AIRPORT

EXPENDITURES	(----- 2016 -----) (----- 2017 -----)				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL						
100-5-4880-1000 SALARIES	15,792	17,615	16,239	17,925	5,748	23,793	5,868	32.74	
100-5-4880-1060 FICA WITHHOLDINGS	998	1,054	956	1,111	367	1,471	360	32.40	
100-5-4880-1070 PERA WITHHOLDINGS	1,168	1,271	1,211	1,344	472	1,779	435	32.37	
100-5-4880-1080 MEDICARE WITHHOLDINGS	233	247	223	260	86	344	84	32.31	
100-5-4880-1090 HEALTH INSURANCE	2,741	2,501	3,836	3,419	1,721	6,149	2,730	79.85	
100-5-4880-1180 ENGINEERING	450	170	1,440	1,000	0	1,000	0	0.00	
100-5-4880-1300 PROFESSIONAL SERVICES (LEGAL)	98	172	43	300	194	300	0	0.00	
100-5-4880-1311 PROFESSIONAL SERVICES (GENERAL)	0	0	65	0	0	0	0	0.00	
100-5-4880-2000 POSTAGE	40	100	65	200	25	200	0	0.00	
100-5-4880-2020 TELEPHONE	949	729	746	950	316	760	(190)	20.00-	
100-5-4880-2100 PRINTING & PUBLISHING	0	119	62	100	99	100	0	0.00	
100-5-4880-2200 UTILITIES	5,117	6,005	4,030	7,000	2,626	5,342	(1,658)	23.69-	
100-5-4880-2300 TRAVEL & SCHOOLS	0	783	0	800	0	800	0	0.00	
100-5-4880-2400 MAINTENANCE & REPAIR OF EQUIP	1,147	9,168	7,485	2,500	2,575	3,500	1,000	40.00	
100-5-4880-2500 MAINTENANCE & REPAIR OF BLDG	1,121	333	715	750	135	750	0	0.00	
100-5-4880-2600 MAINTENANCE & REPAIR OF GROUND	15,320	12,754	7,161	13,000	2,414	13,000	0	0.00	
100-5-4880-3000 GENERAL/OFFICE SUPPLIES	351	52	319	300	93	300	0	0.00	
100-5-4880-3300 MOTOR FUELS & LUBRICANTS	1,185	1,817	817	1,500	0	1,200	(300)	20.00-	
100-5-4880-3310 AVIATION FUEL	70,214	54,514	33,209	40,000	18,122	45,000	5,000	12.50	
100-5-4880-3320 CREDIT CARD FEES	1,654	(2,070)	1,006	1,500	361	1,200	(300)	20.00-	
100-5-4880-3330 ANNUAL FLY IN	208	0	0	0	950	250	250	0.00	
100-5-4880-3830 CUSTODIAN	0	0	0	0	0	0	0	0.00	
100-5-4880-4100 INSURANCE AND BONDS	8,811	11,991	6,172	10,772	0	11,186	414	3.84	
100-5-4880-4300 SUBSCRIPTIONS & MEMBERSHIPS	164	124	337	250	180	300	50	20.00	
100-5-4880-4590 LICENSES & PERMITS	425	877	483	500	452	500	0	0.00	
100-5-4880-4600 LICENSES & TAXES	6,359	6,110	6,232	6,500	6,344	6,600	100	1.54	
100-5-4880-5200 NEW EQUIPMENT	77	0	0	500	0	500	0	0.00	
100-5-4880-5300 EQUIPMENT RENTAL/LEASE	338	437	477	445	188	500	55	12.36	
100-5-4880-5400 TF TO CAPITAL IMP	15,000	9,000	15,000	15,000	0	16,000	1,000	6.67	
100-5-4880-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00	
100-5-4880-8030 DAMAGE DEPOSIT REFUND	100	100	50	0	0	0	0	0.00	
TOTAL AIRPORT	150,061	135,971	108,380	127,926	43,468	142,824	14,898	11.65	

i-4880-1180 ENGINEERING CURRENT YEAR NOTES:
 General engineering mapping
 Ron 7-16

i-4880-2200 UTILITIES CURRENT YEAR NOTES:
 Lighting, security lights, runway lights, new this year is
 the Beacon
 Ron 7-16
 7-28-16 BELINDA - XCEL IS INCREASING 1.7% SO I TOOK 2016
 6MOS PAID TO XCEL OF 89.00 X 2 FOR FULL YEAR AND INCREASED
 BY 1.7% FOR FULL YEAR. TOTAL IS \$5,342

CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND
AIRPORT

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
5-4880-2400								
	MAINTENANCE & REPAIR OF CURRENT YEAR NOTES: Repairs on Fuel system, Fuel system support, runway lights, papi & Reil, mower, s vehicles etc Ron 7-16							
5-4880-2500								
	MAINTENANCE & REPAIR OF CURRENT YEAR NOTES: Hanger repairs Ron 7-16							
5-4880-2600								
	MAINTENANCE & REPAIR OF CURRENT YEAR NOTES: Snow plowing & removal, holding tank pumping, sod repairs. Ron 7-16							
5-4880-3300								
	MOTOR FUELS & LUBRICANT CURRENT YEAR NOTES: Fuel for vehicles, tractor mowers etc ron 7-16							
5-4880-3310								
	AVIATION FUEL CURRENT YEAR NOTES: Av Gas estimated 12,000 g at 3.75/ gallon Ron 7-16							
5-4880-4300								
	SUBSCRIPTIONS & MEMBERS CURRENT YEAR NOTES: MN Flyer, Mn Council of Airports, Midwest flyer Ron 7-16							
5-4880-4590								
	LICENSES & PERMITS CURRENT YEAR NOTES: Storm water annual Ron 7-16							
5-4880-4600								
	LICENSES & TAXES CURRENT YEAR NOTES: Property Taxes Ron 7-16							
5-4880-5300								
	EQUIPMENT RENTAL/LEASE CURRENT YEAR NOTES: Copier Lease Ron 7-16							
5-4880-5400								
	TF TO CAPITAL IMP CURRENT YEAR NOTES: Future projects city's 5 % of each project Ron 7-16							

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 CABLE TELEVISION

EXPENDITURES	(----- 2016 -----) (----- 2017 -----)					PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL			
100-5-4901-1000 SALARIES	7,335	14,190	16,671	16,657	8,829	17,459	802	4.81
100-5-4901-1060 FICA WITHHOLDINGS	429	861	1,017	1,033	568	1,079	46	4.45
100-5-4901-1070 PERA WITHHOLDINGS	514	973	1,248	1,249	695	1,305	56	4.48
100-5-4901-1080 MEDICARE WITHHOLDINGS	100	202	238	242	133	252	10	4.13
100-5-4901-1090 HEALTH INSURANCE	319	352	416	451	234	442	(9)	2.00-
100-5-4901-1290 PROFESSIONAL SERVICES (SAFETY)	0	50	11	100	0	100	0	0.00
100-5-4901-1300 PROFESSIONAL SERVICES (LEGAL)	0	175	41	0	0	40	40	0.00
100-5-4901-1311 PROFESSIONAL SERVICES (GENERAL)	0	0	0	0	100	0	0	0.00
100-5-4901-2000 POSTAGE	23	0	26	50	23	25	(25)	50.00-
100-5-4901-2020 TELEPHONE	5	32	25	25	23	25	0	0.00
100-5-4901-2100 PRINTING & PUBLISHING	251	35	84	200	36	50	(150)	75.00-
100-5-4901-2101 ADVERTISING	164	252	0	329	0	125	(204)	62.01-
100-5-4901-2200 UTILITIES	0	0	0	0	0	0	0	0.00
100-5-4901-2300 TRAVEL & SCHOOLS	199	0	62	100	0	100	0	0.00
100-5-4901-2400 MAINTENANCE & REPAIR OF EQUIP	351	118	0	500	0	500	0	0.00
100-5-4901-2900 CONTRACTUAL SERVICE	2,177	2,149	2,940	2,600	2,625	2,600	0	0.00
100-5-4901-3000 GENERAL/OFFICE SUPPLIES	146	70	82	100	0	100	0	0.00
100-5-4901-4100 INSURANCE AND BONDS	0	0	0	0	0	0	0	0.00
100-5-4901-4110 WORKERS' COMP INS	150	116	367	150	0	150	0	0.00
100-5-4901-4300 SUBSCRIPTIONS & MEMBERSHIPS	150	249	150	200	150	150	(50)	25.00-
100-5-4901-5200 NEW EQUIPMENT	211	1,032	588	200	0	200	0	0.00
100-5-4901-5300 EQUIPMENT RENTAL/LEASE	83	0	0	0	0	0	0	0.00
100-5-4901-5400 TF TO CAPITAL IMP	500	500	500	1,000	0	1,000	0	0.00
100-5-4901-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00
TOTAL CABLE TELEVISION	13,106	21,356	24,466	25,186	13,415	25,702	516	2.05

ok

CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 WITHHOLDINGS

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
100-5-4950-4620 MEDICARE CONTRIBUTIONS	0	0	0	0	0	0	0	0.00
100-5-4950-4660 FICA CONTRIBUTIONS	0	0	0	0	0	0	0	0.00
100-5-4950-4665 FURLOUGH EXPENSE	0	0	0	0	0	0	0	0.00
100-5-4950-4700 EMPLOYEE INSURANCE CONTRIBUTIO	0	0	0	0	0	0	0	0.00
TOTAL WITHHOLDINGS	0	0	0	0	0	0	0	0.00

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

100-GENERAL FUND
 TRANSFERS

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	(----- 2016 -----) (----- 2017 -----)		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	
100-5-4990-7010 PERMANENT TRANSFER OUT	3,098	3,529	0	0	0	0.00
100-5-4990-7200 BUDGET TF TO EDAP	24,608	27,376	28,899	30,251	0	9.08
100-5-4990-8210 TAX REIMBURSEMENT TO TOWNSHIP	1,434	1,434	545	0	398	0.00
TOTAL TRANSFERS	29,140	32,339	29,444	30,251	398	9.53

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CITY OF PAYNESVILLE
PROPOSED BUDGET REPORT
AS OF: JUNE 30TH, 2016

100-GENERAL FUND
OTHER

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
100-5-5000-8000 BOND PAYMENTS	213,300	204,550	208,800	192,915	0	171,500	(21,415)	11.10-
100-5-5000-8001 TAX ABATEMENT PAYMENT	0	0	0	0	0	0	0	0.00
TOTAL OTHER	213,300	204,550	208,800	192,915	0	171,500	(21,415)	11.10-
TOTAL EXPENDITURES	1,806,755	1,983,694	1,928,918	2,001,705	684,581	2,053,029	51,324	2.56
REVENUE OVER/(UNDER) EXPENDITURES	39,732	(38,585)	47,076	(15,906)	(169,400)	(672,621)	(656,715)	

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

220-EDAP

REVENUES	(----- 2016 -----) (----- 2017 -----)							
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	PERCENT VARIANCE
<u>EDAP RECEIPTS</u>								
220-4-1805-0990 SALE OF FIXED ASSETS	305,677	32,738	0	0	0	0	0	0.00
220-4-1805-1170 GRANT MONIES	0	0	0	0	0	0	0	0.00
220-4-1805-3100 INTEREST INCOME ON INVESTMENTS	2,044	2,608	2,302	0	413	0	0	0.00
220-4-1805-3110 CHANGE IN FAIR MARKET VALUE (1,768)	499	378	0	0	0	0	0.00
220-4-1805-4073 REFUNDS/REIMBURSEMENTS	0	25,000	2,548	0	0	0	0	0.00
220-4-1805-5240 DONATIONS	0	0	0	0	0	0	0	0.00
220-4-1805-9610 TRANSFERS IN	27,706	27,376	28,899	30,251	0	0	(30,251)	100.00-
TOTAL EDAP RECEIPTS	333,660	88,221	34,127	30,251	413	0	(30,251)	100.00-
<u>SMALL CITIES REVOLV LOAN</u>								
220-4-4902-1170 GRANT MONIES	18,773	11,422	16,000	0	0	0	0	0.00
220-4-4902-1171 OWNERS SHARE	0	634	4,843	0	108	0	0	0.00
220-4-4902-9610 TRANSFERS IN	0	0	3,311	0	0	32,999	32,999	0.00
TOTAL SMALL CITIES REVOLV LOAN	18,773	12,056	24,154	0	108	32,999	32,999	0.00
TOTAL REVENUES	352,433	100,277	58,281	30,251	520	32,999	2,748	9.08

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

220-EDAP
 EDAP

EXPENDITURES	2016			2017			PERCENT VARIANCE	
	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET		VARIANCE
220-5-4900-1000 SALARIES	13,121	15,405	13,931	17,263	6,299	17,724	461	2.67
220-5-4900-1060 FICA WITHHOLDINGS	747	867	774	1,070	380	1,080	10	0.93
220-5-4900-1070 PERA WITHHOLDINGS	948	1,030	1,039	1,294	508	1,306	12	0.93
220-5-4900-1080 MEDICARE WITHHOLDINGS	174	202	181	250	89	253	3	1.20
220-5-4900-1090 HEALTH INSURANCE	1,877	2,251	2,407	3,756	1,342	3,711	(45)	1.20-
220-5-4900-1180 ENGINEERING	5,183	848	2,007	1,000	0	1,000	0	0.00
220-5-4900-1300 PROFESSIONAL SERVICES (LRGAL)	1,932	1,456	2,651	2,000	380	1,000	(1,000)	50.00-
220-5-4900-1310 PROFESSIONAL SERVICES (AUDIT)	1,045	1,160	1,195	1,160	1,125	1,200	40	3.45
220-5-4900-1311 PROFESSIONAL SERVICES (GENERAL)	150	350	2,742	0	0	0	0	0.00
220-5-4900-2000 POSTAGE	20	18	0	100	0	50	(50)	50.00-
220-5-4900-2020 TELEPHONE	0	0	0	0	0	0	0	0.00
220-5-4900-2100 PRINTING & PUBLISHING	1,404	735	778	900	550	800	(100)	11.11-
220-5-4900-2101 ADVERTISING	0	1,200	0	0	180	600	600	0.00
220-5-4900-2300 TRAVEL & SCHOOLS	274	0	0	0	0	0	0	0.00
220-5-4900-2400 MAINTENANCE & REPAIR OF EQUIP	0	0	0	0	0	0	0	0.00
220-5-4900-2900 CONTRACTUAL SERVICE	33,032	0	16,161	4,000	0	4,000	0	0.00
220-5-4900-3000 GENERAL/OFFICE SUPPLIES	40	10	24	100	0	25	(75)	75.00-
220-5-4900-4100 INSURANCE AND BONDS	0	0	0	0	0	0	0	0.00
220-5-4900-4110 WORKERS' COMP INS	0	0	0	0	0	0	0	0.00
220-5-4900-4300 SUBSCRIPTIONS & MEMBERSHIPS	0	200	250	250	0	250	0	0.00
220-5-4900-4600 LICENSES & TAXES	0	0	0	0	0	0	0	0.00
220-5-4900-5010 LAND	0	0	0	0	86,868	0	0	0.00
220-5-4900-5200 NEW EQUIPMENT	1,297	0	0	0	0	0	0	0.00
220-5-4900-7010 PERMANENT TRANSFER OUT	0	2,667	0	0	0	0	0	0.00
220-5-4900-8020 MISCELLANEOUS	0	0	0	0	0	0	0	0.00
TOTAL EDAP	61,243	28,400	11,819	33,143	97,722	32,999	(144)	0.43-

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CITY OF PAYNESVILLE
 PROPOSED BUDGET REPORT
 AS OF: JUNE 30TH, 2016

220-EDAP
 SMALL CITIES REVOLV LOAN

EXPENDITURES	2013 ACTUAL	2014 ACTUAL	2015 ACTUAL	2016		2017		PERCENT VARIANCE
				CURRENT BUDGET	Y-T-D ACTUAL	PROPOSED BUDGET	VARIANCE	
220-5-4902-1311 PROFESSIONAL SERVICES (GENERAL	0	3,170	19,323	0	10,630	0	0	0.00
220-5-4902-1313 LOANS PAYABLE	0	0	0	0	0	0	0	0.00
TOTAL SMALL CITIES REVOLV LOAN	0	3,170	19,323	0	10,630	0	0	0.00
TOTAL EXPENDITURES	61,243	31,570	31,142	33,143	108,352	32,999	(144)	0.43-
REVENUE OVER/(UNDER) EXPENDITURES	291,189	68,707	27,139	(2,892)	(107,831)	0	2,892	

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - F

ITEM DESCRIPTION: Minimum Wage Increase

Prepared by: Renee Eckerly, City Administrator

COMMENTS:

Renee Eckerly will give a verbal report. Eckerly had verified with Ann Antonson, Springsted last year on how to proceed with the State minimum wage increase with the pay scale to stay in compliance. She instructed Eckerly last year to move employees from their current step to the next step on Grade 1. So Grade 1 / Step 2 is \$9.19 of which there are 3 employees and Grade 1 / Step 3 is \$9.48 of which there is also 3 employees. This effects six staff members that will need to move to Grade 1 /Step 4 \$9.77 with retro pay back to August 1, 2016.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to increase the hourly wage from Grade 1/Step 2 (\$9.19) and Grade 1 Step 3 (\$9.48) to Grade 1/Step 4 (\$9.77) to comply with the State minimum wage requirement of (\$9.50) for Whitney Muetzel (part time Liquor Store Clerk), Trevor Thompson (part time Liquor Store Clerk), Kris Desm (part time Liquor Store Clerk), Jean Nichols (part time Liquor Store Clerk), Grant Fuchs (part time Public Works) and Matt Quade (part time Public Works) retro to August 1, 2016.



EMPLOYER FACT SHEET MINIMUM WAGE RATES

NEW MINIMUM WAGE LAW AS OF AUG. 1, 2016

PROVISION	NEW LAW
Large employer wage	\$9.50/hour on Aug. 1, 2016
Small employer wage	\$7.75/hour on Aug. 1, 2016
90-day training wage (under 20 years of age)	\$7.75/hour on Aug. 1, 2016
Youth wage (under 18 years of age)	\$7.75/hour on Aug. 1, 2016
Inflation increase	Inflation increase starts Jan. 1, 2018

STATE AND FEDERAL MINIMUM WAGE LAW

- There are both state and federal minimum wage laws.
- The state minimum wage is higher than the federal minimum wage, so employees who are covered by both laws must be paid the higher state minimum wage.
- Minimum wage rates apply to all hours worked, whether part time or full time.
- Employees must be paid at least the current minimum wage rate, no matter how they are paid.
- To determine whether you are a small or large employer, view the employer fact sheet "Business size and minimum wage" at www.dli.mn.gov/MinWage.



CONTACT INFORMATION

Department of Labor and Industry
Labor Standards
443 Lafayette Road N. • St. Paul, MN 55155-4306

Phone: (651) 284-5070 • 1-800-342-5354
dli.laborstandards@state.mn.us
www.dli.mn.gov/LaborLaw.asp



Notice: This flier is a brief summary of Minnesota law and is intended as a guide.
It is not to be considered a substitute for Minnesota Statutes regarding minimum wage laws.

This document can be provided in different forms, such as audio, Braille or large print, by calling (651) 284-5005 or 1-800-342-5354.

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - G

ITEM DESCRIPTION: Ordinance No. 159, 2nd Series – Opting Out Of Requirements – Temporary Health Care Dwellings

Prepared by: Staff

COMMENTS:

Please review the attached Ordinance No. 159, 2nd Series – Opting Out Of Requirements – Temporary Health Care Dwellings. This is a new law regarding Temporary Family Health Care Dwellings. The Planning Commission has reviewed this, held a public hearing, and recommends approval.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve Ordinance No. 159, 2nd Series – Opting Out Of Requirements – Temporary Health Care Dwellings.

ORDINANCE NO. 159, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION 11.54 ENTITLED "OPTING-OUT OF REQUIREMENTS OF M.S.A. §462.3593" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11 Entitled "Land Use Regulations (Zoning)" is hereby amended by adding Section 11.54 to read as follows:

SECTION 11.54. OPTING-OUT OF REQUIREMENTS OF M.S.A. 462.3593.

Subd. 1. Authority. M.S.A. §462.3593 allows cities to opt-out of the regulations codified in M.S.A. §462.3593.

Subd. 2. Purpose. Governor Dayton signed into law on May 12, 2016, M.S.A. §462.3593 which provides a process to permit and regulate temporary family health care dwellings. The purpose of this ordinance is to opt-out of those regulations.

Subd. 3. Opt-out of M.S.A. §462.3593. Pursuant to the authority granted by M.S.A. §462.3593, Subd. 9, the City of Paynesville opts-out of the requirements of M.S.A. §462.3593, which defines and regulates temporary family health care dwellings.

Subd. 4. Effective Date. This ordinance is effectively immediately upon its passage and publication.

Section 2. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violations a Misdemeanor", are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this 8th day of August, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on August 17, 2016.

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CONNECTING & INNOVATING
SINCE 1913

Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

Introduction:

On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.¹ Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.²

Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. Cities may want to consider the below when analyzing whether or not to opt out:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.
- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that

¹ [2016 Laws, Chapter 111](#).

² Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.



individual's power of attorney sign the permit application or a consent to release his or her data.

- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties³. Cities should consider whether there is an interplay between these two statutes.

Do cities need to do anything to have the new law apply in their city?

No, the law goes into effect September 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances. By September 1, 2016, however, cities will need to be prepared to accept applications, must have determined a permit fee amount⁴ (if the city wants to have an amount different than the law's default amount), and must be ready to process the permits in accordance with the short timeline required by the law.

What if a city already allows a temporary family health care dwelling as a permitted use?

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

What process should the city follow if it chooses to opt out of this statute?

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.⁵

Does the League have a model ordinance for opting out of this program?

Yes. Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

Can cities partially opt out of the temporary family health care dwelling law?

³ See Minn. Stat. §394.307

⁴ Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

⁵ For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

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Not likely. The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

Can a city adopt pieces of this program or change the requirements listed in the statute?

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

What is required in an application for a temporary family health care dwelling permit?

The mandatory application requests very specific information including, but not limited to:⁶

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more "instrumental activities of daily life;"⁷
- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

⁶ New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

⁷ This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as "activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community."

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

Who can host a temporary family health care dwelling?

Placement of a temporary family health care dwelling can only be on the property where a "caregiver" or "relative" resides. The statute defines caregiver as "an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring." The definition of "relative" includes "a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships."

Is this program just for the elderly?

No. The legislature did not include an age requirement for the mentally or physically impaired dweller.⁸

Who can live in a temporary family health care dwelling and for how long?

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as "mentally or physically impaired," defined as "a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state." The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

What structures qualify as temporary family health care dwellings under the new law?

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the "granny flat" with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;

⁸ The law expressly exempts a temporary family health care dwelling from being considered "housing with services establishment", which, in turn, results in the 55 or older age restriction set forth for "housing with services establishment" not applying.

Temporary Family HealthCare Dwellings

June 9, 2016

Page 5

- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means⁹);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter 1360 (prefabricated buildings) or 1361 (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”¹⁰; and
- Must contain a backflow check valve.¹¹

Does the State Building Code apply to the construction of a temporary family health care dwelling?

Mostly, no. These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

What health, safety and welfare requirements does this new law include?

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

What local ordinances and zoning apply to a temporary health care dwelling?

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings. However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city’s other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

What permit process should cities follow for these permits?

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame for which the local governmental unit has to make a decision on granting the permit. Due to the time sensitive

⁹ The Legislature did not provide guidance on what represents “other comparable means”.

¹⁰ ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

¹¹ New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

nature of issuing a temporary dwelling permit, the city has only 15 days (rather than 60 days) (no extension is allowed) to either issue or deny a permit. The new law waives the public hearing requirement and allows the clock to restart if a city deems an application incomplete. If a city deems an application incomplete, the city must provide the applicant written notice, within five business days of receipt of the application, telling the requester what information is missing. For those councils that regularly meet only once a month, the law provides for a 30-day decision.

Can cities collect fees for these permits?

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

Can cities inspect, enforce and ultimately revoke these permits?

Yes, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

How should cities handle data it acquires from these permits?

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state "that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living", without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

Should the city consult its city attorney?

Yes. As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

Where can cities get additional information or ask other questions.

For more information, contact Staff Attorney Pamela Whitmore at pwhitmore@lmc.org or LMC General Counsel Tom Grundhoefer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.

Focus on New Laws: Temporary Family Health Care Dwellings

Cities and counties must issue permits for a new type of land use under this law, unless they take steps to opt out.
(Published Jun 13, 2016)

Chapter 111 (Link to: <https://www.revisor.mn.gov/laws/?year=2016&type=0&doctype=Chapter&id=111>) creates a new permit and permitting process that local governments must follow to allow a specific type of temporary transitional housing, unless the unit of local government takes official action by passing an ordinance to opt out of that program. Gov. Dayton signed the bill into law on May 12.

While the stated motivation behind passing the new law was to provide transitional housing for seniors, the statute itself does not include an age restriction for use of the structure. Anyone certified with needing assistance with two or more “instrumental activities of daily life” for mental or physical reasons may reside in a qualified temporary dwelling on the property where the “caregiver” or a “relative” resides.

Requirements of the law

The legislation is fairly complex in its requirements for both the permit application and the permit issuance, as well as for its regulations pertaining to compliant structures and eligible uses. Section 1 specifically excludes temporary family health care dwellings from the definition of “housing with services establishment,” exempting these temporary dwellings from the regulations and requirements set forth in Chapter 144D of the Minnesota Statutes.

Section 3 creates a new section in the Minnesota Land Use Planning Act (Minnesota Statutes, chapter 462), applying this new permit process for temporary family health care dwellings to cities. Section 2 of the new law also establishes the program for counties by creating a new section under Chapter 394 of the Minnesota Statutes. Finally, Section 4 of the law establishes Sept. 1, 2016, as the effective date.

What cities need to do

If your city leaders are comfortable with this program, you need to take no action to adopt it. However, by Sept. 1, your city does need to:

Be prepared to accept applications for permits under the new law.

Have an ordinance in place that establishes the permit fee (if the city decides to charge a fee different than the default fee).

Be ready to review and act on a submitted application within the specified timeline.

Specifically, under the new law, most cities have 15 days to grant or deny a submitted application. (Cities that regularly meet only once a month get 30 days to make their decision.) The law expressly waives the public hearing due to the private medical information involved and because of the immediate need for care. The law does not specify an appeal process related to permit decisions.

The permit is good for six months, with the option to renew once for an additional six months. The permit fee is set at \$100, with \$50 for a renewal; however, a city can choose to adopt, by ordinance, a different fee schedule.

If a city already has designated temporary family health care dwellings as a permitted use, this new law does not apply to that city. Likewise, if a city passes an ordinance specifically opting out of this statute, none of the provisions of the law apply to that community.

If your city wants to adopt a program that differs from the one specified in the new law, you should know that the law does not authorize partial adoption or modification of the program. Instead, your city would need to opt out of the entire law and then adopt a different ordinance that meets the city’s needs.

To help cities that would like to opt out of the statute, the League has developed a sample ordinance. The League has also created a frequently asked questions (FAQs) document.

View the sample opt-out ordinance (doc) (Link to:
<http://www.lmc.org/media/document/1/temporaryfamilyhealthcaredwellings.docx>)

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Get additional guidance from the League's FAQs (pdf) (*Link to:*
<http://www.lmc.org/media/document/1/temporaryfamilyhealthcaredwellingsfaq.pdf>)

A section-by-section walk-through of the bill also will be included in the *2016 Law Summaries*, which will be available on the League website by the end of June.

Details of the law

If this law applies to your city and you don't plan to opt out, it's important to know the specific details of the law, including its effect on your existing land use controls, the criteria for a qualified temporary family health care dwelling, and the permit application requirements.

Effect on land use controls

Existing local controls related to accessory uses and the parking and storage of recreational vehicles cannot regulate or prevent placement of a unit that qualifies as a temporary family health care dwelling (see section 3, subdivision 2). Other local ordinances and setbacks, as well as applicable state and federal laws, do apply.

Section 3, subdivisions 5 and 6 set forth parameters for inspection, enforcement, and permit revocation. At any time, cities can request proof that the unit remains compliant with the requirements of the law. Cities can arrange an inspection at a reasonable time that is convenient for the caregiver, to verify that the unit is compliant, is occupied, and that the resident is the one named on the permit.

Temporary family health care dwelling criteria

Section 3, subdivision 2 specifically sets the criteria for a structure to be considered a qualified temporary family health care dwelling. These structures must:

Be primarily assembled at a location other than its site of installation.

Be no more than 300 gross square feet.

Not be attached to a permanent foundation.

Be universally designed and meet state-recognized accessibility standards.

Provide access to water and electric utilities, either by connecting to the utilities serving the principal dwelling on the lot or by other comparable means.

Have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction.

Have a minimum insulation rating of R-15.

Be able to be installed, removed, and transported by a one-ton pickup truck, a truck, or a truck tractor as defined in Minnesota Statutes, section 168.002.

Be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2, which is an industry definition of a recreational vehicle.

Be equipped with a backflow check valve.

Permit application requirements

A caregiver or a relative must submit a permit application to the city signed by the primary caregiver, the owner of the property on which the unit will be placed, and the resident of the property (if the owner does not reside there). The permit application requires a very specific list of information, including:

Applicant information. Name, address, and phone number of the property owner, the property resident (if different from the owner), and the primary caregiver for the qualified inhabitant of the unit.

Resident name. Only one person can reside in a temporary family health care dwelling and it must be the person named in the application.

Health care provider information. Proof of the provider network that will provide the primary care, respite care, or remote patient monitoring service.

Verification of need. Written certification of the need for assistance with two or more instrumental daily activities from a physician, physician's assistant, or advanced practice registered nurse licensed to practice in Minnesota.

Septic service. An executed contract for septic service or management.

Neighbor notice. An affidavit that all adjacent property owners and residents have received notification of the application.

Site map. A general site map to show the location of existing structures and the proposed placement of the new unit. The placement must comply with the same setback requirements that apply to the primary residence and must allow septic service and emergency response access in a safe and timely manner.

Additionally, the law only allows one unit per lot and that unit must house only one resident, who must be the same person named in the application.

Get additional guidance from the League's FAQs (pdf) ([Link to: http://www.lmc.org/media/document/1/temporaryfamilyhealthcaredwellingsfaq.pdf](http://www.lmc.org/media/document/1/temporaryfamilyhealthcaredwellingsfaq.pdf))

Read the latest issue of the Cities Bulletin ([Link to: http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp](http://www.lmc.org/page/1/cities-bulletin-newsletter.jsp))

* By posting you are agreeing to the LMC Comment Policy ([Link to: http://www.lmc.org/page/1/comment-policy.jsp](http://www.lmc.org/page/1/comment-policy.jsp)) .

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Subd. 7. Fee. Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. No public hearing required; application of section 15.99. (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. Opt-out. A county may by resolution opt-out of the requirements of this section.

Sec. 3. [462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.

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Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. Temporary family health care dwelling. A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit: application. (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

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(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. Initial permit term; renewal. The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. Inspection. The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. Revocation of permit. The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. Fee. Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. No public hearing required; application of section 15.99. (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. Opt-out. A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. EFFECTIVE DATE. This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - H

ITEM DESCRIPTION: Ordinance No. 160, 2nd Series – Solar Energy Systems Regulations

Prepared by: Staff

COMMENTS:

Please review the attached Ordinance No. 160, 2nd Series – Solar Energy Systems Regulations. This is a new section being added to the City Ordinance Book to address solar energy.

The Planning Commission has reviewed this, held a public hearing, and recommends approval.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve Ordinance No. 160, 2nd Series – Solar Energy Systems Regulations.

ORDINANCE NO. 160, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION 11.52 ENTITLED "SOLAR ENERGY SYSTEMS REGULATIONS" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11 Entitled "Land Use Regulations (Zoning)" is hereby amended by adding Section 11.52 to read as follows:

SECTION 11.52. SOLAR ENERGY SYSTEMS REGULATIONS.

Subd. 1. Authority & Purpose. This provision is enacted pursuant to the authority granted by the Municipal Planning Act, M.S.A. 462.351, et seq. The intent of this provision is to ensure public health, safety and general welfare in accordance with adopted goals, plans and policies of the City of Paynesville, to enhance privacy and the quality of the physical environment of the City; to protect and maintain property values and preserve and develop the economic base within the City.

Subd. 2. Definitions.

a) Solar Energy System. An apparatus capable of converting solar energy into electricity or capturing solar energy without transforming it into another form of energy or transferring the heat via a heat exchanger.

b) Integrated Solar Energy System. An integrated solar energy system is an integral part of a principle or accessory building rather than a separate mechanical device, replacing or substituting for an architectural element or structural component including, but not limited to, photo voltaic or hot water solar energy systems contained within roofing materials, windows, skylights and awnings.

Subd. 3. Permitted Solar Energy Systems. Solar energy systems are allowed in all zoning districts, subject to the following:

a) System Standards - Electrical.

- i) All electrical shall be installed underground.
- ii) An exterior disconnect switch shall be installed at the electrical meter serving the property.
- iii) The system shall be grounded to protect against natural lightning strikes in conformance with the national electrical code.

iv) No solar energy system shall be interconnected with a local electrical utility company until the company has reviewed and commented upon it. The interconnection of the solar energy system with the utility company shall adhere to the national electrical code.

b) Maximum Area - Ground Mounted Solar Energy Systems. Ground mounted solar energy systems shall be limited to a maximum area of:

i) Residential Uses – 240 square feet

ii) Non-Residential Uses – 10% of lot area

c) Maximum Area - Roof Mounted Solar Energy Systems. Roof mounted solar energy systems must:

i) Use colors that are the same or similar with the color of the roof material on the building.

ii) Comply with the maximum height requirements applicable to the zoning district.

iii) Not extend beyond the roof perimeter or exterior walls of the building on which it is mounted.

Subd. 4. Ground Mounted Solar Systems. Ground mounted solar systems must:

a) Meet the location and setback requirements for an accessory building under the provisions of this chapter.

b) Meet any setback and screening requirements for the zoning district within which the solar energy system is located.

Subd. 5 General Requirements. All solar energy systems must:

a) Be certified by Underwriters Laboratories, Inc., and comply with the requirements of the International Building Code.

b) Be removed if the system becomes inoperable for 12 successive months or fails to meet the conditions and requirements of this section. The City may order the system to be dismantled and removed under such circumstances. If the owner or person responsible for the solar energy system does not maintain or comply with all requirements of this chapter, the City may take such steps as are necessary to achieve compliance. The costs of such work, including administrative costs, shall be a lien against the property and may be collected as

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a special assessment. The City may sell salvaged and valuable materials at public auction on 10 days notice.

e) Obtain a building permit as may be required by the Building Code for any solar energy system prior to installation.

Section 2. City Code, Chapter 1, entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 11.99 entitled “Violations a Misdemeanor”, are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this 8th day of August, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on August 17, 2016.

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - I

ITEM DESCRIPTION: **Ordinance No. 161, 2nd Series – Wind Energy Conversion Systems Regulations**

Prepared by: Staff

COMMENTS:

Please review the attached Ordinance No. 161, 2nd Series – Wind Energy Conversion Systems Regulations. This is a new section being added to the City Ordinance Book to address wind energy.

The Planning Commission has reviewed this, held a public hearing, and recommends approval.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve Ordinance No. 161, 2nd Series – Wind Energy Conversion Systems Regulations.

ORDINANCE NO. 161, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION 11.53 ENTITLED "WIND ENERGY CONVERSION SYSTEMS REGULATIONS" AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11 Entitled "Land Use Regulations (Zoning)" is hereby amended by adding Section 11.53 to read as follows:

SECTION 11.53. WIND ENERGY CONVERSION SYSTEMS REGULATIONS.

Subd. 1. Authority & Purpose. This provision is enacted pursuant to the authority granted by the Municipal Planning Act, M.S.A. 462.351, et seq. The intent of this provision is to ensure public health, safety and general welfare in accordance with adopted goals, plans and policies of the City of Paynesville, to enhance privacy and the quality of the physical environment of the City; to protect and maintain property values and preserve and develop the economic base within the City.

Subd. 2. Definition.

Wind Energy Conversion System or Windmill. An apparatus capable of converting wind energy into electricity.

Subd. 3. Permitted Wind Energy Systems. Wind energy systems may be permitted as a conditional use in any zoning district.

Subd. 4. Requirements to Obtain a Conditional Use Permit. In order to qualify for a Conditional Use Permit in any zoning district, the wind energy conversion system must meet the following criteria:

i) Wind energy conversion systems shall be set back from the nearest property line a distance equal to the height of the tower plus one-half the diameter of the rotor.

ii) Wind energy conversion systems shall be certified by a professional engineer as being of a design adequate for the atmospheric conditions in the area.

iii) Wind energy conversion systems shall be equipped with over speed or similar controls designed to prevent disintegration of the rotor in high winds.

iv) Wind energy conversion systems shall be in compliance with all building and electrical code requirements of the City, noise regulations of the Minnesota

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Pollution Control Agency, and rules and regulations of the Federal Communication Commission and Federal Aviation Administration.

v) The Conditional Use Permit shall provide that if a wind energy conversion system has not been operated for a period of one (1) year or fails to meet the conditions required in this section, the City Council may order it dismantled and the site restored to its original condition.

vi) The Conditional Use Permit shall further provided that if the owner or person responsible for a wind energy conversion system does not maintain it or comply with all requirements of this chapter, the City may take such steps as are necessary to achieve compliance. The cost of such work, including administrative costs, shall be a lien against the property and may be collected as a special assessment. The City may sell salvaged and valuable materials at public auction on 10 days notice.

vii) Wind energy conversion systems shall not have exterior lights that illuminate or glare upon or into adjoining parcels of real estate.

Section 2. City Code, Chapter 1, entitled “General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation” and Section 11.99 entitled “Violations a Misdemeanor”, are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this 8th day of August, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on August 17, 2016.

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - J

ITEM DESCRIPTION: Ordinance No. 162, 2nd Series – Intermodal Containers

Prepared by: Staff

COMMENTS:

Please review the attached Ordinance No. 162, 2nd Series – Intermodal Containers. This is a new section being added to the City Ordinance Book to address Intermodal Containers as well as adding the definition to the definition section.

The Planning Commission has reviewed this, held a public hearing, and recommends approval.

ADMINISTRATOR COMMENTS:

City Attorney, Bill Spooner is drafting a summary for this amendment that will be distributed at the meeting.

COMMITTEE/COUNCIL ACTION:

Motion to approve Ordinance No. 162, 2nd Series – Intermodal Containers.

Motion to approve and publish the summary for Ordinance No. 162, 2nd Series – Intermodal Containers.

ORDINANCE NO. 162, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY MODIFYING SECTION 11.03, SUBD. 2, ENTITLED "DEFINITIONS" BY ADDING AT NO. 37 THEREOF A DEFINITION OF "INTERMODAL CONTAINER" AND RE-NUMBERING THE FOLLOWING PARAGRAPHS TO ACCOMMODATE THE ADDITION; BY AMENDING SECTION 11.10 ENTITLED "GENERAL REQUIREMENTS" BY ADDING THERETO A SUBDIVISION 9 ENTITLED "INTERMODAL CONTAINERS"; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99, WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE, MINNESOTA ORDAINS:

Section 1. City Code, Chapter 11, Section 11.03, Subd. 2, is hereby amended to read:

Subd. 2. Definitions. The following terms, as used in this Chapter, shall have the meanings stated:

1. **Accessory Building** – A subordinate building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use.
2. **Accessory Use** – A use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.
3. **Adult Arcade** – An establishment where, for any form of consideration, one or more motion pictures projectors, slide projectors or similar machines for viewing by five (5) or fewer persons are each used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or sexual anatomical areas.
4. **Adult Bookstore** – An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
5. **Adult Cabaret** – A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
6. **Adult Motion Picture Theater** – An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
7. **Adult Theater** – A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.
8. **Adult use Establishments** – Adult use establishments include, but are not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or sexual encounter establishment.
9. **Alley** - Any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.
10. **Automobile Wrecking or Junk Yard** – A place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used or second-hand materials of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it

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practically useless for the purpose for which it was made and which is commonly classed as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one (1) unlicensed motor vehicle within a garage or other structure in residential districts or two (2) unlicensed motor vehicles not including farm implements within a farm in the agricultural district.

11. Basement – That portion of a floor of a building which is wholly or partially, up to fifty (50) percent, underground or below grade.

12. Boarding or Rooming House – A boarding or rooming house shall be construed to mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations, providing that accommodations are not provided for more than ten (10) persons.

13. Building – Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind, when any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

14. Buildable Area – That part of the lot remaining after required yards have been provided.

15. Building Principal – A building or structure in which is conducted the main or principal use of the lot on which said building or structure is situated.

16. Building Height – The vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

17. Building Setback Line – The front line of the building or the legally established line which determines the location of the building with respect to the street line.

18. Carport – A structure permanently attached to a dwelling having a roof supported by columns, but not otherwise enclosed.

19. Clear-Cutting – The removal of an entire stand of trees.

20. Clinic - A clinic for the purpose of this Chapter, is a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.

21. Conditional Use – A use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location a “Conditional Use Permit” may be granted.

22. District Zoning – Any section of the incorporated area of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

23. Dwelling – A building or portion thereof, designed exclusively for residential occupancy, including one family, two family and multiple family dwellings, but not including motels, hotels, boarding house and garage space.

24. Dwelling, Multiple – A building designed with three (3) or more units for occupancy by three (3) or more families living independently of each other but sharing hallways and main entrances and exits.

25. Dwelling, Single Family – A dwelling occupied by only one (1) family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.

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26. Dwelling, Two Family – A dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two (2) families.

27. Easement – A grant by a property owner for the use of a strip of land for the purpose of construction and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

28. Equal Degree of Encroachment – A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.

29. Essential Services – The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, communications, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

30. Family – A family is any number of persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, adoption or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this Chapter, be considered to constitute one family for each five (5) persons, exclusive of domestic employees, contained in each such group.

31. Farming – The cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

32. Farmstead – Property on which structures and a farm dwelling are located for management, storage, and general farm operation.

33. Flood – A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

34. Flood Fringe – That portion of the flood plain outside of the floodway.

35. Flood Plain – Those areas adjoining a water course which have been or hereafter may be covered by the regional flood.

36. Flood Proofing – A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

37. Intermodal Container – A large standardized water resistant shipping or cargo container designed and built for intermodal freight transportation, parking or storage, and commonly referred to as containers, cargo or freight containers, ISO containers, shipping, sea or ocean containers, container van, connex box, sea can or c-can, and often capable of being mounted on a rail car, truck trailer or ship. This term specifically excludes from this definition trailers, travel trailers, tractor trailers, or similar vehicles which are not allowed to be used as storage. Also separately addressed are sheds and other traditional accessory structures.

38. Floodway – The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

39. Floor Area, Ground – The area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three (3) or more exterior sides.

40. Garage, Community - Any space or structure or series of structures for the storage of motor

vehicles for the use of two (2) or more occupants of property in the vicinity and having no public shop or service therein.

41. Garage, Private – An accessory building designed or used for the storage of not more than three (3) licensed automobiles, trucks, or buses, owned and used by the occupants of the building to which it is accessory.

42. Gasoline Service Station – A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

43. Home Occupation – Any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling when carried on within the dwelling unit and not in an accessory building. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises, and no stock in trade shall be kept or sold. No other persons residing on the premises shall be employed, and no mechanical equipment shall be employed that is not customarily found in the home. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, nor exterior signs except as allowed in the sign regulations for the zoning districts in which such home occupation is located; there shall be no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; special offices, of a clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied by the same; and teaching, with musical, dancing, and other instruction limited to one (1) pupil at a time, except daycare centers as regulated in the districts.

44. Livestock Operation – Any operation for the feeding and care of animals or poultry for food, pelts or as pets.

45. Lot – A lot is a piece or parcel of land occupied or to be occupied by a building, structure or use, or by other activity permitted thereon and including the open spaces required under this Chapter, and having its principal frontage on a public street.

46. Lot Area – The area of a horizontal plane within the lot lines.

47. Lot Corner – A lot situated at the junction of two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.

48. Lot, Coverage – The part of percentage of the lot occupied by buildings of structures, including accessory buildings or structures.

49. Lot Depth – The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

50. Lot Frontage – The front of a lot shall be for purposes of complying with this Chapter, that boundary abutting a public right-of-way having the least width.

51. Lot Line – A property boundary line of any lot held in single or separate ownership: except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.

52. Lot Width – The shortest horizontal distance between the side lot lines measured at right angles to the lot depth.

53. Lot of Record – A lot which is part of a subdivision, the map of which has been recorded in the office of the Stearns County Recorder or a lot described by metes and bounds, the deed to which has been recorded in the office of the Stearns County Recorder prior to the effective date of this Chapter.

54. Mobile Home – A structure transportable in one or more sections, which when erected on site measures eight body feet or more in width and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label certifying that the mobile home meets Federal Mobile Home Construction and Safety Standards.

55. Modular Home – A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site, and bears a seal from the State of Minnesota stating that the unit is approved by the State Building Inspector certifying that the unit is a manufactured building and complies with the State Building Code. A modular home shall be congruous to a single-family dwelling.

56. Motel or Motor Court – A business comprising a series of attached, semi-attached or detached rental units with or without eating facilities for the overnight accommodations of transient guests.

57. Non-Conforming Building, Structure or Use – A building, structure or use which does not conform with the district regulations in which it is situated.

58. Ordinary High Water mark – A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

59. Parking Space – An area sufficient in size to store one (1) standard automobile, which has adequate access to a public street or alley.

60. Permitted Use – A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.

61. Public Waters – Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes 1976, Section 105.37, Subdivision 6. However, no lake, pond or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two (2) square miles need be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commission of Natural Resources shall be exempt from the provisions of these regulations.

62. Reach – A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings would most typically constitute a reach.

63. Regional Flood - A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of 100 years recurrence interval.

64. Regulatory Flood Protection Elevation – A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Chapter are required to be elevated or flood proofed.

65. Set Back – The minimum horizontal distance between a building and street or lot line.

66. Shoreland - The land located within the following distances from public waters (a) 1,000 feet from the normal high water mark of a lake, pond, or flowage; (b) 300 feet from a river or stream, or the landward extent of a flood plain designated by this Chapter on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural or man-made topographic divides which extend landward from the waters for lesser distances.

67. Specified Anatomical Areas – As used herein, specified anatomical areas means and includes any of

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the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

68. Specified Sexual Activities – As herein, specified sexual activities means and includes any of the following: (1) the fondling of other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

69. Story – That portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five (5) feet above the average established grade.

70. Structure – Anything which is built, constructed or erected; an edifice or building of any kind; or any piece of work artificially built up and/or composed of parts joined together in some definite manner.

71. Temporary Structure - Any structure which is moved or constructed to temporarily meet the needs of a land owner in a commercial or industrial district who has lost the use of a permanent structure which has been destroyed or seriously damaged by fire, storm or other natural disaster.

72. Townhouse – Single family attached units in structures housing three (3) or more dwelling units contiguous to each other, only by the share of one (1) common wall, and each dwelling unit shall have separate and individual front and rear entrances.

73. Use – The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

74. Variance – The waiving of specific literal provisions of this Chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of this Chapter. Furthermore, hardship must be demonstrated on a non-economic basis.

75. Yard – An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth of width specified in the yard regulations for the zoning district in which such lot is located.

76. Yard, Front – A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

77. Yard, Rear – A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

78. Yard, Side – A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Section 2. City Code, Chapter 11, Section 11.10, is amended to include a new Subdivision 9 to read as follows:

Subd. 9. Intermodal Containers. A) No intermodal containers shall be placed on a parcel of real estate zoned A-1, R, R-1, R-1A, R-2, RM, or any other future residential district, except for temporary construction uses as allowed herein.

B) Intermodal containers are allowed in commercial and industrial districts, but only after obtaining a placement permit from the City Zoning Administrator specifying the location of placement. The use of intermodal containers shall be for storage only. They shall not be used for human habitation or storage of hazardous materials, refuse or debris.

C) Intermodal containers may be used on a temporary basis for construction work where a building permit has been issued for a parcel of property only after issuance of a placement permit by the City Zoning Administrator specifying the location of placement. Any temporary intermodal container shall be removed within 30 days after the expiration, revocation or finalization of the building permit for the property.

D) Placement permits for intermodal containers shall ensure that:

i) Such containers do not occupy any required off-street parking spaces, loading areas or fire lanes within any zoning district.

ii) Such containers do not block, obstruct or reduce in any manner any required exits, windows, vent shafts, parking spaces, and/or access driveways.

iii) Such containers conform to the setback requirements of the zoning district where they will be placed.

iv) Such containers shall not be permitted in a location nearer to the public street than the main building, except for projects where the intermodal container is being used for temporary construction where there is an active building permit.

v) Such containers shall not be stacked on top of each other or on top of any other structure unless specifically permitted within an industrial zone. In any event, no more than three (3) containers shall be allowed to be stacked.

vi) Such containers shall be structurally sound, stable and in good repair. Any intermodal container that becomes unsound, unstable or otherwise dangerous, shall be immediately repaired or removed from the property.

Section 3. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and City Code, Chapter 11, Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this 8th day of August, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

A summary of this ordinance was published in the Paynesville Press on August 17, 2016.

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REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - K

ITEM DESCRIPTION: Ordinance No. 163, 2nd Series - Signs

Prepared by: Staff

COMMENTS:

Please review the attached Ordinance No. 163, 2nd Series – Signs. This amendment reorganizes the sign section and adjusts language to address changeable copy signs in Residential Districts.

The Planning Commission has reviewed this, held a public hearing, and recommends approval.

ADMINISTRATOR COMMENTS:

City Attorney, Bill Spooner is drafting a summary for this amendment that will be distributed at the meeting.

COMMITTEE/COUNCIL ACTION:

Motion to approve Ordinance No. 163, 2nd Series – Signs.

Motion to approve and publish the summary for Ordinance No. 163, 2nd Series – Signs.

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ORDINANCE NO. _____, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND USE REGULATIONS (ZONING)" BY ADDING A NEW SECTION, SECTION 11.14, ENTITLED "SIGNS"; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE ORDAINS:

Section 1. City Code, Chapter 11, entitled "Land Use Regulation (Zoning)" is hereby amended by adding Section 11.14 to read as follows:

SECTION 11.14. SIGNS.

(a) **Findings.** The City Council finds that the lack of a comprehensive, constitutionally sound ordinance regulating signs within the City limits of the City of Paynesville constitutes a threat to public health, safety and welfare because, among other concerns, signs could be erected without regard to the manner in which the size or location of the sign interferes with traffic sight lines, endangering or distracting drivers and pedestrians, and that signs could be constructed in a manner or from such materials as are structurally unsound or vulnerable to collapse endangering persons or property in the vicinity of the sign. The Council further finds that exterior signs have a substantial impact on the character and quality in the environment in which they are located. Such signs provide an important medium through which individuals can convey a variety of messages. Signs can create traffic hazards, aesthetic concerns and detriments to property values thereby threatening the public health, safety and welfare.

(b) **Intent and Purpose.** It is not the intent or purpose of this sign ordinance to regulate the message displayed on any sign. It is not the intent or purpose of this ordinance to regulate a design or display not defined as a sign or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is:

(1) To regulate the number, location, size, type, illumination and other physical characteristics of sign within the City limits in order to promote public health, safety and welfare.

(2) To maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.

(3) To improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals with regard to public safety and aesthetics.

(4) Provide for fair and consistent enforcement of sign regulations set forth herein under the zoning authority of the City.

(c) Effect. A sign may be erected, displayed or maintained in the City only if it is conformity with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

(1) Allow for a wide variety of sign types in certain commercial and industrial zones and a more limited variety of sign types in other zones, subject to standards set forth in this ordinance.

(2) Allow certain small, unobtrusive signs incidental to the principle use of the site in all zones when in compliance with the requirements of this ordinance.

(3) Prohibit signs whose location, size, illumination or other physical characteristics negatively affecting the environment where the communication can be accomplished by means having lesser impact on the environment and the public health, safety and welfare.

(4) Provide for enforcement of the provisions of this sign ordinance.

(d) Definitions. The following words, terms and phrases, when used in section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Area. The area within the frame of a sign shall not be used to calculate the square footage. If letters or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plain figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, freestanding structures, suspended by balloons, or kites, or on persons, animals, or

vehicles, are considered a sign and are included in calculating the overall square footage.

Awning means a roof like cover, often a fabric, plastic, metal or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign means a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign means a sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air.

Building sign means any sign attached or supported by any building.

Changeable copy sign means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign. The term "changeable copy signs" does not include signs upon which characters, letters or illustrations change or rearrange only once in a 24 hour period.

Commercial speech means speech advertising a business, profession, commodity, service or entertainment.

Electrical sign means any sign which uses electricity for lighting or any other purposes.

Elevation means the view from the side, front or rear of a given structure.

Elevation area means the area of all walls that face any lot line.

Erect means constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or in any other way bringing into being or establishing.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pull, so as to allow movement of the material as a result of wind movement and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Grade means the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for design height computation.

Height of Sign. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated Sign means any sign which contains an element designed to emanate artificial light internally or externally.

Lot or parcel means the area of land designated by a county parcel identification number.

Noncommercial speech means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premises sign means a commercial speech sign which directs the attention of the public to a business, activity conducted or product sold or offered at a location not on the same lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside of such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered to be off-premises signs.

On-premises signs means signs which identify or advertise an establishment, person, activity, goods, products for services located on the premises where the sign is installed.

Owner of lot means the legal owner of the lot according to the records of the county recorder.

Pull Sign means any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated above ground level by pulls or beams and with the area below the sign space open.

Sign means any letter, word, or symbol, poster, picture, statuary, reading matter or representation in the nature of an

advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face means the surface of the sign upon, against or through which the message of the sign is exhibited.

Sign structure means any structure including supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Zones means:

(1) **Agricultural zones.** Agricultural zones are all areas zoned A-1 under the provisions of this chapter.

(2) **Residential zones.** Residential zones are all areas zoned "R-1", "R-2", "R-1A" or "R-M" under the provisions of this chapter.

(3) **Commercial zones.** Commercial zones are all those areas zoned "C-1" or "C-2" under this chapter.

(4) **Industrial zones.** Industrial zones are all those areas zoned "I-1" or "I-2" under this chapter.

(e) **Permit required.** No sign shall be erected, altered, re-constructed, maintained or moved in the City without first securing a permit from the City. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny the sign permit. Exceptions to permit requirements are listed under subsection (n) of this section. Application for a permit shall be in writing addressed to the administrator of the City and shall contain the following information:

(1) The name and address of the applicant, owner of the sign and the lot on which the sign is to be placed.

(2) The address at which the sign is to be erected.

(3) The lot, block and addition at which the signs are to be erected and the streets on which they are to front.

(4) A complete set of plans showing the necessary elevations, setbacks, size and details to fully and clearly represent the construction in place of the signs.

(5) The cost of the sign.

(6) The type of the sign. (i.e. awning sign, balloon sign, off-premises sign, on-premises sign, pull sign, etc.).

(7) Certification by the applicant indicating that the application complies with the requirements of this section.

(8) If the proposed on - or off-premises sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign, if necessary. The application shall be submitted to the zoning administrator which shall approve or deny the sign permit no more than 30 days from receipt of a complete application, including the applicable fee. All permits not approved or denied by the zoning administrator within 30 days shall be deemed approved. If the permit is denied, the zoning administrator shall prepare a written notice of denial within ten days of his decision, describing the right to appeal and send it by certified mail, return receipt requested, to the applicant. Appeals will be made to the planning commission.

(f) Exception to permit requirement. The following signs shall not require a permit:

(1) Signs 16 square feet or less in size.

(2) All signs of any size containing non-commercial speech may be posted in any number from 46 days before the state primary in a state general election until 10 days following the state general election.

(3) Any non-commercial flag.

g) General sign regulations.

(1) **Illuminated signs.** Illuminated signs may be permitted, but devices giving off an intermittent or rotating beam of light shall be prohibited. Floodlighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residence.

(2) Interference with a traffic signal. No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.

(3) Fences, rocks and other structures. No sign shall be painted or placed on a fence, rock or similar structure or feature, nor shall paper or similar signs be attached directly to a building wall with adhesive or by other similar means.

(4) Intersections. No sign in excess of six square feet per surface, with no more than two surfaces shall be less than 30 feet from the intersection (corner) of two public roads or the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building closer to such intersection in such manner as not to cause any greater obstruction of vision than is caused by the building itself.

(5) Road right-of-way. All signs and sign structures shall be outside of the right-of-way of public roads and be setback 5 feet from the front road right-of-way, except as otherwise permitted in the central business district under the provisions of subsection (j) of this section.

(6) Adjacent property line setback. All signs shall be set back from adjacent property lines, excluding the front road right-of-way (#5 above), one foot for each one foot in height of the sign, except that in all commercial and industrial districts signs shall be set back five feet from adjacent property lines regardless of height, except where those commercial or industrial properties abut residential districts, in which case signs shall be set back 20 feet from the common boundary line with the abutting residential property.

(7) Obstructions prohibited. No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress from any building or structure.

(h) Signs permitted in all zoning districts. The following signs are permitted in all zoning districts:

(1) A real estate sign for the purpose of selling, renting or leasing a single parcel, not in excess of 32 square feet per surface and with no more than two surfaces, may be placed within the front yard of the property.

(2) There shall be no more than one temporary sign on any lot, and such sign shall not exceed 32 square feet per surface and with no more

than two surfaces, which may remain on site a maximum of ten days not to exceed 90 days in a calendar year.

(3) Election signs, provided such signs are removed within ten days following the election to which the sign is related and otherwise comply with subsection (f)(4) of this section.

(4) Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar materials or made of bronze, steel, aluminum or other permanent type of construction.

(5) Signs on private property requesting "No Trespassing", "No Hunting", etc.

(6) Any signs authorized by a governmental unit, such as directional, street name, traffic, safety, danger and parking signs.

(7) One area identification sign, such as "John Doe Heights Addition", not to exceed 32 square feet per surface with no sign having more than two surfaces, shall be allowed for each street entrance to a development or municipality.

(I) Signs in agricultural and residential districts. 1) The following signs shall be permitted in agricultural and residential districts:

(i) One name plate sign for each dwelling unit not to exceed two square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces.

(ii) One sign for each permitted non-residential use or use by conditional use permit may be allowed. Such signs shall not exceed 32 square feet in area per surface and no sign shall be so constructed as to have more than two surfaces. On principal arterial and minor arterial streets, signs in excess of 32 square feet may be permitted by conditional use permit, but in no case shall the total square footage exceed 64 square feet per surface or 128 total square feet. This would apply, for example, at a residence with a homebased business use (a residence with a home based business such as a cabinet shop), on roads like Business 23 or Highway 55, or other principal arterial or minor arterial streets as defined in this Code.

(iii) Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by flood lights provided the source of light is not visible from a public right-of-way or adjacent property.

(iv) No sign shall exceed six feet in height above the average grade level, except for the purpose of selling or promoting, which shall not exceed ten feet.

(v) For the purpose of selling or promoting a multiple lot residential project, one sign not exceeding 64 square feet per surface with no more than two surfaces may be erected on the project site.

(vi) Crop demonstration signs advertising the use of a particular variety, brand or type of agricultural plant, chemical or tillage.

(vii) Agricultural product signs indicating that the proprietor of a farm is a dealer in seed, fertilizer or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

(viii) A non-residential use that is permitted or allowed by conditional use permit within an agricultural or residential district is allowed one electronic and changeable copy sign provided, however, that such sign shall:

a. Changeable copy signs shall not be lit up between 10:00 p.m. and 7:00 a.m.

b. Shall be located at least 50 feet from the property line with any adjoining residential use.

2) Regulation of signs in an agricultural or residential district are as follows:

(i) No sign shall be erected or maintained which extends or projects over a sidewalk or street right-of-way.

(ii) No sign shall which is erected or maintained flat against any building or structure shall extend or project more than 12 inches over the sidewalk or street right-of-way.

(iii) Any electrical sign which is permitted must be installed in accordance with the current electrical code and a separate permit Including but not limited to a placement permit from the building official must be obtained prior to placement.

(iv) Permitted changeable copy signs, including, but not limited to, digital signs, which have a capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

3) Prohibited Signs:

(i) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(ii) Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.

(iii) Any sign which would obstruct a window, door, fire escape, stairway or opening in a building intended to provide light, air, ingress or egress.

(iv) Signs with rotating beams or flashing illumination.

(v) Signs painted on or attached to a vehicle where the vehicle is parked on the property primarily for its signage value.

(vi) Changeable copy signs except as permitted herein.

(j) Signs in a "C-1" commercial district. 1) The following regulations shall apply in the "C-1" Central Business District:

(i) The aggregate square footage of sign space per lot, including all sign surfaces, shall not exceed 250 square feet.

(ii) No sign shall extend in height above the parapet wall of any principal building.

(iii) No sign shall be mounted on a structure on or above the roof line.

(iv) For the purpose of selling or promoting a commercial or an industrial project, one sign not to exceed 128 square feet with no more than two surfaces, may be erected upon the project site.

(v) An on-premises sign allowed in the "C-1" district which is not attached to a building, may be up to a maximum of 35 feet in height.

(vi) Changeable copy signs, including, but not limited to, digital signs, which have a capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

~~(vii) No sign shall be erected or maintained which extends or projects over a sidewalk, street or highway. No sign which is erected or maintained flat against any building structure shall extend or project more than 12 inches over the sidewalk, street or highway.~~

(viii) Electrical signs must be installed in accordance with the current electric code and a separate permit from the building official must be obtained prior to placement. Electrical signs are not permitted in a residential district. Illumination for electrical signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(ix) Changeable copy signs, including, but not limited to, digital signs which have the capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

2) Prohibited Signs:

(i) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(ii) Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.

(iii) Any sign which would obstruct a window, door, fire escape, stairway or opening in a building intended to provide light, air, ingress or egress.

(iv) Signs with rotating beams or flashing illumination.

(v) Signs painted on or attached to a vehicle where the vehicle is parked on the property primarily for its signage value.

(vi) Changeable copy signs except as permitted herein.

(k) Signs permitted in "C-2" commercial and in all industrial districts. 1) The following regulations shall apply in the "C-2", "I-1" and "I-2" districts:

(i) All signs permitted in "C-1" commercial districts shall be permitted in the "C-2", "I-1" and "I-2" districts.

(ii) Off-premises signs (billboards) may be permitted as a conditional use in any industrial districts and in "C-2" commercial districts providing that:

a. No off-premises sign (billboard) shall be located within 500 feet of parks, historical sites, public picnic or rest areas, or within 200 feet of church or school property.

b. No off-premises sign (billboard) shall be located closer than 750 feet horizontal distance from any other advertising sign measured in any direction.

c. Off-premises signs shall not exceed 35 feet above the average ground level at the base of the sign (top of the sign to the ground).

d. The maximum area of any off-premises sign shall not exceed 400 square feet per side (for example, 10 by 40), and there shall be no more than two facings per sign.

e. Off-premises signs may not be stacked one on top of the other.

f. Off-premises signs are subject to all general sign limitations set forth herein including, but not limited to, the maximum height limits and distances from intersections. For a complete listing see subsection (g) of this section.

g. All off-premises signs shall be constructed on and supported by a single pole.

h. All signs must meet the city airport zoning regulations.

(iii) Changeable copy signs, including, but not limited to, digital signs, which have a capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

(iv) The top of a sign, including its superstructure, shall not be higher than the roof of the building to which the sign is attached or, if the sign is not attached to a building, shall not be higher than 35 feet.

(v) No sign shall be erected or maintained which extends or projects over a sidewalk, street or highway. No sign which is erected or maintained flat against any building structure shall extend or project more than 12 inches over the sidewalk, street or highway.

(vi) Electrical signs must be installed in accordance with the current electric code and a separate permit from the building official must be obtained prior to placement. Electrical signs are not permitted in a residential district. Illumination for electrical signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(vii) Changeable copy signs, including, but not limited to, digital signs which have the capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

Prohibited Signs:

(i) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(ii) Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.

(iii) Any sign which would obstruct a window, door, fire escape, stairway or opening in a building intended to provide light, air, ingress or egress.

(iv) Signs with rotating beams or flashing illumination.

(v) Signs painted on or attached to a vehicle where the vehicle is parked on the property primarily for its signage value.

(vi) Changeable copy signs not in compliance with subsection (m) of this section.

(l) Regulation; public right-of-way.

(1) General. Except as hereinafter provided, no sign shall be erected or maintained which extends or projects over a sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than 12 inches over the sidewalk, street or highway.

(2) Exceptions. This provision shall not be applicable in the central business district. This provision shall not apply to public utility warning signs.

(m) Electrical Signs. Electrical signs must be installed in accordance with the current electric code and a separate permit from the building official must be obtained prior to placement. Electrical signs are not permitted in a residential district. Illumination for electrical signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(n) Changeable copy signs. Changeable copy signs, including, but not limited to, digital signs which have the capacity of making transitions

between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

(o) Fees. To defray the costs of processing requests for permits for signs, a fee shall be paid by the applicant at the time that the applicant requests a permit. If a refund is requested, the building permit refund policy will be followed. The amount of the permit fee shall be set by the council, adopted by resolution and enforced uniformly with each application. The fee will be a flat fee. The fee may, from time to time, be amended by council resolution.

(p) Violations. Violations of this section are a misdemeanor. Each day that a violation continues is a separate offense.

(q) Illumination limitations. Illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

(r) Noncommercial signs. Noncommercial speech signs are permitted anywhere that advertising or business signs are permitted, subject to the same regulations as would apply to commercial speech signs in the same location.

(s) Nonconforming signs; compliance. It is recognized that signs exist within zoning districts which were lawful before the ordinance from which this section is derived was enacted, but will be prohibited under the terms of this section. It is the intent of this section that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this section to permit legal nonconforming signs existing on the effective date of the ordinance from which this section is derived to continue as nonconforming signs, provided such signs are safe, are maintained so that the structure of the sign is sound and the sign does not become unsightly and not become abandoned or removed subject to the following provisions:

(1) No sign shall be enlarged or altered in a way which increases its nonconformity.

(2) If the use of the nonconforming sign or structure is discontinued for a period of one year, the sign or sign structure shall not be

re-constructed or used except in conformity with the provisions of this section.

(3) Should such nonconforming sign or sign structure be damaged or structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this section.

(4) Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform with the regulations of the zoning district in which it is located after it is moved.

(5) No existing sign devoted to use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

(6) When a building loses its non-conforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be re-painted in a neutral color or color which will harmonize with the structure.

(t) *Illegal nonconforming signs.* A legal nonconforming sign becomes an illegal nonconforming sign and subject to the violation provisions of this section if:

(1) The sign is relocated or replaced.

(2) The structure or size of the sign is altered in any way except toward compliance with this article. This does not refer to change of copy or normal maintenance.

(u) *Effect of issuance of a permit.* Neither the issuance of a permit under this section, nor compliance with the conditions thereof, shall relieve any person from any responsibility otherwise imposed by state, federal or other law or rules for damages to persons or property, nor shall the issuance of a permit under this section serve to impose any liability on the city, its officers or employees, for any injury or damage to persons or property. A permit issued pursuant to this section does not relieve the permittee of the responsibility for securing and complying with any other permit which may be required under any other law or regulation.

(v) Maintenance. All signs shall be properly maintained by the permit holder. Permits for signs which fall into disrepair or become unused, may be revoked and the sign may be ordered removed upon 45 days' notice to cure the specific problem. The permit holder is entitled to request a hearing on any order for removal. That hearing would be before the full planning commission and report and recommendation forwarded to the city council pursuant to section 2-329.

Section 2. City Code, Chapter 1, entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this ____ day of _____, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on _____.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: New Business

Originating Department: Administration

Item Number: VI - L

ITEM DESCRIPTION: Ordinance No. 164, 2nd Series Land Use Regulations (Zoning)

Prepared by: Staff

COMMENTS:

Please review the attached existing ordinance with proposed changes being made to Ordinance No. 164 2nd Series – Land Use Regulations (Zoning). This amendment revises numerous sections/areas of the Land Use Regulations (Zoning).

The Planning Commission has reviewed this, held a public hearing, and recommends approval.

ADMINISTRATOR COMMENTS:

City Attorney, Bill Spooner is drafting a summary for this amendment that will be distributed at the meeting.

COMMITTEE/COUNCIL ACTION:

Motion to approve Ordinance No. 164 2nd Series – Land Use Regulations (Zoning).

Motion to approve and publish the summary for Ordinance No. 164 2nd Series – Land Use Regulations (Zoning).

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Chapter 36

ZONING

ARTICLE I. IN GENERAL

Sec. 36-1. Penalties.

Unless otherwise specifically provided in this chapter, violations of this chapter shall be subject to penalties as provided in section 1-11.

Sec. 36-2. Intent and purpose.

(a) Generally.

(1) The ordinance from which this chapter is derived is enacted pursuant to the authority conferred by M.S.A. § 462.357 for the purposes of:

- a. Promoting and protecting the public health, safety and general welfare of the inhabitants of the city;
- b. Protecting and conserving the character, social and economic stability of agricultural, residential, commercial, industrial and other use areas;
- c. Securing the most appropriate use of land;
- d. Preventing the overcrowding of the land and undue congestion of population;
- e. Providing adequate light, air and reasonable access;
- f. Facilitating adequate and economical provision of transportation, water supply and sewage disposal; and
- g. Planning for location of schools, recreation facilities and other public requirements.

(2) This chapter sets minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creates districts for the purposes and establishes the boundaries thereof; provides for changes in regulations, restrictions and boundaries of such districts; defines certain terms used herein; and provides for enforcement and administration.

(b) Adult uses.

(1) The purpose and intent of adult use regulations set forth in this chapter is to serve a substantial government interest in attempting to preserve the quality and vitality of neighborhoods, curtail the depression of property values, restrain increased criminal activity and slow the spread of sexually transmitted diseases.

(2) Adult use entertainments, because of their very nature, are recognized as having serious objectionable operational characteristics that have a deleterious effect on the use and enjoyment of adjacent areas. These secondary affects are especially evident where such uses are concentrated.

(3) One of the chapter's objectives is to disperse the adult uses through separation requirements from other adult uses and from other significantly incompatible uses. The article allows adult uses only in the "I-1" Light Industrial District.

(4) The secondary effects associated with adult use include increased level of criminal activity, increased risk of exposure to sexually transmitted diseases, depression of property values and a significant change in the character of surrounding neighborhoods.

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- (5) However, it is recognized that such regulations cannot de facto constitute a prohibition of adult uses. Otherwise, a protected form of expression would vanish. The adult use regulations as set forth in this ~~zoning ordinance~~ chapter represent a balancing of competing interest: reduction of objectionable secondary affects through the regulation of adult uses versus the protected rights of owners, operators and performers and patrons of those adult uses.

(Code 1992, § 11.01; Ord. No. 02-1978, 8-11-1978; Ord. No. 3(2nd Series), § 1, 3-16-1994)

Sec. 36-3. Jurisdiction, application and interpretation.

(a) *Jurisdiction.* The jurisdiction of this chapter shall apply to all of the area within the city. This chapter shall also apply to the unincorporated area within two miles of its limits; provided that the governing body of any unincorporated area adjacent to the city has not adopted ordinances for the zoning of land uses. Should any governing body have zoning ordinances, this chapter shall only apply after a joint resolution has been adopted by the city and the affected governing body which confers the zoning authority to the city.

(b) *Application and interpretation.*

- (1) In their application and interpretation, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and welfare.
- (2) Where the conditions imposed by any provision of this chapter are either more or less restrictive than comparable conditions imposed by any law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) No structure shall be erected, converted, enlarged, reconstructed or altered without first obtaining a building permit and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this chapter.
- (4) Except as herein provided, no building structure or premises shall herein be used or occupied and no building permit shall be granted that does not conform to the requirements of this chapter.

(c) *Lots of record.* All lots which are part of a subdivision legally recorded with the county recorder, and lots described by metes and bounds, the deed to which has been recorded in the office of the county recorder prior to the effective date of the ordinance from which this chapter is derived, shall be considered to be lots of record and shall thereby be considered a legally buildable lot even though such lots may not conform to the minimum requirements of this chapter, provided the setback requirements of this chapter are complied with insofar as practical.

(Code 1992, § 11.02)

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Sec. 36-4. ¹²²Rules and definitions.¹²³

(a) *Rules.* For purposes of this chapter¹²⁴, words used in the singular number includes the plural, and the plural the singular; the present tense includes the past and future tenses and the future the present; the term "shall" is mandatory, the term "may" is permissive; all measured distances shall be to the nearest integral foot; whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in such definition thereof.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building or structure on the same lot or part of the main building, occupied by or devoted exclusively to an accessory use.

Accessory use means a use naturally and normally incidental to, subordinate to, and auxiliary to the principal permitted use of the premises.

Adult arcade means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines for viewing by five or fewer persons are each used to show films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult bookstore means an establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

Adult cabaret means a nightclub, bar, restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, videocassettes, slides or other photographic

¹²² BILL SPOONER COMMENT: With regards to zoning, there was discussion that in the definitional section there were some terms that are used elsewhere that aren't omitted from the defined terms that we at least thought we should consider adding, those included by my notes a bread and breakfast, a billboard, a boundary line, a buffer area, a church or place of religious worship, and I think there is quite a long list of others that we had discussed. SFox—I've made no text change associated with this comment and await specific directive from the city.

¹²³ BILL SPOONER COMMENT: A fence is another term that doesn't seem to be defined in the ordinance, but if buildings or structures that are regulated have to be specified in some other way if they don't meet the definition of a building, i.e., something having a roof, clearly fence is different. A pool is different. A deck is different. An outside patio could be different. Even a ramp is different really, not technically a building, but then we do have defined at Paragraph 69 on Page 227 the term "structure", which seems more broad than the term building. SFox—I've made no text change associated with this comment and await specific directive from the city.

¹²⁴ Duplicative of Chapter 1 general definitions.

(35)

reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult motion picture theater means an establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.

Adult use establishments includes, but is not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater or sexual encounter establishment.

Alley means any dedicated public way providing a secondary means of ingress and/or egress to land or structures thereon.

Automobile wrecking yard or junkyard means a place maintained for keeping, storing or piling in commercial quantities, whether temporarily, irregularly or continually; buying or selling at retail or wholesale any old, used or secondhand materials of any kind, including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk. The term "auto wrecking yard" or "junkyard" shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment. This shall not prohibit the keeping of one unlicensed motor vehicle within a garage or other structure in residential districts or two (2) unlicensed motor vehicles, not including farm implements, within a farm in the agricultural district.

Basement means that portion of a floor of a building which is wholly or partially, up to 50 percent, underground or below grade.

Boardinghouse or roominghouse means any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit are leased or rented to persons outside of the family, without any attempt to provide therein cooking or kitchen accommodations, providing that accommodations are not provided for more than ten persons.

Buildable area means that part of the lot remaining after required yards have been provided.

Building means any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, or chattel or property of any kind. When any portion thereof is completely separated from every other part thereof by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

Building height means the vertical distance measured from the average ground level adjoining the building to the highest point of the roof surface, if a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building setback line means the front line of the building or the legally established line which determines the location of the building with respect to the street line.

See new definition sheet for new meaning

Add
Buffer
Area
from
2.2.2

(36

Building, principal, means a building or structure in which is conducted the main or principal use of the lot on which the building or structure is situated.

Carport means a structure permanently attached to a dwelling having a roof supported by columns but not otherwise enclosed.

Clear-cutting means the removal of an entire stand of trees.

~~*Clinic* means a public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting in concert and in the same building for the purposes aforesaid.~~ use definition from list

Conditional use means a use which, because of unique characteristics, cannot be classified as a permitted use in any particular district. After due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location, a conditional use permit may be granted.

District zoning means any section of the incorporated area of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

Dwelling means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings but not including motels, hotels, boardinghouses and garage space.

Dwelling, multiple, means a building designed with three or more units for occupancy by three or more families living independently of each other but sharing hallways and main entrances and exits.

Dwelling, single-family, means a dwelling occupied by only one family, and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one family only.

Dwelling, two-family, means a dwelling so designed and arranged to provide cooking and kitchen accommodations and sanitary facilities for occupancy by two families.

Easement means a grant by a property owner for the use of a strip of land for the purpose of construction and maintaining utilities, including, but not limited to, sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainageways and gas lines.

Equal degree of encroachment means a method of determining the location of encroachment lines so that the hydraulic capacity of floodplain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.

Essential services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communications, steam or water transmissions or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

Family means any number of persons living together in rooms comprising a single housekeeping unit and related by blood, marriage, or adoption, or any unrelated person who resides therein as though a member of the family including the domestic employees thereof. Any group of persons not so related but inhabiting a single house shall, for the purpose of this chapter, be considered to constitute one family for each five persons, exclusive of domestic employees, contained in each such group.

Add: Farm animals definition from page 57

Farming means the cultivating or pasturing of a parcel of land or using it for the raising of livestock or fowl for commercial purposes.

Farmstead means property on which structures and a farm dwelling are located for management, storage and general farm operation.

Flood means a temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

Flood fringe means that portion of the floodplain outside of the floodway.

Floodplain means those areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Floodproofing means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway means the channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the regional flood.

Floor area, ground, means the area within the exterior walls of the main building or structure as measured from the outside walls at the ground level, not including garages or enclosed or unenclosed porches and not including attached utility or accessory rooms having three or more exterior sides.

Garage, community, means any space or structure or series of structures for the storage of motor vehicles for the use of two or more occupants of property in the vicinity and having no public shop or service therein.

Garage, private, means an accessory building designed or used for the storage of not more than three licensed automobiles, trucks or buses owned and used by the occupants of the building to which it is accessory.

Gasoline service station means a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including special facilities for the painting, major repair or similar servicing thereof.

Home occupation means any gainful occupation engaged in by the occupants of a dwelling at or from the dwelling when carried on within the dwelling unit and not in an accessory building. Permissible home occupations shall not include the conducting of a retail business other than by mail, manufacturing business, or a repair shop of any kind on the premises and no stock in trade shall be kept or sold. No other than persons residing on the premises shall be employed, and no mechanical equipment shall be employed that is not customarily found in the home. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings. The entrance to the space devoted to such occupations shall be within the dwelling. There shall be no exterior display, nor exterior signs, except as allowed in the sign regulations for the zoning district in which such home occupation is located and there shall be no exterior storage of equipment or materials used in the home occupation. Permissible home occupations include, but are not limited to, the following: art studio, dressmaking, special offices of a clergyman, lawyer, architect, engineer, accountant, or real estate agent or appraiser, when located in a dwelling unit occupied by the same, and teaching, with musical, dancing and other instruction limited to one pupil at a time, except day care centers as regulated in the zoning districts.

Group Home - Bill Spore - will define

INDUSTRIAL USE. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

JUNK YARD. Land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

LIGHT INDUSTRIAL. The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are housed entirely within a building, or where the outdoor storage of goods and materials used does not exceed 25% of the floor area of all buildings on the lot.

LOT. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated and have its principal frontage on a public street.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

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

LOT LINE. A line of record bounding a lot which divides a lot from another lot, a public street or any other public or private space.

LOT LINE, FRONT. A lot line abutting a dedicated public right-of-way.

LOT LINE, REAR. The lot line opposite and most distant from the front lot line. In the case of corner lots, the rear lot line shall be determined by the zoning administrator based upon characteristics of the surrounding neighborhood.

LOT LINE, SIDE. Any lot line other than a front or rear lot line.

LOT WIDTH. The shortest distance between lot lines measured at the midpoint of the building line.

MANUFACTURED HOME. ^{Mobile Home} A structure, transportable in one or more sections which in the traveling mode is eight feet or more in width or 40 body feet or more in length, or when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein, and which meets all the requirements established under M.S. § 327.31, as it may be amended from time to time, the Manufactured Home Building Code.

~~Livestock operation means any operation for the feeding and care of animals or poultry for food, pelts or as pets.~~

~~Lot means a piece or parcel of land, occupied or to be occupied by a building, structure or use, or by other activity permitted thereon and including the open spaces required under this chapter, and having its principal frontage on a public street.~~

OK per Rev. 4-25-16

~~Lot area means the area of a horizontal plane within the lot lines.~~

~~Lot coverage, means the part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.~~

~~Lot depth means the shortest horizontal distance between the front lot line and the rear lot line measured from a 90-degree angle from the street right-of-way within the lot boundaries.~~

~~Lot frontage. The front of a lot shall be, for purposes of complying with this chapter, that boundary abutting a public right-of-way having the least width.~~

~~Lot line means a property boundary line of any lot held in single or separate ownership: except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way.~~

~~Lot of record means a lot which is part of a subdivision, the map of which has been recorded in the office of the county recorder, or a lot described by metes and bounds, the deed to which has been recorded in the office of the county recorder prior to the effective date of ordinance from which this chapter is derived.~~

~~Lot width means the shortest horizontal distance between the side lot lines measured at right angles to the lot depth.~~

~~Lot, corner, means a lot situated at the junction of two or more intersecting streets, or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.~~

Add definition of manufactured from house page

~~Manufactured home means a dwelling unit designed to be transportable and suitable for year-round occupancy, and containing the same water supply, waste disposal, mechanical, electrical conveniences and other provisions as required for a site-erected home, whether mounted on wheels, frames, jacks or permanent foundations. The term "manufactured home" includes either a mobile or modular home.~~

~~Mobile home means a structure transportable in one or more sections, which, when erected on site, measures eight body feet or more in width and is designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and bears the appropriate Federal Department of Housing and Urban Development inspection label certifying that the mobile home meets federal mobile home construction and safety standards.~~

~~Modular home means a non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site, and bears a seal from the state stating that the unit is approved by the state building inspector certifying that the unit is a manufactured building and complies with the state building code. A modular home shall be congruous to a single-family dwelling.~~

~~Motel or motor court means a business comprising a series of attached, semi-attached or detached rental units with or without eating facilities for the overnight accommodations of transient guests.~~

~~Nonconforming building, structure or use means a building, structure or use which does not conform with the district regulations in which it is situated.~~

is defined in MN statute 103C.005 and includes

OK Ordinary high-water mark means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high-water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

is all Parking space means an area sufficient in size to store one standard automobile, which has adequate access to a public street or alley.

Permitted use means a use which may be lawfully established in a particular district, provided it conforms with all requirements and performance standards; if any, of such district.

Public waters means any waters of the state which serve a beneficial public purpose, as defined by state law. However, no lake, pond or flowage of less than ten acres in size and no river or stream having a total drainage area less than two square miles need be regulated for the purposes of these regulations. A body of water created by a private user where there was no previous shoreland for a designated private use authorized by the commissioner of natural resources shall be exempt from the provisions of these regulations.

Reach means a hydraulic engineering term used to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

OK Regional flood means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of 100 years recurrence interval.

OK Regulatory flood protection elevation means a point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this article are required to be elevated or floodproofed.

Setback means the minimum horizontal distance between a building and street or lot line.

Shoreland means the land located within the following distances from public waters:

- (1) 1,000 feet from the normal high-water mark of a lake, pond or flowage;
- (2) 300 feet from a river or stream, or the landward extent of a floodplain designated by this chapter on such a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits wherever the waters involved are bounded by natural or manmade topographic divides which extend landward from the waters for lesser distances.

OK Specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

OK Specified sexual activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated; or

Add Park from 2.105
Parking lot from 2.106
Patio from 2.108
Principle structure or use from 2.112
Public sign from 2.114
Add recreational vehicle from page 275 duplicate here.
Add Screen

ADD (Building overhang is part of building)

Add Storage Facility 2.12.2

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- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1)--(3) of this definition

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it, or the space between such floor and the ceiling next above it. A basement shall be considered a story if its ceiling is over five feet above the average established grade.

*Structure*¹²⁵ means anything which is built, constructed or erected, an edifice or building of any kind, or any piece of work artificially built up and/or composed of parts joined together in some definite manner.

Temporary structure means any structure which is moved or constructed to temporarily meet the needs of a landowner in a commercial or industrial district who has lost the use of a permanent structure which has been destroyed or seriously damaged by fire, storm or other natural disaster.

Townhouse means single-family attached units in structures housing three or more dwelling units contiguous to each other, only by the share of one common wall, and each dwelling unit shall have separate and individual front and rear entrances.

Use means the purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

Variance means the waiving of specific literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances are to be granted only when it is demonstrated that a waiving of the provision will be in keeping with the spirit and intent of this chapter. Furthermore, hardship must be demonstrated on a non-economic basis.

Yard means an open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, front, means a yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, side, means a yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

(Code 1992, § 11.03; Ord. No. 02-1978, 8-11-1978; Ord. No. 3(2nd Series), § 2, 3-16-1994; Ord. No. 45(2nd Series), § 1, 8-14-2002)

¹²⁵ BILL SPOONER COMMENT: A fence is another term that doesn't seem to be defined in the ordinance, but if buildings or structures that are regulated have to be specified in some other way if they don't meet the definition of a building, i.e., something having a roof, clearly fence is different. A pool is different. A deck is different. An outside patio could be different. Even a ramp is different really, not technically a building, but then we do have defined at Paragraph 69 on Page 227 the term "structure", which seems more broad than the term building. S.Fox—I've made no text change associated with this comment and await specific directive from the city.

Sec. 36-5. ¹²⁶General requirements.

(a) *Intent.* The intent of this section is to establish general development performance standards. The regulations provided herein shall apply equally to all districts except where special provisions provide otherwise.

(b) *Parking and loading requirements.*

- (1) In all zoning districts, with the exception of allowed uses in the C-1 district, off-street parking facilities for the storage of motor vehicles for the use of occupants, employees and patrons of the buildings or structures hereafter erected, altered or extended after the effective date of the ordinance from which this chapter is derived shall be provided and maintained as herein prescribed.
- (2) Parking of automobiles and other motor vehicles is permitted in the front and side yards in manufacturing districts if screened by a greenbelt eight feet in width.
 - a. Loading space shall not be construed as supplying off-street parking space.
 - b. When units or measurements used in determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
 - c. Whenever a use requiring off-street parking is increased in floor area and such use is located in a building existing on or before the effective date of the ordinance from which this chapter is derived, additional parking space for the additional floor area shall be provided and maintained in amounts hereafter specified for that use.
 - d. For the purpose of the ordinance from which this chapter is derived, the term "floor area," in the case of offices, merchandising or service types of uses, means the gross floor area used or intended to be used for services to the public as customers, patrons, clients or patients, as tenants, including areas occupied for fixtures and equipment used for display or sale of merchandise, less ten percent.
 - e. Off-street parking facilities for dwellings shall be provided and located on the same lot or parcel of land as the building they are intended to serve.
 - f. The location of required off-street parking facilities for other than dwellings shall be within 300 feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building or structure.
 - g. Where a use is not specifically mentioned, off-street parking requirements shall be the same as for similar uses.
 - h. Nothing in the ordinance from which this chapter is derived shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided, collectively, that such facilities shall not be less than the sum of

¹²⁶ BILL SPOONER COMMENT: Back to the zoning, just generally I think we should look at all the setbacks. In Section 11.10 starting on Page 228 I want to make sure that we are satisfied that our parking requirements are sufficient. On Page 232 there is a distance that garages have to be from an alley. Do we need it to be 20 feet? Again, what about pools, temporary pools, pools that come down seasonally? What about height restrictions? Should we have a general exception for certain kinds of towers or silos that we run across frequently? SFox—I've made no text change associated with this comment and await specific directive from the city.

Add
Recreational
Vehicles

May be parked
in any zoning
district where
permitted.

YES
use standard
vehicle 10'

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the requirements for the various individual uses computed separately in accordance with the requirements in the subsections below.

- i. Nothing in this chapter shall prevent the extension of or an addition to a building or structure into an existing parking area which is required for the original building or structure when the same amount of space taken by the extension or addition is provided by an enlargement of the existing parking area, or an additional area within 300 feet of such building.
- j. The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified in subsection (b)(2)i of this section shall be determined in accordance with the following table, and the space so required shall be irrevocably reserved for such use.
 1. *Single-family, two-family and townhouse units*. One space per unit.
 2. *Boardinghouse*. At least two parking spaces for each three persons for whom accommodations are provided for sleeping. *rooming house*
 3. *Multiple-family dwellings*. One and one-half spaces per unit.
 4. *Motels, motor hotels, hotels*. One space per each rental unit plus one additional space for each ten units and one space for each employee on any shift.
 5. *Church, theatre, auditorium*. At least one parking space for each four seats based on the design capacity of the main assembly hall.
 6. *Hospitals*. Two spaces per each bed.
 7. *Medical, dental or hospital outpatient clinic*. One space for each 110 square feet of net floor area or 7 1/2 spaces per doctor, whichever number of parking spaces is greater.
 8. *Sanitarium, convalescent home, rest home, nursing home or day nurseries*. Four spaces plus one for each three beds for which accommodations are offered. *Similar facilities*
 9. *Elderly (senior citizen) housing*. One-half space per unit. *senior citizen housing*
 10. ~~*Drive-in establishment and convenience food*. At least one parking space for each 35 square feet of gross floor area but not less than 15 spaces.~~
 11. *Office buildings and professional offices*. One space for each 250 square feet of floor area.
 12. *Bowling alley*. At least five parking spaces for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure.
 13. *Motor fuel station*. At least four off-street parking spaces plus two off-street parking spaces for each service stall. Those facilities designed for sale of other items than strictly automotive products, parts and/or service shall be required to provide additional parking in compliance with other applicable sections of this chapter. *gas*
 14. *Retail store and service establishment*. At least one off-street parking space for each 200 square feet of floor area.
 15. *Retail sales and service business with 50 percent of gross floor area devoted to storage, warehouse and/or industry*. One space for each 200 square feet devoted to public sales and/or service plus one space for each 500 square feet of storage area or one space for each employee on the maximum shift which is appropriate.

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- Drive in
Take out
Convenience
Store
16. *Restaurants, cafes, private clubs serving food and/or drinks, bars, taverns, nightclubs.* At least one space for each 60 square feet of gross floor area.
17. *Undertaking establishments.* At least ²⁰ parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.
18. ~~*Auto repair, bus terminal, boats and marine sales and repair, bottling company, shop for a trade employing six or less people, garden supply store, building material sales in structure.*~~ Eight off-street parking spaces, plus one additional space for each eight 800 square feet of floor area over 1,000 square feet.
19. *Manufacturing, fabricating or processing of a product or material; warehouse, storage, handling of bulk goods, post offices.* At least eight spaces, plus one space for each two employees on each shift based on maximum planned employment or at a minimum one space for each 700 square feet of floor area.
20. *Car wash.* In addition to ~~required magazine or stacking space:~~
- (i) *Automatic drive through, serviced.* A minimum of ten spaces or one space for each employee on the maximum shift, whichever is greater.
 - (ii) *Self-service.* A minimum of two spaces.
 - (iii) *Motor fuel station car wash.* ^{Gas} In addition to that required for the station.

k. In all districts where off-street parking lots are permitted or required, such off-street parking lots shall be constructed and maintained subject to the following regulations:

1. Adequate ingress and egress shall be provided.
2. Such parking lots shall be maintained in a usable dustproof condition, such as concrete, blacktop, or properly treated crushed rock, or some other permanently surfaced area and shall be kept graded and drained to dispose of surface water.
3. Whenever such parking lot boundary adjoins property zoned for residential use, a setback of eight feet from the line shall be required.
4. Necessary curbs or other protections against damage to adjoining properties, streets and sidewalks shall be provided and maintained.
5. Plans for the construction of any such parking lot must be approved by the city engineer before construction is started. No such land shall be used for parking until approved by the city engineer.

l. For required loading ^{dock} berths in connection with any structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, with a gross floor area of 10,000 square feet or more, there shall be off-street loading provided on the basis of the following:

Gross Floor Area in Square Feet	Minimum Required Loading Berths
10,000 to 16,000	1
16,000 to 40,000	2
40,000 to 70,000	3

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70,000 to 100,000	4
Each additional 40,000	1 additional

(c) ¹²⁷ Accessory buildings.

(1) In all residential districts, detached accessory buildings shall be located in the rear yard. When located within ten feet of the rear wall of the principal building, they shall comply with all yard requirements applicable to the principal building in the district. Where accessory buildings are to be located more than ten feet from the rear wall of the principal building, they shall not be located closer than four feet from an adjoining side or rear lot line. All detached accessory buildings shall be set back a minimum of 30 feet from all street right-of-way lines. Accessory buildings are further limited not to exceed over one story or 16 feet in height.

(2) All garages shall, if the vehicle entrance backs upon a public alley, be set back at least 20 feet from the public alley right-of-way.

(3) In no case shall the door of any structure, building, or improvement, except a fence, be erected or constructed so as to extend beyond any lot line.

(4) In business and manufacturing districts, accessory buildings and uses may occupy any of the ground area which the principal building is permitted to occupy. Accessory buildings such as buildings for parking attendants, guard shelters, gate houses and transformer buildings may be located in front or side yards in the industrial district. Parking of automobiles and other motor vehicles is permitted in the front and side yards in industrial districts if screened by a greenbelt five feet in width.

(d) General fencing, screening, landscaping and storage.

(1) All materials and equipment, except as provided in the district provisions of this chapter, shall be stored within a building or structure or screened so as not to be visible from adjoining properties, except the following:

- a. Usable laundry equipment (clotheslines).
- b. Recreational equipment and vehicles.
- c. Construction and landscaping material currently being used on the premises.

(2) No fence, wall, structure, coniferous trees or obstruction, other than chain-link fences with openings of 1 5/8 inches to two inches not exceeding 48 inches in height, shall be erected, established or maintained on a corner lot with a triangular area bounded by the lot lines and a line connecting points on each lot line 20 feet from the intersection of such lot lines. An object within this area not exceeding 30 inches in height as measured from

¹²⁷ BILL SPOONER COMMENT: Another question regarding accessory buildings, the only district that as drafted requires accessory buildings to be in the rear yard is residential districts, and the downside of that is then we end up with buildings that are outside residential districts, for example the hospital office building, the old Alco building, and probably a number of others that I can't think of offhand that have the storage containers or other similar things in their front areas, and maybe it wouldn't be necessary to say that all accessory buildings and other zoning districts have to be in the back, but I wonder if storage buildings should be in the back, i.e., buildings used for any type of storage. SFox—I've made no text change associated with this comment and await specific directive from the city.

The front street way line and a minimum of 15 feet from

except Industrial overhang

overhang

except alleys

street or

between parking and any road right-of-way.

*d. barbecue grill
e. City provides garbage & recycling carts*

addressed

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the centerline elevation of the street shall not be considered as an obstruction to vision. This provision does not apply to the "C-1" district.

- And be a sufficient distance from property line to allow the property owner to maintain it.*
- (3) No fence shall exceed eight feet in height and, in the case of grade separation, the height shall be determined on the basis of measurement from the average point between the highest and lowest grade. *add here*
- (4) In all commercial and industrial districts adjacent to residential districts and not divided by streets there shall be provided along the property line a 20-foot-wide planting strip composed of grass, trees and shrubs. A screening fence may be utilized when approved by the planning commission. Such fence shall not exceed eight feet in height nor be less than six feet in height and shall screen up to 80 percent per square yard of area.
- (5) In all zoning districts the lot area remaining after providing for parking, driveways, loading, sidewalks or other requirements shall be planted and maintained in grass, sodding, shrubs or other acceptable vegetation or landscaping techniques.
- (e) *Unplatted property. Improvements.*
- (1) Any person desiring to improve unplatted property shall submit to the city engineer a survey of the premises and information on the location and dimensions of proposed buildings, location of easements crossing the property and other information which may be necessary to ensure conformance to the provisions of this Code.
- (2) All buildings shall be so placed so that they will not obstruct future streets which may be constructed by the city in conformity with existing streets and according to the system and standards employed by the city.
- (3) The planning commission shall review the lot survey to determine if the division and creation of the property was in compliance with the statutes and regulations applicable at the time of the division. If the planning commission finds that the division of the property was in compliance with legal requirements applicable at the time of the division, the lot shall be recognized and development of the property shall be allowed in the conformance to the building and zoning regulations. If the planning commission finds that the division of the property was not in compliance with legal requirements applicable at the time of the division, the lot shall not be recognized and current standards and procedures for platting shall be imposed.
- (f) *Dwelling unit restrictions.*
- (1) No basement, except when used as a portion of the living space of the family, cellar, garage, tent or accessory building shall at any time be used as a residence or dwelling unit, temporarily or permanently.
- (2) Except in the case of planned unit developments provided for herein, not more than one principal building shall be located on a lot.
- (3) On a through lot (a lot fronting on two parallel streets) or a corner lot, both street lot lines shall be front lot lines for applying yard and parking requirements. *except*
- (4) Mobile homes shall be limited to locations in mobile home parks as provided in the district provisions of this chapter. *light-out way*
- (g) *General performance standards.*
- (1) *Sewage.* All sewage facilities shall be connected to community sewer facilities when available. Where sewers are not constructed or in operation, all sewage facilities shall be connected to approved septic tanks and disposal fields. This provision shall not apply to temporary construction sites, or portable units.

(2) *Lighting.* Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where light from floodlights or from high temperature processes such as combustion or welding, shall not be directed into an adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public rights-of-way. Any light or combination of lights which cast light on a public street shall not exceed one footcandle (meter reading) as measured from the centerline of the street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 footcandles (meter reading) as measured from the property.

The light source

(3) *Emissions.* The emission of smoke by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standard, APC-1-15 and as subsequently expanded, modified or amended.

(4) *Dust and other particulate matter.* The emission of dust, fly ash or other particulate matter by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standard, APC-1-15 and as subsequently expanded, modified or amended.

(5) *Odors.* The emission of odorous matter in such quantity as to be offensive shall not be permitted. The emission of odor by any use shall be in compliance with and regulated by the Minnesota Pollution Control Standard, APC-1-15 and as subsequently expanded, modified or amended.

modified or amended

(6) *Noise.* All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness and, as measured at any property line, shall not exceed the minimum standards established by the Minnesota Pollution Control Standards, NPC 1, 2, and 4.

Noise Pollution Control

(h) *Height and yard exceptions.*

And as subsequently expanded

Add Flagpoles

cell,

(1) Chimneys, cooling towers, elevator bulkheads, fire towers, drive-in movie theater screens, grain elevators, silos, penthouses, stacks, tanks, water towers, pumping towers, radio or television towers, monuments, cupolas, steeples and mechanical appurtenances pertaining to and necessary to the permitted use of the district in which they are located shall not be included in calculating the height of the principal structure.

modified or amended

(2) Outside stairways, fire escapes, fire towers, porches, platforms, decks, balconies, boiler flues and other similar projections shall be considered as part of the building and not allowed as part of the required space for yards, courts or unoccupied space; provided, however, that this provision shall not apply to one fireplace or one chimney, not more than eight feet in length and projecting not more than 30 inches into the allowable side yard space, nor cornices not exceeding 16 inches in width, nor to platforms, terraces or steps below the first floor level, nor to unenclosed porches or other ground level unenclosed projections not over one story in height which may extend into a front or rear yard not more than five feet, or into a side yard not more than four feet such platform shall be restricted from the five-foot required side yard in the residence district.

(Code 1992, § 11.10)

Sec. 36-6. Nonconforming uses.

(a) *General provisions.* Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of the ordinance from which this chapter is derived or an additional control under this chapter, may be continued, including thorough repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) The nonconformity or occupancy is discontinued for a period of more than one year; or

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- (2) Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In the event that a building permit is applied for within 180 days of when the property is damaged, the city may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.
- (b) *Enlargements, expansions, or extensions of nonconforming uses.*
- (1) A nonconforming use shall not be enlarged to a greater height nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of the ordinance from which this chapter is derived.
- (2) A nonconforming use may be extended throughout any part of a structure that was manifestly arranged or designed for the use, but shall not be extended to occupy any land or a larger area of land outside of the structure.
- (3) A nonconforming structure may be altered under certain circumstances. However, a nonconformity shall not be increased. For example, if a setback of a structure is nonconforming, no addition or alteration may be made to the nonconforming side of the structure unless the addition or alteration meets the setback requirements or a variance is granted.
- (4) On a building devoted in whole or in part to a nonconforming use, work may be done on ordinary repairs or on repair of walls, roofs, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of the adoption or amendment of the ordinance from which this chapter is derived is not increased.
- (c) *Change of use.* A nonconforming use cannot be changed to a comparable nonconforming use. Whenever a nonconforming use has been changed to a conforming use, it shall not thereafter be changed to a nonconforming use.
- (d) *Public nuisances.* To prevent and abate nuisances and to protect the public health, welfare and safety, no junkyard may continue as a nonconforming use for more than one year after the effective date of the ordinance from which this chapter is derived, except that a junkyard may continue as a nonconforming use in a commercial or industrial district if within that period it is completely enclosed within a building or within a continuous solid fence of not greater than eight feet in height and not less than six feet in height, or other approved screening, which screens completely the operation of the junkyard. Approval of the fence or screening design shall be obtained from the planning commission.
- (e) *Proposed structures.* The proposed structure which will, under this chapter or an amendment hereof become nonconforming, but for which a building permit has been lawfully granted prior to the effective date of the ordinance from which this chapter is derived or an amendment hereof, may be completed in accordance with the approved plans, provided construction is not abandoned for a period of more than 120 days, and continues to completion within two years. Such structure and use shall thereafter be a legal nonconforming structure and/or use.

(Code 1992, § 11.11; Ord. No. 02-1978, 8-11-1978; Ord. No. 110(2nd Series), § 1, 11-12-2008)

Sec. 36-7. Temporary structures.

—General provisions.

- (a) Except as otherwise provided herein, temporary structures are prohibited.
- (b) A temporary structure may be constructed or placed upon any lot or parcel of land within any commercial or industrial district when an existing structure on the lot or parcel of land has

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been destroyed or seriously damaged by fire, storm or other natural disaster, by obtaining a permit for the temporary structure.

(c) The purpose of permits for temporary structures is to provide the city with a means of accommodating the needs of a business which has suffered a loss of facilities as a result of fire, storm or other natural disaster.

(d) Application for a temporary structure permit shall be made to the city clerk-administrator on a form to be provided by the city together with the payment of the required fee.

(e) Upon receipt of a complete application and the required fee, a permit for a temporary structure shall be issued for a period of not more than 180 days. The period for which a temporary permit is issued shall be based upon estimates of the time required to repair or replace the damaged permanent structure as set forth in the application for the permit for the temporary structure. The period of the temporary permit may be extended upon completion of an application for an extension of the permit for a temporary structure. Fees for temporary permits shall be fixed, determined and amended by the council and adopted by resolution. Such resolution shall be kept on file and open to public inspection in the office of the city clerk-administrator and shall be uniformly enforced.

(Code 1992, § 11.12; Ord. No. 3(2nd Series), § 3, 3-16-1994; Ord. No. 36(2nd Series), § 1, 5-22-2002)

Sec. 36-8. ¹²⁸Splitting of lots and parcels.

(a) *Purpose.* The purpose of this section is to encourage platting of land within the city and to avoid the creation of unbuildable parcels of land by splitting of lots.

(b) *Splitting of unplatted land.* There shall be no splitting of parcels of unplatted land within the city except by the preparation and approval of plats. The only acceptable method of splitting of unplatted land shall be by means of approved plats prepared by a registered land surveyor.

(c) *Splitting platted land.* Any landowner seeking to split a platted lot between two or more owners, or into two or more parcels, shall submit an application for such lot split to the city administrator showing such information as may be requested to evaluate the application, including, but not limited to:

- (1) Description of the site to be split;
- (2) The reasons supporting the proposed split;
- (3) Description of any site to which the split is to be added;
- (4) A scale drawing showing the location of any and all buildings on the site proposed to be split, and any contiguous sites;
- (5) A scale drawing showing the location of any proposed new buildings; and
- (6) Any additional written or graphic data required by the city administrator.

(d) *Procedure.*

- (1) The city administrator shall forward the application to the planning commission for consideration at its next regular meeting.
- (2) The planning commission shall set a date for the official public hearing.

¹²⁸ BILL SPOONER COMMENT: I note that on Page 237 the lot splitting stuff is repeated. That had appeared earlier back on Page 178. SFox: The text on 178 is specifically relative to subdivisions while on 237 it is part of the city's zoning provisions. Delete which one?

Addressed
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- (3) Notice of such public hearing shall be published at least once in the official newspaper of the city.
- (4) The planning commission shall consider any possible adverse effects of the proposed lot split and make recommendation to the council within 60 days after the completed application has been submitted.
- (5) Upon receiving the report and recommendation of the planning commission, the council shall have the option to hold a public hearing, if necessary, and may impose any conditions deemed necessary. Approval of the lot split shall require passage by a majority vote of the full council.

(e) *Standards.* No lot split shall be recommended by the planning commission unless the planning commission finds:

- (1) The lot proposed to be split is a platted lot;
- (2) The split as proposed will not result in the existence of an unbuildable or nonconforming lot within the zoning classification in which such lot is located;
- (3) There is a demonstrated need for the splitting of the lot; and
- (4) The proposed use is in compliance with any land use plan adopted by the city.

(f) *Fees.* To defray administrative costs of proceeding, applications for a lot split shall be accompanied by a nonrefundable fee to be paid by the applicant at the time that the application is requested. The amount of the fee shall be set by the council, adopted by resolution, and uniformly enforced. This fee may, from time to time, be amended by the council by resolution.

(Ord. No. 21(2nd Series), § 11.12, 1-14-1998)

Sec. 36-9. Excavating, mining, filling and grading.

(a) *Purpose and intent.* The purpose and intent of this section is to promote the health, safety and welfare of the community and to establish reasonable uniform limitations, standards, safeguards and controls for excavating, mining, filling and grading within the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Earthwork or work the earth means excavating, mining, filling or grading.

Excavating or mining means:

- (1) The removal of the natural surface of the earth, whether sod, dirt, soil, sand, gravel, stone or other matter, creating a depression.
- (2) Any area where the topsoil or overburden has been removed for the purpose of removing earthly deposits or minerals.
- (3) Any area that is being used for stockpiling, storage, and processing of sand, gravel, black dirt, clay and other minerals.

Filling or grading means to change the contour of the land.

Overburden means those materials which lie between the surface of the earth and the material deposit to be extracted.

Restoration means to renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this chapter.

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Topsoil means that portion of the overburden which lies close to the earth's surface and supports the growth of vegetation.

(c) *Permit required.* Except as otherwise provided in this section, it shall be unlawful for anyone to work the earth without having first obtained a written permit from the city authorizing the same, in accordance with this section. Active earthwork operations that predate the ordinance from which this section is derived that do not have a permit shall cease operations or obtain an earthwork permit within six months after the adoption of the ordinance from which this section is derived. Current permit holders shall come into compliance with the terms of this section no later than the renewal date of such permit holder's earthwork permit. Excavating, mining, filling and grading permits may only be issued by the city council. Excavating, mining, filling and grading permits shall only be issued in areas zoned A-1 Agricultural District. Violations of this section by failure to obtain an appropriate permit or by violations of the conditions of such a permit issued shall constitute a misdemeanor.

(d) *Exception from permit requirement.* The following activities do not require an earthwork permit:

- (1) Excavation for a foundation, cellar, or basement of a building if a building permit has been issued.
- (2) Grading a lot in conjunction with building if a building permit has been issued.
- (3) Excavation by a federal, state, county, city or other government agency in connection with construction or maintenance of streets, highways or utilities.
- (4) Curb cuts, utility hookups or roadway openings for which another permit has been issued by the city.
- (5) Plowing and tilling for agricultural purposes.
- (6) Earthwork in accordance with a development agreement entered into pursuant to the city's subdivision regulations. If the development agreement requires that a letter of credit or other security be posted, the letter of credit or other security must be posted before any excavation takes place.
- (7) Earthwork in accordance with an approved site plan review, conditional use permit, interim use permit or wetland alteration permit. If the approved site plan review, conditional use permit, interim use permit or wetland alteration permit requires a letter of credit or other security to be posted, the letter of credit or other security must be posted before any excavation takes place.

(e) *Exempt earthwork.* All earthwork that is exempt from obtaining a permit pursuant to subsection (d) of this section shall:

- (1) Comply with all erosion control standards.
- (2) Maintain natural or existing drainage patterns.
- (3) Comply with the city's other ordinance requirements.
- (4) Comply with any wetland protection regulations.

(f) *Application for earthwork permits.* An application for an earthwork permit shall be made in writing on such form as the council may, from time to time, designate and shall include the following information:

- (1) The correct legal description of the premises where pursuant to this section the earthwork activity is proposed to occur.

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- (2) The name and address of the operator who will be performing the earthwork and the owner of the land, together with proof of ownership. If the operator and the owner are different, both must sign the application.
- (3) The primary highways, streets or other public ways within one mile of the boundaries of the property upon which the earthwork will occur and along which material excavated or removed shall be transported in normal operations.
- (4) A map depicting the area where the proposed earthwork is to occur.
- (5) Specifications of the following, using appropriate maps, photographs and surveys:
 - a. Proposed grading plan.
 - b. Proposed stockpile sites.
 - c. The physical relationship of the proposed designated site to the community and existing development.
 - d. Site topography and natural features, including the location of watercourses and water bodies.
 - e. A description and quantity of material to be excavated.
 - f. The depth of water tables throughout the area.
 - g. The location and depth of wells and buried garbage, water and fill.
 - h. The purpose of the operation.
 - i. The estimated time required to complete the operation.
 - j. The proposed months of the year during which the operation would take place and the proposed hours of the day during which the operation would take place.
 - k. A tree survey indicating the location and types of all trees over six inches in diameter. In heavily wooded areas only the boundaries of the tree areas must be indicated on the survey.
 - l. Any proposals for reeking of the operation.
 - m. The plan of the operation, including the processing, nature of the processing and equipment, the location of any plant and the source of water, as well as the proposed method of disposal of water or re-use.
 - n. Plans for drainage, erosion control, sedimentation and dust control.
 - o. A restoration plan providing for the orderly and continuing restoration of all disturbed land to a condition equal to or better than that which existed prior to the earthwork.
 - p. A statement identifying the applicant's intent regarding response to complaints and resolving of conflict that may arise as a result of complaints.
 - q. An environmental assessment worksheet, if required by the city.
 - r. A wetland alteration permit, if required.
- (g) *Processing of earthwork permit applications.*
 - (1) Except as otherwise provided herein, the city council shall review earthwork permit applications and shall approve the permit if it is in compliance with this section and other applicable laws, ordinances and regulations.
 - (2) A permit may be approved subject to conditions necessary to ensure compliance with the requirements and purpose of this section. When such conditions are established, they

shall be set forth specifically in the permit. Conditions may, among other matters, limit the size, kind or character of the proposed operation, require the construction of structures, require the staging of extraction over a time period, require the alteration of site design to ensure compliance with the standards of this section, require controls for dust and noise, require a bond or letter of credit in an amount sufficient to ensure site restoration should the permit holder default, or such other requirements as may be reasonable given the size and location of the proposed earthwork.

(h) *Termination of permit.*

(1) An earthwork permit may be terminated for violation of this section or any condition of such permit. No earthwork permit may be terminated until the city council has held a public hearing to determine whether such permit shall be terminated, at which time the operator shall be afforded an opportunity to contest the termination. The city council may establish certain conditions, which if not complied with, will result in immediate suspension of operations until the public hearing to consider termination of the permit can be held.

(2) It shall be unlawful to conduct earthwork after a permit has been terminated.

(i) *Annual permits.*

(1) Earthwork permits shall be renewed annually. The purpose of the annual renewal is to monitor compliance with the conditions of approval. The head of the public works department, after consultation with appropriate staff, may issue renewal permits upon satisfactory proof of compliance with the issued permit and this section. If the head of the public works department denies the renewal permit, the applicant may appeal the decision to the city council by filing a notice of appeal with the city administrator within ten days after the head of the public works department denies the renewal of the permit.

(2) Request for renewal of an earthwork permit shall be made 60 days prior to the expiration date of the permit. If application for renewal is not made within the required time, all operations shall be terminated, and reinstatement of the permit may be granted only upon compliance with the procedures set forth in this section for an original permit.

(3) An earthwork permit which is limited in duration may only be extended or modified by the city council.

(j) *Issuance of permits.* Issuance of permits imposes no liability on the city and relieves the permittee of no responsibilities. Neither the issuance of a permit under this section, nor compliance with the conditions thereof shall relieve any person from any responsibility otherwise imposed by law for damages to persons or property; nor shall the issuance of any permit under this section serve to impose any liability on the city, its officers or employees, for any injury or damage to persons or property. A permit issued pursuant to this section does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required under any other law, ordinance or regulation.

(k) *Fees.* To defray the administrative costs of processing applications for permits for earthwork, a nonrefundable fee shall be paid by the applicant at the time of the application for a permit. The amount of the fee shall be set by the council, adopted by resolution and uniformly enforced. This fee, from time to time, may be amended by the council by resolution. The fee may vary by the size of the area within which earthwork will be conducted. A separate fee may be set for renewal permits.

(l) *Agreement; irrevocable letter of credit.* Prior to issuance of an earthwork permit, there shall be executed by the operator and landowner and submitted to the city an agreement to construct such required improvements and to comply with such conditions of approval as may be

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established by the city council. The agreement shall run with the land and be recorded against the title to the property. The agreement may, where deemed appropriate by the council, be required to be accompanied by a bond or letter of credit acceptable to the city in the amount of the costs of complying with the agreement as determined by the council. The adequacy of the letter of credit shall be reviewed annually by the city in consideration of requests for renewal of the permit. Upon a request for renewal of the permit, the amount of a letter of credit or bond may be increased to reflect inflation or changes in conditions and may also be decreased to reflect completion of substantial portions of required work. The city may draw against the letter of credit for noncompliance with the agreement and shall use the proceeds to cure any default.

(m) *Setbacks.* Mining for the purposes of selling sand, gravel, black dirt, clay or other materials shall not be conducted within:

- (1) 100 feet of an existing street or highway.
- (2) 30 feet of an easement for an existing public utility.
- (3) 300 feet of the boundary of an adjoining property not being used in mining, except that aggregate processing that creates objectionable noise and dust, including, but not limited to, crushing operations, must be set back 1,500 feet from the boundary of adjoining property not in mining use.

(n) *Fencing.* During operations permitted under this section, any area where excavation slopes are steeper than one foot vertical to 1 1/2 feet horizontal shall be fenced, unless the city affirmatively determines that they do not impose a safety hazard. Water storage basins shall be fenced unless the city affirmatively determines that the basins do not pose a safety hazard. Unless otherwise approved by the city, required fencing shall be a minimum six-foot-high chain-link fence meeting the state department of transportation standards for right-of-way fencing. An initial fencing plan must be approved by the city council. The public works director may subsequently authorize changes in the plan to accommodate changing conditions.

(o) *Appearance and screening.* The following standards are required at the site of an operation permitted under this section:

- (1) Machinery must be kept in good repair. Abandoned machinery, inoperable equipment, and rubbish must be removed from the site.
- (2) All buildings and equipment that have not been used for a period of one year shall be removed from the site.
- (3) All equipment and temporary structures shall be removed and dismantled not later than 90 days after termination of the extraction operation or expiration of the permit.
- (4) Where practical, stockpiles of overburden and materials shall be used as a part of the screening for the site.
- (5) Where the city determines it is appropriate to screen off-site views, the perimeter of the site shall be planted with coniferous trees, bermed, or otherwise screened. Trees shall be at least four feet in height at the time of planting.
- (6) Existing trees and ground cover shall be preserved to the extent feasible by selective cutting, transplanting of trees, shrubs and other ground cover along all setback areas.
- (7) Noxious weeds shall be eradicated.

(p) *Operations; noise; hours; explosives, dust, water pollution; topsoil preservation.* The following operating standards shall be observed at the site of any operation permitted under this section:

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- (1) The maximum noise level at the perimeter of the site shall be within limits set by the state pollution control agency and the U.S. Environmental Protection Agency.
 - (2) Earthwork shall be performed only during those times established by the city council as part of the permit. Unless otherwise provided in the permit, such activity may only take place between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 10:00 a.m. through 6:00 p.m. on Saturday. Such activity is prohibited on Sundays, New Year's Day, Memorial Day, Fourth of July, Christmas Eve Day and Christmas Day.
 - (3) Operations shall use all practical means to eliminate vibration on adjacent property from equipment operation.
 - (4) Operators shall comply with all applicable city, county, state and federal regulations for the protection of water quality, including the state pollution control agency and the U.S. Environmental Protection Agency regulations for the protection of water quality. No waste products or processed residue shall be deposited in any lake, stream or natural drainage system. All wastewater shall pass through a sedimentation basin before drainage into a stream.
 - (5) Operators shall comply with all city, county, state and federal regulations for the protection of wetlands.
 - (6) Operators shall comply with all requirements of any watershed district where the property is located.
 - (7) All topsoil shall be retained at the site until complete restoration of the site has taken place according to the restoration plan.
 - (8) Operators shall use all practical means to reduce the amount of dust, smoke and fumes caused by the operations. When atmospheric or other conditions make it impossible to prevent dust from migrating offsite, operations shall cease.
 - (9) To control dust and minimize tracking sand, gravel and dirt onto public roadways, internal private roads from a mine to any public roadways shall be paved with asphalt or concrete for a distance of at least 300 feet to the intersection with a public roadway. All internal roadways shall be swept to minimize dust according to a schedule established by the city. The city must approve alternatives to paved internal roadways that accomplish the same purpose.
 - (10) All haul routes to and from the mine shall be approved by the city and shall only use streets that can safely accommodate the traffic.
- (q) *Restoration standards.* The following restoration standards shall apply to the site of any operation permitted under this section:
- (1) The plan must be consistent with the city's comprehensive plan and this chapter.
 - (2) Restoration shall be a continuing operation occurring as quickly as possible after the extraction operation has moved sufficiently into another part of the extraction site.
 - (3) All banks and slopes shall be left in accordance with the operating plan submitted with the permit application.
 - (4) Slopes, graded areas and backfill areas shall be surfaced with adequate topsoil to secure and hold ground cover. Such ground cover shall be tended as necessary until it is self-sustaining.
 - (5) All water areas resulting from excavation shall be eliminated upon restoration of the site. In unique instances where the city council has received proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate

as an open space or recreational amenity in subsequent re-use of the site, water bodies may be permitted.

- (6) No part of the restoration area which is planned for uses other than open space or agricultural shall be at an elevation lower than the minimum required for a connection to a sanitary or storm sewer. The city may waive this requirement if the site could not reasonably be served by gravity sewer notwithstanding the proposed operation. Finished grades shall be consistent with the established plan for the property restoration.
- (7) A landscape plan shall be provided illustrating reforestation, ground cover, wetland restoration and other features.
- (r) *Waiver.* The city council may allow deviation from the standards set forth herein:
 - (1) For operations that existed prior to the enactment of the ordinance from which this section is derived when it is not feasible to comply because of pre-existing conditions.
 - (2) When, because of topographic or other conditions, it is not possible to comply.
 - (3) When alternatives that accomplish the purpose and intent of the standards set forth in this section are agreed upon by the city and the operator.

(Ord. No. 97(2nd Series), § 11.14, 4-11-2007)

Sec. 36-10. Signs.

(a) *Findings.* The city council finds that the lack of a comprehensive, constitutionally sound ordinance regulating signs within the city limits constitutes a threat to public health, safety and welfare because, among other concerns, signs could be erected without regard to the manner in which the size or location of the sign interferes with traffic sight lines, endangering or distracting drivers and pedestrians, and that signs could be constructed in a manner or from such materials as are structurally unsound or vulnerable to collapse, endangering persons or property in the vicinity of the sign. The council further finds that exterior signs have a substantial impact on the character and quality in the environment in which they are located. Such signs provide an important medium through which individuals can convey a variety of messages. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

(b) *Intent and purpose.* It is not the intent or purpose of this section to regulate the message displayed on any sign. It is not the intent or purpose of this section to regulate a design or display not defined as a sign or any sign which cannot be viewed from outside a building. The purpose and intent of this section is:

- (1) To regulate the number, location, size, type, illumination and other physical characteristics of signs within the city limits in order to promote public health, safety and welfare.
- (2) To maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
- (3) To improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals with regard to public safety and aesthetics.
- (4) To provide for fair and consistent enforcement of sign regulations set forth herein under the zoning authority.

(c) *Effect.* A sign may be erected, displayed or maintained in the city only if it is in conformity with the provisions of this section. The effect of this section, as more specifically set forth herein, is to:

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- (1) Allow for a wide variety of sign types in certain commercial and industrial zones and a more limited variety of sign types in other zones, subject to standards set forth in this section.
- (2) Allow certain small, unobtrusive signs incidental to the principal use of the site in all zones when in compliance with the requirements of this section.
- (3) Prohibit signs whose location, size, illumination or other physical characteristics negatively affect the environment where the communication can be accomplished by means having lesser impact on the environment and the public health, safety and welfare.
- (4) Provide for enforcement of the provisions of this section.

~~(d) *Severability.* If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portion of this section. The city council declares that it would have adopted the sign ordinance, irrespective of the fact that any one or more sentences, clauses or phrases is declared invalid.~~

(d) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Area. The area within the frame of a sign shall be used to calculate the square footage, except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics are mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plain figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, freestanding structures, suspended by balloons or kites, or on persons, animals or vehicles, are considered a sign and are included in calculating the overall square footage.

Awning means a roof-like cover, often a fabric, plastic, metal or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign means a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign means a sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air.

Building sign means any sign attached or supported by any building.

Changeable copy sign means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign. The term "changeable copy signs" does not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

Commercial speech means speech advertising a business, profession, commodity, service or entertainment.

Electrical sign means any sign which uses electricity for lighting or any other purposes.

Elevation means the view from the side, front or rear of a given structure.

Elevation area means the area of all walls that face any lot line.

Erect means constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or in any other way bringing into being or establishing.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pull, so as to allow movement of the material as a result of wind movement and which contains distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

Freestanding sign means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Grade means the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for design height computation.

Height of sign. The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated sign means any sign which contains an element designed to emanate artificial light internally or externally.

Lot or parcel means the area of land designated by a county parcel identification number.

Noncommercial speech means dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premises sign means a commercial speech sign which directs the attention of the public to a business, activity conducted or product sold or offered at a location not on the same lot where such sign is located. For purposes this section, easements and other appurtenances shall be considered to be outside of such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered to be off-premises signs.

On-premises signs means signs which identify or advertise an establishment, person, activity, goods, or products for services located on the premises where the sign is installed.

Owner of lot means the legal owner of the lot according to the records of the county recorder.

Pull sign means any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated above ground level by pulls or beams and with the area below the sign space open.

Sign means any letter, word, or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face means the surface of the sign upon, against or through which the message of the sign is exhibited.

Sign structure means any structure including supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Zones means:

- (1) *Agricultural zones.* Agricultural zones are all areas zoned A-1 under the provisions of this chapter.
- (2) *Residential zones.* Residential zones are all areas zoned "R-1", "R-2", "R-1A" or "R-M" under the provisions of this chapter.

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- (3) *Commercial zones.* Commercial zones are all those areas zoned "C-1" or "C-2" under this chapter.
- (4) *Industrial zones.* Industrial zones are all those areas zoned "I-1" or "I-2" under this chapter.

(e) *Permit required.* No sign shall be erected, altered, re-constructed or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny the sign permit. Exceptions to permit requirements are listed under subsection (n) of this section. Application for a permit shall be in writing addressed to the city administrator and shall contain the following information:

- (1) The name and address of the applicant, the owner of the sign and the lot on which the sign is to be placed.
- (2) The address at which the sign is to be erected.
- (3) The lot, block and addition at which the signs are to be erected and the streets on which they are to front.
- (4) A complete set of plans showing the necessary elevations, setbacks, size and details to fully and clearly represent the construction in place of the signs.
- (5) The cost of the sign.
- (6) The type of the sign (i.e., awning sign, balloon sign, off-premises sign, on-premises sign, pull sign, etc.).
- (7) Certification by the applicant indicating that the application complies with the requirements of this section.
- (8) If the proposed on- or off-premises sign is along a state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign, if necessary. The application shall be submitted to the zoning administrator which shall approve or deny the sign permit no more than 30 days from receipt of a complete application, including the applicable fee. All permits not approved or denied by the zoning administrator within 30 days shall be deemed approved. If the permit is denied, the zoning administrator shall prepare a written notice of denial within ten days of his decision, describing the right to appeal and send it by certified mail, return receipt requested, to the applicant. Appeals will be made to the planning commission.

(f) *General sign regulations.*

- (1) *Illuminated signs.* Illuminated signs may be permitted, but devices giving off an intermittent or rotating beam of light shall be prohibited. Floodlighting shall be focused upon the sign. No lighting for signs shall directly reflect light beams onto any public street or residence.
- (2) *Interference with a traffic signal.* No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.
- (3) *Fences, rocks and other structures.* No sign shall be painted or placed on a fence, rock or similar structure or feature, nor shall paper or similar signs be attached directly to a building wall with adhesive or by other similar means.

- (4) *Intersections.* ¹²⁹Except in commercial and industrial districts, no sign in excess of six square feet per surface with no more than two surfaces shall be less than 300 feet from the intersection of two public roads or the intersection of a public road and a railroad, provided that advertising may be affixed to or located adjacent to a building closer to such intersection in such manner as not to cause any greater obstruction of vision than is caused by the building itself. In all commercial and industrial districts, no sign in excess of six square feet of surface with no more than two surfaces shall be located within 30 feet from the intersection of two public roads or the intersection of a public road and a railroad, provided that such advertising may be affixed to or located adjacent to a building closer to such intersection in such manner as to not cause any greater obstruction of vision than is caused by the building itself.
- (5) *Road right-of-way.* All signs shall be outside of the right-of-way of public roads, except as otherwise permitted in the central business district under the provisions of subsection (j) of this section.
- (6) *Adjacent property line setback.* All signs shall be set back from adjacent property lines one foot for each one foot of height of the sign, except that in all commercial and industrial districts signs shall be set back five feet from adjacent property lines regardless of height, except where those commercial or industrial properties abut residential districts, in which case signs shall be set back 20 feet from the common boundary line with the abutting residential property.
- (7) *Obstructions prohibited.* No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress from any building or structure.
- (g) *Signs permitted in all zoning districts.* The following signs are permitted in all zoning districts:
- (1) A real estate sign for the purpose of selling, renting or leasing a single parcel, not in excess of 32 square feet per surface and with no more than two surfaces, may be placed within the front yard of the property.
 - (2) There shall be no more than one temporary sign on any lot, and such sign shall not exceed 32 square feet per surface and with no more than two surfaces, which may remain on site a maximum of ten days not to exceed 90 days in a calendar year.
 - (3) Election signs, provided such signs are removed within ten days following the election to which the sign is related and otherwise comply with subsection (f)(4) of this section.
 - (4) Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar materials or made of bronze, steel, aluminum or other permanent type of construction.
 - (5) Signs on private property requesting "No Trespassing," "No Hunting," etc.

¹²⁹ BILL SPOONER COMMENT: Then on Page 252 this whole thing about signs and distances from intersections, it seems like that 300 feet has created problems and perhaps the 30 feet from some intersections has also created problems, and I don't know if those are needed or helpful distances, or if they are really kind of meaningless in most situations, and we should just reduce those down so they are much more modest requirements from intersections. SFox—I've made no text change associated with this comment and await specific directive from the city.

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- (6) Any signs authorized by a governmental unit, such as directional, street name, traffic, safety, danger and parking signs.
- (7) One area identification sign, such as "John Doe Heights Addition," not to exceed 32 square feet per surface with no sign having more than two surfaces, shall be allowed for each street entrance to a development or municipality.

(h) Signs permitted in agricultural and residential districts. The following signs shall be permitted in agriculture and residential districts:

- (1) One name plate sign for each dwelling unit not to exceed two square feet in area per surface, and no sign shall be so constructed as to have more than two surfaces.
- (2) One sign for each permitted nonresidential use or use by conditional use permit may be allowed. Such signs shall not exceed 32 square feet in area per surface and no sign shall be so constructed as to have more than two surfaces. On principal arterial and minor arterial streets, signs in excess of 32 square feet may be permitted by conditional use permit, but in no case shall the total square footage exceed 64 square feet per surface or 128 total square feet. This would apply, for example, at a residence with a homebased business use (i.e., cabinet shop), on roads like Highway 23 or Highway 55, or other principal arterial or minor arterial streets as defined in this Code.
- (3) Symbols, statues, sculptures and integrated architectural features on buildings may be illuminated by floodlights provided the source of light is not visible from a public right-of-way or adjacent property.
- (4) No sign shall exceed six feet in height above the average grade level, except for the purpose of selling or promoting, which shall not exceed ten feet.
- (5) For the purpose of selling or promoting a multiple lot residential project, one sign not exceeding 64 square feet per surface with no more than two surfaces may be erected on the project site.
- (6) Crop demonstration signs advertising the use of a particular variety, brand or type of agricultural plant, chemical or fertilizer.
- (7) Agricultural product signs indicating that the proprietor of a farm is a dealer in seed, fertilizer or other agricultural products only when such dealership is incidental to the primary agricultural business of the farm.

(i) Signs permitted in a "C-1" commercial district. The following regulations shall apply in the "C-1" Central Business District:

- (1) The aggregate square footage of sign space per lot, including all sign surfaces, shall not exceed 250 square feet.
- (2) No sign shall extend in height above the parapet wall of any principal building.
- (3) No sign shall be mounted on a structure on or above the roof line.
- (4) For the purpose of selling or promoting a commercial or an industrial project, one sign, not to exceed 128 square feet with no more than two surfaces, may be erected upon the project site.

(j) Signs permitted in "C-2" commercial and in all industrial districts. The following regulations shall apply in the "C-2", "I-1" and "I-2" districts:

- (1) All signs permitted in "C-1" commercial districts shall be permitted in the "C-2", "I-1" and "I-2" districts.

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- (2) Off-premises signs (billboards) may be permitted as a conditional use in any industrial district and in "C-2" commercial districts providing that:
- a. No off-premises sign (billboard) shall be located within 500 feet of parks, historical sites, public picnic or rest areas, or within 200 feet of church or school property.
 - b. No off-premises sign (billboard) shall be located closer than 750 feet horizontal distance from any other advertising sign measured in any direction.
 - c. Off-premises signs shall not exceed 35 feet above the average ground level at the base of the sign (top of the sign to the ground).
 - d. The maximum area of any off-premises sign shall not exceed 400 square feet per side (for example, ten by 40), and there shall be no more than two facings per sign.
 - e. Off-premises signs may not be stacked one on top of the other.
 - f. Off-premises signs are subject to all general sign limitations set forth herein, including, but not limited to, the maximum height limits and distances from intersections. For a complete listing see subsection (g) of this section.
 - g. All off-premises signs shall be constructed on and supported by a single pole.
 - h. All signs must meet the city airport zoning regulations (~~see airport zoning ordinance for regulations~~).

(3) An on-premises sign allowed in the "C-1" district which is not attached to a building, may be up to a maximum of 35 feet in height.

(k) *Regulation; public right-of-way.*

(1) *General.* Except as hereinafter provided, no sign shall be erected or maintained which extends or projects over a sidewalk, street or highway. No sign which is erected or maintained flat against any building or structure shall extend or project more than 12 inches over the sidewalk, street or highway.

(2) *Exceptions.* This provision shall not be applicable in the central business district. This provision shall not apply to public utility warning signs.

(1) *Electrical signs.* Electrical signs must be installed in accordance with the current electric code and a separate permit from the building official must be obtained prior to placement. Electrical signs are not permitted in a residential district.

(m) *Changeable copy signs.* Changeable copy signs, including, but not limited to, digital signs which have the capacity of making transitions between images, must display each image for no less than seven seconds before the commencement of a transition to another image. Any transition must occur in less than two seconds to minimize the distraction created by transitioning images.

(n) *Exceptions to permit requirement.* The following signs shall not require a permit:

(1) Signs 16 square feet or less in size.

(2) All signs of any size containing noncommercial speech may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election.

(3) Any noncommercial flag.

(o) *Fees.* To defray the costs of processing requests for permits for signs, a fee shall be paid by the applicant at the time that the applicant requests a permit. If a refund is requested, the building permit refund policy will be followed. The amount of the permit fee shall be set by the council, adopted by resolution and enforced uniformly with each application. The fee will be a flat fee. The fee may, from time to time, be amended by council resolution.

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(p) *Violations.* Violations of this section are a misdemeanor. Each day that a violation continues is a separate offense.

(q) *Prohibited signs.* The following signs are prohibited:

- (1) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any traffic control device, railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.
- (2) Signs painted, attached or in any other manner affixed to trees, rocks or similar natural surfaces, or attached to public utility poles, bridges, towers or similar public structures.
- (3) Any sign which would obstruct a window, door, fire escape, stairway or opening in a building intended to provide light, air, ingress or egress.
- (4) Signs with rotating beams or flashing illumination.
- (5) Signs painted on or attached to a vehicle where the vehicle is parked on the property primarily for its signage value.
- (6) Changeable copy signs not in compliance with subsection (m) of this section.

(r) *Illumination limitations.* Illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

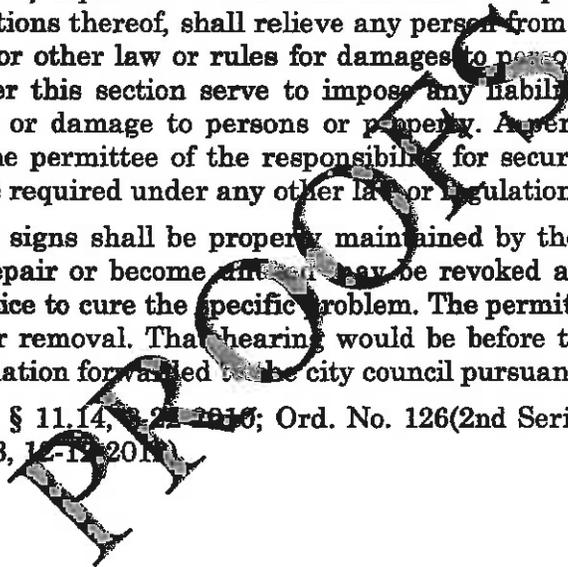
(s) *Sign height limitations.* The top of a sign, including its superstructure, shall not be higher than the roof of the building to which the sign may be attached or the height of a building in a "C-1" district. In "C-2", "I-1" or "I-2" districts, the top of a sign, including its superstructure, shall not be higher than the roof of the building to which the sign is attached or, if the sign is not attached to a building, shall not be higher than 35 feet. Sign height in all residential and agricultural districts shall conform with the limitations set forth in subsection (h)(4) of this section.

(t) *Noncommercial signs.* Noncommercial speech signs are permitted anywhere that advertising or business signs are permitted, subject to the same regulations as would apply to commercial speech signs in the same location.

(u) *Nonconforming signs; compliance.* It is recognized that signs exist within zoning districts which were lawful before the ordinance from which this section is derived was enacted, but will be prohibited under the terms of this section. It is the intent of this section that nonconforming signs shall not be enlarged upon or expanded, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this section to permit legal nonconforming signs existing on the effective date of the ordinance from which this section is derived to continue as nonconforming signs, provided such signs are safe, are maintained so that the structure of the sign is sound and the sign does not become unsightly and not become abandoned or removed subject to the following provisions:

- (1) No sign shall be enlarged or altered in a way which increases its nonconformity.
- (2) If the use of the nonconforming sign or structure is discontinued for a period of one year, the sign or sign structure shall not be re-constructed or used except in conformity with the provisions of this section.
- (3) Should such nonconforming sign or sign structure be damaged or the structure be destroyed by any means to an extent greater than 50 percent of its market value and all required permits for its reconstruction have not been applied for within 180 days of when the sign or sign structure was damaged, it shall not be reconstructed or used except in conformity with the provisions of this section.

- (4) Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform with the regulations of the zoning district in which it is located after it is moved.
 - (5) No existing sign devoted to use not permitted by this chapter in the zoning district in which it is located shall be enlarged, expanded or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
 - (6) When a building loses its nonconforming status, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be re-painted in a neutral color or color which will harmonize with the structure.
 - (v) *Illegal nonconforming signs.* A legal nonconforming sign becomes an illegal nonconforming sign and subject to the violation provisions of this section if:
 - (1) The sign is relocated or replaced.
 - (2) The structure or size of the sign is altered in any way except toward compliance with this article. This does not refer to change of copy or normal maintenance.
 - (w) *Effect of issuance of a permit.* Neither the issuance of a permit under this section, nor compliance with the conditions thereof, shall relieve any person from any responsibility otherwise imposed by state, federal or other law or rules for damages to persons or property, nor shall the issuance of a permit under this section serve to impose any liability on the city, its officers or employees, for any injury or damage to persons or property. A permit issued pursuant to this section does not relieve the permittee of the responsibility for securing and complying with any other permit which may be required under any other law or regulation.
 - (x) *Maintenance.* All signs shall be properly maintained by the permit holder. Permits for signs which fall into disrepair or become unsafe may be revoked and the sign may be ordered removed upon 45 days' notice to cure the specific problem. The permit holder is entitled to request a hearing on any order for removal. That hearing would be before the full planning commission and report and recommendation forwarded to the city council pursuant to section 2-329.
- (Ord. No. 119(2nd Series), § 11.14, 9-22-2010; Ord. No. 126(2nd Series), § 11.14, 9-22-2010; Ord. No. 145(2nd Series), §§ 1--3, 12-12-2011)



1505

Secs. 36-11-36-38. Reserved.

ARTICLE II. DISTRICTS

Sec. 36-39. ¹³⁰General district provisions.

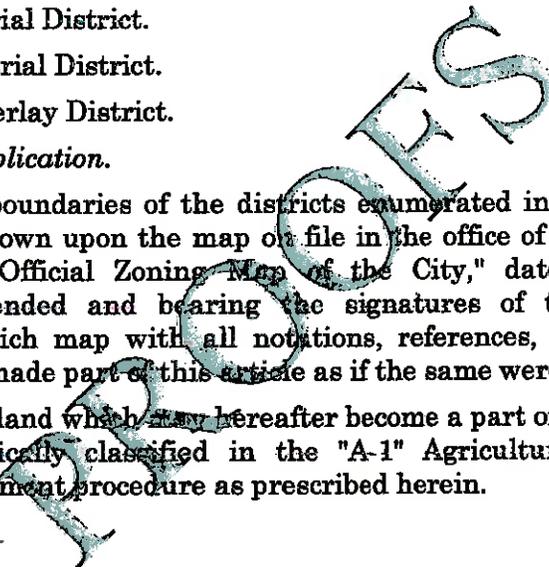
(a) *Establishment of districts.* The following district classifications are established:

- (1) "A-1" Agricultural District.
- (2) "R" Single-Family Residential District.
- (3) "R-1" Single- and Two-Family Residential District.
- (4) "R-2" Multiple-Family Residential District.
- (5) "R-M" Mobile Home District.
- (6) "R-1A" Low Density Multifamily Residential District.
- (7) "C-1" Central Business District.
- (8) "C-2" Highway Commercial District.
- (9) "I-1" Light Industrial District.
- (10) "I-2" Heavy Industrial District.
- (11) Shoreland and Overlay District.

(b) *Zoning district application.*

- (1) *Boundaries.* The boundaries of the districts enumerated in this section are established and adopted as shown upon the map on file in the office of the city clerk-administrator, designated "The Official Zoning Map of the City," dated June 28, 1978, and as subsequently amended and bearing the signatures of the mayor, and city clerk-administrator, which map with all notations, references, data and other information shown thereon is made part of this article as if the same were fully set forth herein.
- (2) *Annexed land.* All land which may hereafter become a part of the city through annexation shall be automatically classified in the "A-1" Agricultural District until otherwise changed by amendment procedure as prescribed herein.

Replace Mobile to Manufactured throughout section.



¹³⁰ BILL SPOONER COMMENT: In 11.20, on Page 258, we need to add R - Single Family Residential District. Just a general thing in zoning, it has been suggested that churches not be set up as conditional use permits, but rather be simply allowed in certain zones with certain requirements, perhaps related to parking and the like, but that they not be addressed as conditional uses because the thought is that it puts the council in a bad situation to have to be looking at possibly denying a conditional use for a church. Another allowed conditional use in an R-1 is a crematory, and I think there was some thought that although funeral homes and cemeteries might be alright, that maybe a crematorium would not be something we would want to allow, even on a conditional use permit. The general issue I think throughout of swimming pools has been discussed and whether those should be allowed as conditional uses or otherwise allowed and what conditions would be appropriate, such as fencing, lock gates of a certain height and so forth, or whether we don't want to make those kinds of requirements. I guess it was a question of how we want to approach that. The whole issue of swimming pools perhaps requires pools to be defined for purposes of the ordinance, and then anything smaller would not require the same regimen, but if you have a pool over a certain size, I think we talked about having setback requirements and perhaps fencing and other safety issues addressed. SFox—I've made no text change associated with this comment and await specific directive from the city.

Done

-Done

Done

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(c) *Zoning district boundaries.* The boundaries of districts are the centerlines of streets; the centerlines of alleys; the rear lot lines where there are no alleys; the side lines of recorded lots or designated distances where land is unplatted.

(d) *Uses not provided for within zoning districts.* Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the council, the planning commission or a property owner may request a study by the city to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The council and/or planning commission upon receipt of the staff study may, if appropriate, initiate an amendment to the zoning chapter to provide for the particular use under consideration or may find that the use is not compatible for development within the city.

(Code 1992, § 11.20)

Sec. 36-40. ¹³¹"A-1" Agricultural District.

(a) *Intent.* To establish and preserve areas for low density residential and outdoor recreation without permitting an intensity of development which would require the provision of municipal facilities and services, and further to allow agricultural uses in this district.

(b) *Permitted uses.* Permitted uses in the "A-1" district are as follows:

- (1) Agriculture, including farm dwellings and agricultural related buildings and structures subject to state pollution control standards, but not including commercial feed lots or similar commercial operations.
- (2) Single-family dwellings.
- (3) Public parks, recreational areas, wildlife areas and game refuges.
- (4) Nurseries and tree farms.
- (5) Essential services.
- (6) Slaughtering, limited to livestock raised on the farmstead.
- (7) Mobile homes; one per farm for farm employees.

(c) *Permitted accessory uses.* Permitted accessory uses in the "A-1" district are as follows:

- (1) Operation and storage of vehicles, machinery and equipment which is incidental to permitted or conditional uses allowed in this district.
- (2) Boarding or renting of rooms to not more than two persons.
- (3) Living quarters for persons employed on the premises.
- (4) Home occupations.

(d) *Conditional uses.* The following uses require a conditional use permit based on the procedures set forth and regulated in this section:

- (1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.

¹³¹ BILL SPOONER COMMENT: Starting at Page 259, again we have to review all the particular permitted uses I think in each district, and then the Appendix A stuff where we have vacated streets and alleys, that certainly is not up-to-date. There has been more of those since this was last done and if we should be adding those we should do that. SFox—I've made no text change associated with this comment and await specific directive from the city.

PROPOSED
Manufactured
8) Raising of farm animal squid coop 5
5. Swimming pools and tennis courts

No longer exist
Done

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- (2) Commercial outdoor recreational areas including golf courses, club houses, swimming pools and similar facilities.
- (3) Processing and packaging of agricultural products, including livestock, cold storage plants, fertilizer plants, livestock farming, livestock feed lots and sales yards, subject to all applicable pollution control standards.
- (4) Kennels and animal hospitals, stables and riding academies provided that the property containing such use is adequate and is adequately separated from residential, commercial and industrial districts.
- (5) Churches, schools and similar uses.
- (6) Uses which in the judgment of the planning commission and the council are similar to those listed in this zoning district.
- (e) *Lot, yard, area and height requirements.*
- (1) *Lot, yard and area requirements.*

Lot area	Lot			
	Width	Side yards	Front yard	Rear yard
1 acre	100'	15' each	30'	50'

- (2) *Building height.* Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height. Agricultural buildings shall be exempt from these requirements.
- (f) *Temporary uses.* The following uses may be permitted under a temporary use permit on the procedures set forth and regulated herein:
 - (1) Any use that may be permitted by a conditional use permit, but which the planning commission and/or council determine should first be tried on a temporary basis.
 - (2) Temporary living quarters for seasonal and/or other types of workers engaged in a project of a limited duration.

(Code 1992, § 11.21; Ord. No. 02-1878, 8-11-1978; Ord. No. 123(2nd Series), § 1, 4-14-2010)

Sec. 36-41. "R" Single-Family Residential District.

(a) *Intent.* It is the intent of this district to permit exclusively the development of single-family dwellings in designated areas of the community, to provide reasonable standards for such development, to avoid over-crowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

(b) *Permitted uses.* Permitted uses in the "R" district are as follows:

- (1) Single-family dwellings.
- (2) Public parks and playgrounds, *athletic fields including dog runs,*
- (3) Essential services.

(c) *Permitted accessory uses.* Permitted uses in the "R" district are as follows:

- (1) Private garages, parking spaces and carports for passenger cars, trucks, recreational vehicles and equipment.
- (2) Home occupations.

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- (3) Swimming pools and tennis courts.
- (4) Tool houses and similar buildings for storage of domestic equipment and noncommercial recreational equipment.

(d) *Conditional uses.* The following uses require a conditional use permit based on the procedures set forth in this article:

- (1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
- (2) Public or semi-public recreational buildings.
- (3) In-home day care.
- (e) *Lot, yard, area and height requirements.*

(1) ~~Side yards.~~ *Lot, yard and area requirements*

<i>Side Yards Lot</i>					
Lot area sq. feet	Lot width	Least width <i>side set back</i>	Total both sides <i>setback</i>	Front yard <i>setback</i>	<i>Rear yard setback</i>
7,000	50' existing	5'	18'	20'	5'
	75' newly platted	5'	13'	20'	5'

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet, except where 20 feet is required under section 36-5(c).

Remove → (2) ~~Corner lots.~~ On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided that this does not reduce the buildable width to less than 20 feet.

(3) *Building height.* Residential structures shall not exceed 2 1/2 stories or 35 feet in height, which ever is less.

(4) *Building dimensions.* Residential structures shall have a minimum length of 24 feet and a minimum width of 24 feet at the narrowest point. Residential structures shall have ground floor space of 800 square feet or more.

(5) *Manufactured homes.*

- a. Manufactured homes shall comply with all zoning regulations for the zone in which they are located.
- b. A building permit and other required permits shall be obtained for such manufactured housing.
- c. All manufactured homes shall have ground floor space of not less than 800 square feet.
- d. All manufactured homes shall have a width of 24 feet at the narrowest point.
- e. All manufactured homes shall be placed on permanent foundations which comply with the state building code. Such homes shall have a solid and continuous perimeter foundation for the complete circumference of the house with frost footings in compliance with the state building code. This solid and continuous perimeter foundation may, but need not be, the weight bearing foundation of such

32' Maximum Coverage shall not exceed 40 percent.

manufactured home. Any such manufactured home shall have exterior siding extending from within six inches of the dirt or two inches of the concrete or block material, which siding shall be of a conventional exterior dwelling type material.

- f. Any such manufactured home shall have a pitched roof covered with shingles or tile, and have eaves of not less than six inches.
- g. All manufactured homes shall be built in compliance with ~~M.S.A. § 327.31 et seq. 327.21 to 327.35.~~ *regulating manufactured homes.*

Any Minnesota Statute Add: H Manufactured homes shall be connected to city utilities when available!

(6) *Maximum lot coverage.* Lot coverage shall not exceed 40 percent.

(Ord. No. 127(2nd Series), § 11.29, 9-22-2010)

Sec. 36-42. "R-1" Single- and Two-Family Residential District.

(a) *Intent.* It is the intent of this district to permit the development of single-family and two-family dwellings in the community, to provide reasonable standards for such development, to avoid overcrowding, and to prohibit the use of land which would be incompatible with or detrimental to the essential residential character of such district.

(b) *Permitted uses.* Permitted uses in the "R-1" district are as follows:

- (1) Single- and two-family dwellings.
- (2) Public parks and playgrounds. *athletic fields*
- (3) Essential services.
- (4) Agriculture other than the raising and keeping of livestock.

(c) *Permitted accessory uses.* Permitted accessory uses in the "R-1" district are as follows:

(1) ~~No structure for an accessory use such as:~~

- (1) a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment.
- (2) b. Home occupations.
- (3) c. Swimming pools and tennis courts;
- (4) d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment;
- (5) e. Boarding or renting rooms to not more than two persons;

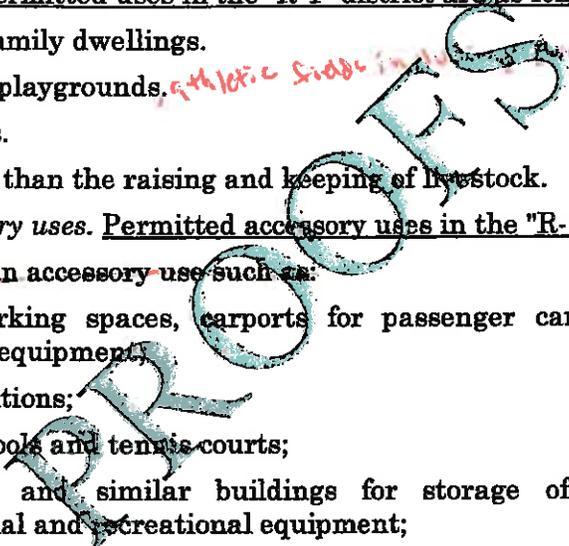
shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-1" Single- and Two-Family Residential District.

(2) However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

- (a) The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory use building, which includes the following language:

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract

(d) Add: No structure for an accessory use



shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of section chapter 30, article V.

- b. In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel, then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.

Remove Duplicate

~~(3) Permitted accessory uses include the following:~~

- ~~a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment.~~
- ~~b. Home occupations.~~
- ~~c. Swimming pools and tennis courts.~~
- ~~d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment.~~
- ~~e. Boarding or renting rooms to not more than two persons.~~

~~(4) Conditional uses. The following uses require a conditional use permit based on the procedures set forth in this section:~~

- ~~(1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.~~
- ~~(2) Residential planned unit developments, regulated by section 36-51, and townhouses.~~
- ~~(3) Public or semi-public recreational buildings, community centers and daycare centers.~~
- ~~(4) Nurseries, but not including greenhouses, farm or truck gardens, display and sale of agricultural products.~~
- ~~(5) Churches, libraries, museums, schools, memorial buildings and hospitals.~~
- ~~(6) Used dwellings or manufactured homes over ten years old.~~

~~(5) Lot, yard, area and height requirements.~~

- ~~(1) Dwellings. Lot, yard and area requirement~~

<i>Side Yards Lot</i>						
	Lot area sq. feet	Lot width	Least width <i>side setback</i>	Total both sides <i>setback</i>	Front yard <i>setback</i>	<i>Rear yard setback</i>
Single-family						
	7,000	50' existing	5'	13'	20'	5'
		75' newly platted	5'	13'	20'	5'
Two-family						
	10,000	75'	5'	13'	20'	5'

Don't break table between pages

Townhouses						5'
	5,000/unit	75'	5'	13'	20'	

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet except where 20 feet is required under section 36-5(c)(2).

(2) *Adjacent structures.* Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setbacks shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 20 feet.

Remove

~~(3) *Corner lots.* On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) *Building height.* Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height.

(5) *Building dimensions.* Residential structures hereafter erected shall have a minimum length of 24 feet and a minimum width of 24 feet and a minimum ground floor area of not less than 800 square feet.

(6) *Maximum coverage.* Lot coverage shall not exceed 50 percent.

(7) *Manufactured homes.*

a. Such homes shall comply with all zoning regulations for the zone in which they are located.

b. A building permit and any other required permits shall be obtained for such manufactured housing.

c. No such housing shall have ground floor space of less than 800 square feet.

d. No such house shall have a width of less than 24 feet at its narrowest point.

e. Such houses shall be placed on permanent foundations which comply with the uniform building code as adopted by the state. Such houses shall have a solid and continuous perimeter foundation for the complete circumference of the house with frost footings in compliance with the uniform building code as adopted by the state. This solid and continuous perimeter foundation may, but need not be, the weight bearing foundation for such houses. Any such manufactured house shall have exterior siding extending from within six inches of the dirt or two inches of the concrete or block material, which siding shall be of a conventional exterior dwelling type material.

no patios
identical same
front type as
e.

Roof requirements. Any such manufactured house shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches.

Compliance. All such manufactured houses shall be built in compliance with M.S.A. §§ 327.21 through 327.35.

any Minnesota
regulatory
statutes
Manufact
Homes

(Code 1992, § 11.30; Ord. No. 02-1978, 8-11-1978; Zoning Ord., 9-2-1982; Ord. No. 20(2nd Series), § 1, 1-22-1998; Ord. No. 34(2nd Series), § 1, 5-22-2002; Ord. No. 41(2nd Series), § 1, 7-10-2002; Ord. No. 58(2nd Series), § 1, 9-10-2003; Ord. No. 73(2nd Series), § 1, 9-22-2004; Ord. No. 104(2nd Series), § 1, 7-9-2008)

Add:
Manufactured
homes shall be
erected to city
codes when
applicable.

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Sec. 36-43. "R-2" Multiple-Family Residential District.

(a) *Intent.* It is the intent of this district to provide for multiple-family dwelling unit structures and directly related complementary uses.

(b) *Permitted uses.* Permitted uses in the "R-2" district are as follows:

- (1) All permitted uses as allowed in an "R-1" Single- and Two-Family Residential District.
- (2) Multiple-family dwelling units.
- (3) Boardinghouses and roominghouses.
- (4) Nursing homes, rest homes.

Add: (5) Apartments Bu. Wings

(c) *Permitted accessory uses.* Permitted accessory uses in the "R-2" district are as follows:

(1) ~~No structure for an accessory use such as:~~

- (1) a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment;
- (2) b. Home occupations;
- (3) c. Swimming pools and tennis courts;
- (4) d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment;
- (5) e. ~~Boarding or renting rooms to not more than two persons;~~

Add: No structure for an accessory use

shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-2" Multiple-Family Residential District.

(e) (2) However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

- (1) a. The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory building, which includes the following language:

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of chapter 30, article.

- (2) b. In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel, then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.

(3) ~~Permitted accessory uses include the following:~~

Remove

Remove

- ~~a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment.~~
- ~~b. Home occupations.~~
- ~~c. Swimming pools and tennis courts.~~
- ~~d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment.~~
- ~~e. Boarding or renting rooms to not more than two persons.~~

(S) (d) **Conditional uses.** The following uses shall require a conditional use permit based on the procedures set forth in this section:

- (1) All conditional uses, subject to the same provisions as allowed in the "R-1" Single- and Two-Family Residential District.
- (2) Funeral home, provided yard area and screening are adequate to buffer adjoining properties, and adequate parking provided.
- (3) Clinics and other buildings for treatment of human beings contingent upon adequate parking being provided.

(S) (e) **Lot, yard, area and height requirements.**

(1) ~~Dwellings.~~ *Lot, yard and area requirements*

lot - Area Per Side Yards

Use	Lot Area sq. feet	Lot width	Family sq. feet	Least width <i>Side setback</i>	Total both sides <i>setback</i>	Front yard <i>Setback</i>	Rear yard <i>Setback</i>
Single-family							
	7,000	50' existing	7,000	5'	13'	20'	5'
		75' new plats					
Two-family							
	10,000	75'	5,000	5'	13'	20'	5'
Three-family or more							
		75'	2,500	5'	13'	20'	5'
<i>Added: Apartment buildings</i>							
	10,000	75'	—	5'	13'	20'	5'

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet except where 20 feet is required under section 36-5(c)(2).

(2) **Adjacent structures.** Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 20 feet.

Remove

(3) ~~Corner lots. On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) *Building height.* Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height; *except apartment buildings shall not exceed three and one-half stories or 35 feet in height.*

(5) *Building dimensions.* Residential structures hereafter erected shall have a minimum length of 24 feet and a minimum width of 24 feet.

move to a separate building dimensions

(6) *Manufactured homes.*

a. Such homes shall comply with all zoning regulations for the zone in which they are located.

b. A building permit and any other required permits shall be obtained for such manufactured housing.

c. No such housing shall have ground floor space of less than 800 square feet.

d. No such house shall have a width of less than 24 feet at its narrowest point.

e. Such houses shall be placed on permanent foundations which comply with the state building code. Such houses shall have a solid and continuous perimeter foundation for the complete circumference of the house with frost footings in compliance with the state building code. This solid and continuous perimeter foundation may, but need not be, the weight bearing foundation for such houses. Any such manufactured house shall have exterior siding extending from within six inches of the dirt or two inches of the concrete or block material, which siding shall be of a conventional exterior dwelling type material.

f. Any such manufactured house shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches.

g. All such manufactured houses shall be built in compliance with M.S.A. § 327.31 et seq. 327.31 to 327.36. *regulating manufactured homes*

Any Minnesota Statutes Add. H. manufactured homes shall be connected to city utility when available

(7) *Maximum coverage.* Lot coverage shall not exceed 40 percent.

(Code 1992, § 11.31; Ord. No. 02-1978, 8-11-1978; Zoning Ord., 9-2-1982; Ord. No. 22(2nd Series), § 1, 1-22-1998; Ord. No. 39(2nd Series), § 1, 7-10-2002; Ord. No. 60(2nd Series), § 1, 9-10-2003; Ord. No. 75(2nd Series), § 1, 9-22-2004; Ord. No. 105(2nd Series), § 1, 7-9-2008)

Sec. 36-44. "R-M" Mobile Home District.

(a) *Intent.* *Manufactured*

(1) It is the intent of this district to permit the development of mobile home parks in the community, to supplement applicable state laws pertaining to mobile homes, to provide reasonable standards for site development of such parks, to avoid over-crowding and to provide setbacks and other development standards which will make such developments more attractive, safe and pleasant to live in, and compatible with other land uses and developments in the community.

(2) State law pertaining to the regulation of mobile homes and mobile home parks is adopted by reference and are declared to be an integral part of this article as if they were reproduced in their entirety herein; provided that where standards of this article are higher or more restrictive than the statutes, this article shall govern.

(b) *Permitted uses.* Permitted uses in the "R-M" district are as follows:

(1) *Mobile homes.*

Manufactured

175

- (2) Mobile home parks. *Manufactured*
- (3) Mobile home park office, laundry, recreation and storm shelter facilities provided these structures are permanent in nature. *Manufactured*

(c) Permitted accessory uses. Permitted accessory uses in the "R-M" district are as follows:

(1) ~~No structure for an accessory use such as:~~

- a. Private garages and parking spaces;
- b. Tool houses and similar buildings for the storage of domestic equipment and noncommercial recreational equipment;

shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-M" Mobile Home District.

(2) However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

- a. The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory use building, which includes the following language:

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of chapter 30, article V.

- b. In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel, then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.

(3) ~~Permitted accessory uses include the following:~~

- a. ~~Private garages and parking spaces.~~
- b. ~~Tool houses and similar buildings for the storage of domestic equipment and noncommercial recreational equipment.~~

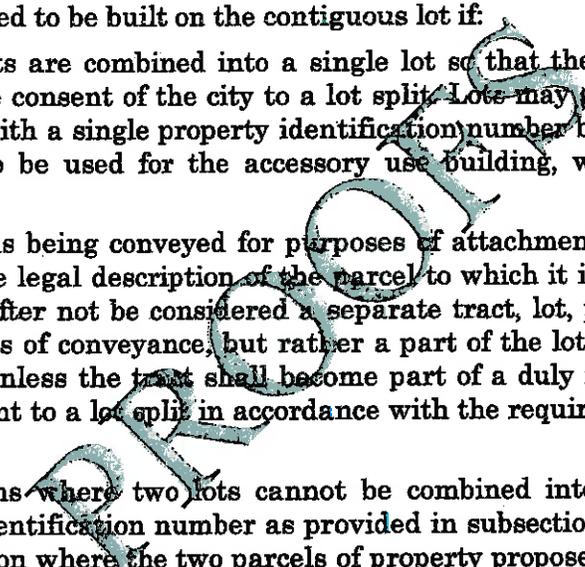
(d) Conditional uses.

- (1) All mobile home parks shall require a conditional use permit in addition to being located in the mobile home zoning district and shall be subject to additional provisions set forth in this section. *Manufactured*

(2) Home occupations, subject to the following:

Add: No structure for an accessory use

Remove

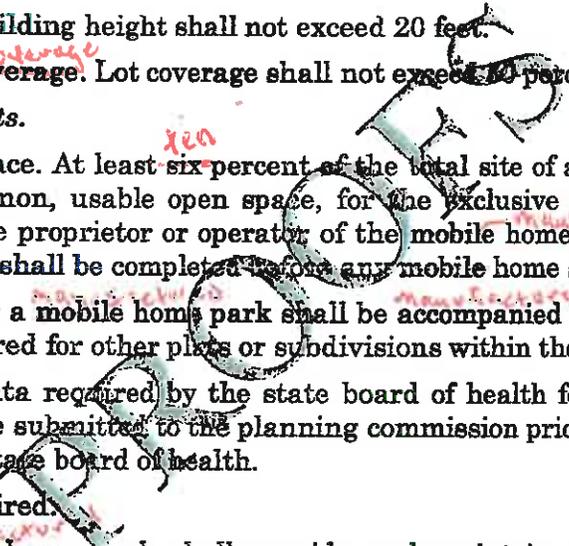


- a. ~~132 Compliance with city floodproofing requirements, section 11.03.36-4, definition of "floodproofing"; subdivision 2, item 36.~~
- b. ~~The use can be reasonably and safely conducted in a mobile home structure; and~~
- c. ~~All requirements of section 36-53 are met.~~
- (e) ~~Lot, yard and area requirements.~~ *Area and height requirements*
- (1) ~~Yard setbacks.~~ *lot, yard and area requirement*

Lot					
Lot Area	Lot	Front*	Yard setback	Total Side	Rear
Sq. Feet	Width			Both Sides	
5,000	50'	15'		4' 13'	5' 6"
* Front yard setback from curblines of interior street, 20 feet when front on public right-of-way.					

Add column 4: Least side setback
From the lot line when front 15 on public right-of-way.

- (2) The maximum building height shall not exceed 20 feet.
- (3) ~~Maximum site coverage.~~ *lot coverage* Lot coverage shall not exceed 10 percent.
- (f) ~~Other requirements.~~
- (1) Common open space. At least six percent of the total site of a mobile home park shall be reserved for common, usable open space, for the exclusive use of residents, and to be maintained by the proprietor or operator of the mobile home park. Such open space and its improvements shall be completed before any mobile home site is offered for occupancy.
- (2) An application for a mobile home park shall be accompanied by the same data, map, and information required for other plats or subdivisions within the city.
- (3) Any additional data required by the state board of health for licensing of mobile home parks shall also be submitted to the planning commission prior to or concurrently with its submittal to the state board of health.
- (4) Landscaping required.
 - a. Each mobile home park shall provide and maintain a ten-foot landscaped strip around the perimeter of the property.
 - b. Each mobile home site shall be provided with a tree, and all unpaved areas shall be suitably sodded.
- (5) Commercial sales and/or commercial storage of mobile homes shall be prohibited in a mobile home park.
- (6) Paved private streets serving the mobile home park shall be of sufficient width to provide for two lanes of traffic and for parking on each side of the street, unless off-street parking is provided.
- (7) Each mobile home park shall provide a storm shelter with sufficient space to accommodate all of its residents.
- (8) Each mobile home within a mobile home park shall be properly and completely skirted.



132 Please verify language; this cite refers to a definitions section.

9.) Manufacturer home shall comply with the MN Department of Labor and Industry, Manufacturer home notes chapter 15.50 1350.00 et seq

10.) Except where this ordinance is more restrictive, manufactured home parks ... manufactured homes

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(Code 1992, § 11.32; Ord. No. 02-1978, 8-11-1978; Ord. No. 61(2nd Series), § 1, 9-10-2003; Ord. No. 107(2nd Series), § 1, 7-9-2008)

Sec. 36-45. "R-1A" Low Density Multi-Family Residential District.

(a) *Intent.* It is the intent of this district to provide for the development of low density multifamily dwellings in units consisting of no more than five units per structure, and one unit per lot, to provide for reasonable standards for such developments, to avoid overcrowding and to prohibit the use of land which would be incompatible with or detrimental to the essential character of this district.

(b) *Permitted uses.* Permitted uses in the "R-1A" district are as follows:

- (1) All permitted uses as allowed in an "R-1" Single- and Two-Family Residential District.
- (2) Multi-family dwelling units consisting of no more than five units per structure and one unit per lot.

(c) *Permitted accessory uses.* Permitted accessory uses in the "R-1A" district are as follows:

(1) ~~No structure for an accessory use such as:~~

- (1) a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment;
- (2) b. Home occupations;
- (3) c. Swimming pools and tennis courts;
- (4) d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment;
- (5) e. ~~Boarding or renting rooms to not more than two persons;~~

shall be permitted to be constructed in advance of the construction of the primary permitted use structure. Permitted accessory uses shall only be permitted to be built simultaneously with or following the construction of the primary structure on lots zoned "R-1A" Low Density Multiple Family Residential District.

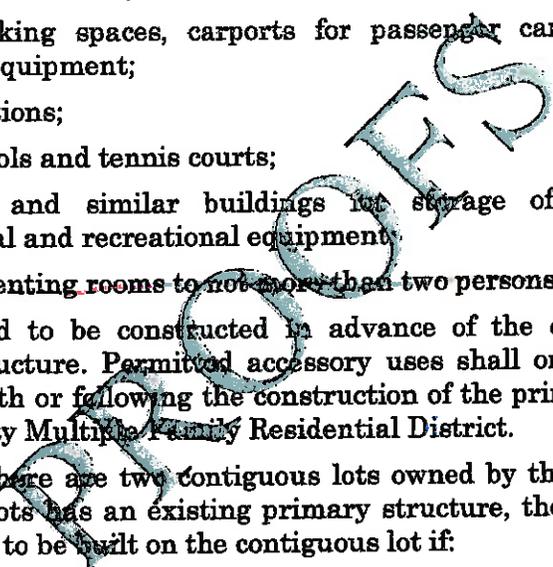
(2) However, where there are two contiguous lots owned by the same property owner, and one of these two lots has an existing primary structure, then an accessory use building shall be permitted to be built on the contiguous lot if:

- (1) a. The two lots are combined into a single lot so that they cannot be sold separately without the consent of the city to a lot split. Lots may generally be combined into a single lot with a single property identification number by a conveyance of the parcel proposed to be used for the accessory building, which includes the following language:

This tract is being conveyed for purposes of attachment to a contiguous lot, to-wit: (include the legal description of the parcel to which it is being attached). This tract shall hereafter not be considered a separate tract, lot, parcel or subdivision of land for purposes of conveyance, but rather a part of the lot or tract to which it is being attached, unless the tract shall become part of a duly recorded plat where the city shall consent to a lot split in accordance with the requirements of chapter 30, article V.

- (2) b. In situations where two lots cannot be combined into a single lot with a single property identification number as provided in subsection (c)(2)a of this section, such as a situation where the two parcels of property proposed to be combined are located in separate plats so that the county is unable to combine them into a single parcel,

d) Add: No structure for an accessory use



then the property owner shall also obtain a conditional use permit under the requirements of section 36-53.

(3) ~~Permitted accessory uses include the following:~~

Remove

- ~~a. Garages, parking spaces, carports for passenger cars, trucks and recreational vehicles and equipment.~~
- ~~b. Home occupations.~~
- ~~c. Swimming pools and tennis courts.~~
- ~~d. Tool houses and similar buildings for storage of domestic equipment and noncommercial and recreational equipment.~~
- ~~e. Boarding or renting rooms to not more than two persons.~~

(d) *Conditional uses.* The following uses require a conditional use permit based on the procedures set forth herein:

- (1) Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community.
- (2) Residential planned unit developments regulated by section 36-51 and townhouses.
- (3) Public or semi-public recreational buildings, community centers and daycare centers.
- (4) Nurseries, but not including greenhouses, farm or truck gardens, display and sale of agricultural products.
- (5) Churches, libraries, museums, schools, memorial buildings and hospitals.

(e) *Lot, yard, area and height requirements:*

- (1) ~~Side yards. Lot, yard and area requirements:~~

		<i>Side Yards</i>		<i>Lot</i>		
	Lot area sq. feet	Lot width		Least width <i>Setback</i>	Total both sides <i>Setback</i>	Front yard <i>Setback</i>
Single-family						
	7,000	50'	existing	5'	13'	20'
		75'	newly platted	5'	13'	20'
Two-family						
	10,000	75'		5'	13'	20'
Multi-family dwelling units; up to five units per structure						
	5,000/unit	75'		5'	13'	20'

In addition to the foregoing, front, rear and side yard setbacks from all alleys shall be five feet, except where 20 feet is required under section 36-5(c)(2).

- (2) *Adjacent structures.* Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setbacks

shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 20 feet.

Remove

(3) ~~Corner lots. On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) *Building height.* Residential structures hereafter erected shall not exceed two and one-half stories or 35 feet in height.

(5) *Building dimensions.* Residential structures hereafter erected shall have a minimum length of 24 feet and a minimum width of 24 feet.

(6) *Maximum coverage.* Lot coverage shall not exceed 40 percent.

(7) *Manufactured home.*

a. Such homes shall comply with all zoning regulations for the zone in which they are located.

b. A building permit and any other required permits shall be obtained for such manufactured housing.

c. No such housing shall have ground floor space of less than 800 square feet.

d. No such house shall have a width of less than 24 feet at its narrowest point.

e. Such houses shall be placed on permanent foundations which comply with the uniform building code as adopted in the state and which are solid for the complete circumference of the house. Any such manufactured home shall have exterior siding extending from within six inches of the dirt or two inches of concrete which siding shall be of a conventional exterior dwelling type material.

Indent same font as e

(f) *Roof requirements.* Any such manufactured house shall have a pitched roof covered with shingles or tile and have eaves of not less than six inches.

(g) *Compliance.* All such manufactured houses shall be built in compliance with M.S.A. §§ 327.21 through 327.35.

(Code 1992, § 11.33; Ord. No. 19(2nd Series), § 1, 1-22-1998; Ord. No. 59(2nd Series), § 1, 9-10-2003; Ord. No. 76(2nd Series), § 1, 9-22-2004; Ord. No. 106(2nd Series), § 1, 7-9-2008)

Sec. 36-46. 133 "C-1" Central Business District.

(a) *Intent.* It is the intent of this district to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region.

(b) *Permitted uses.* Permitted uses in the "C-1" district are as follows:

(1) Business services including banks, offices and postal stations.

Take list from other revisions

any Minnesota shall be connected to city utilities when available

133 BILL SPOONER COMMENT: On Page 277 related to Central Business District, and I think generally in all of the districts, we want to make sure that we have covered the intended permitted uses meaningfully. I think at some point maybe you want to more generally just allow any retail, but that is at least something that we should discuss, and I suppose the sign reference in Subdivision 3 on Page 278 could be to 11.14 or however the sign ordinance gets re-numbered. Then under permitted accessory uses, I guess just a question, should we be permitting storage facilities related to the principle permitted use. SFox—I've made no text change associated with this comment and await specific directive from the city.

Done

180

SECTION 17 C-1 CENTRAL BUSINESS DISTRICT

Subdivision 1. Purpose. The C-1, Central Business District, is designed to provide for a broad range of commercial developments. The district will also accommodate office and institutional uses.

Subdivision 2. Permitted Uses. Except as specifically limited herein, the following uses are permitted in the C-1, Central Business District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment:

- 2.1 Antique shops.
- 2.2 Apparel stores.
- 2.3 Appliance stores.
- 2.4 Art galleries, including commercial display and sales.
- 2.5 Art schools and studios.
- 2.6 Art supply stores.
- 2.7 Auction rooms.
- 2.8 Automobile fuel service stations.
- 2.9 Automobile parts stores, not including accessory repair or servicing of motor vehicles or trailers.
- 2.10 Bakeries.
- 2.11 Banks and savings and loans, credit unions.
- 2.12 Barber and beauty shops, salons, ~~and~~ related activities.
- 2.13 Book stores.
- 2.14 Bicycle stores.
- 2.15 Blue printing and photostating.
- 2.16 Bowling alleys.
- 2.17 Business machine stores.

ArCADES, entertainment centers

include Auto sales and service

*Ballroom
Dance
Hall*

Add

Bars

including therapeutic massage and nail technicians

car washes
and ~~body~~ shops

Bars & ~~bars~~
on-sale
establishments

- 2.18 Camera and photographic supplies.
- 2.19 Candy, ice cream, and confectionery stores.
- 2.20 Caterers.
- 2.21 Churches and other religious institutions.
- 2.22 Clubs and lodges, ~~not including the accessory sale of food or alcoholic beverages, unless permitted by a conditional use permit.~~

Add

- 2.23 Contractors: Electric, general, painting and decorating, and plumbing.
- 2.24 ~~Dance halls, not including the accessory sale of food or alcoholic beverages unless permitted by a conditional use permit.~~
Convenience stores

- 2.25 Dental, medical, and scientific clinics and laboratories. *chiropractic, including mental health and treatment of human being.* - include chiropractic
- 2.26 Department, discount, and variety stores.

- 2.27 Dressmakers, seamstresses, and tailors. *embroidery and silk screening.*
- 2.28 Drive-in facilities, accessory to a principal use.

- 2.29 Drug stores.
- 2.30 Dry-cleaning, Laundromats, and diaper services.
- 2.31 Exterminators.

Add

- 2.32 Floral sales.
- 2.33 Food locker plants, including sales and home delivery, cutting, and packaging of meats and game, ~~but not including slaughtering or eviscerating activities.~~ *Flowing + whole pieces of meat markets* *processing* *leave*
(Lockers shall be provided for individual home rental and storage only).

Add Fitness Center

Add crematoriums

- 2.34 Funeral homes. ~~except: for retail customers and all animals~~ *shall be slaughter or eviscerated the same day of arrival.*
- 2.35 Furniture stores.

- 2.36 Garden supply stores and landscape nurseries.
- 2.37 Gift and souvenir stores.

All live animals delivered for shall held in an area within the building.
Paynesville Zoning Ordinance

slaughter rec
except: ~~for~~ slaughtering or eviscerating for retail customers or over the counter sales. All live animals delivered for slaughter

- 2.39 Grocery stores.
- 2.40 Gunsmiths.
- 2.41 Hardware stores.
- 2.42 Health clubs.
- 2.43 Health equipment and sporting goods stores.
- 2.44 Hobby stores.
- ~~2.45 Hotels and motels.~~
- 2.46 Interior decorators.
- 2.47 Janitorial services.
- 2.48 Jewelry stores.
- 2.49 Laundry, self-service.
- 2.50 Liquor stores (off-sale).
- 2.51 Locksmiths.
- 2.52 Medical appliance sales and fittings.
- 2.53 Motorcycle sales.

Insurance agencies

message & tanning places

- 2.54 Music stores, including the sale of instruments and recorded music.
- 2.55 Optical goods and services.
- 2.56 Paint and wallpaper stores.
- 2.57 Parks and playgrounds.

Add

Newspaper/news shops

Add

Parking lots and parking structures or garages

Add

Post offices

Add

Public Utility buildings

Add

Recreational services (such as paint ball, laser tag and arcades).

Add: Retail Stores

2.62 Restaurants

2.62 ~~Schools, public and private elementary, middle, secondary, and post secondary.~~

2.63 Shoe stores *and shoe repair.*

2.64 Stationary and greeting card stores.

2.65 Surface parking lots and parking structures or garages.

2.66 Taxidermists.

2.67 Theaters, excluding drive-ins.

2.68 Ticket agencies and travel bureaus.

2.69 Toy stores.

Add: Transformations without storage yards

2.70 Upholstery shops.

2.71 Veterinarians, including observation kennels for domestic pets, provided that all such kennels are within completely enclosed structures.

2.72 Video rentals and sales.

other similar general service businesses
other retail services

Subdivision 3. Conditional Uses. Except as specifically limited herein, the following uses may be allowed in the C-1, Central Business District. Every use, unless expressly exempted below or allowed by a conditional use permit, shall be operated in its entirety within a completely enclosed structure, including the storage of all materials, products, and equipment:

3.1 Any use that exceeds ten thousand (10,000) square feet of gross floor area.

3.2 Apartments or dwelling units, when located above the ground floor.

move to permitted use!

3.3 Automobile repair garage, including automobile glass, muffler, tire, and electronics installation.

move to permitted

3.4 Collection areas for recyclable materials.

3.5 Community convention centers.

3.6 ~~Drive-in facilities, accessory to the principal use.~~

3.7 Indoor firing ranges.

3.8 Landing strips, including aircraft maintenance, storage, repair, and fueling.

*that is
not in
Franklin
Easterdays
Antique*

- (2) ~~Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, shoe repair shops, embroidery and silk screening.~~
 - (3) ~~Equipment services including radio and television shops, electrical appliance shops, showroom of a plumber, decorator or similar trade.~~
 - (4) ~~Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessen, candy shops and bakeries whose products are sold only at retail on the premises.~~
 - (5) ~~Personal services including drug stores, hardware stores, haberdasher stationery and book stores, news shops, apparel shops, showroom for articles to be sold at retail, flower shops, commercial greenhouses, and laundromats.~~
 - (6) ~~Personal services including barber and beauty shops, reducing salons, photographic shops and funeral homes.~~
 - (7) ~~Public transportation terminals, public utility buildings and transformer stations without storage yards.~~
 - (8) ~~Buildings used for research and testing laboratories, storage buildings or distributing stations.~~
 - (9) ~~134 Residence when included as an integral part of the principal building to be occupied by the owner or his employee.~~
 - (10) ~~Governmental and public utility buildings and structures.~~
 - (11) ~~Recreational services including theaters, bowling lanes, clubs and lodges.~~
 - (12) ~~Hotels, motels, taverns, private clubs and lodges.~~
 - (13) ~~Clinics and other buildings for treatment of human beings.~~
 - (14) ~~Funeral homes.~~
- (c) *Permitted accessory uses.*
- (1) ~~Off-street parking and loading areas in compliance with section 36-5.~~
 - (2) ~~Commercial or business buildings for a use accessory to the principal use.~~
 - (3) ~~Signs as regulated by the council.~~
 - (d) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth herein:

- (1) ~~Open outdoor sales, service or rental as an accessory use provided:~~
 - a. ~~The area is fenced or screened from abutting properties.~~
 - b. ~~Sales areas are surfaced to control dust.~~
- (2) ~~Commercial planned unit developments regulated herein.~~
- (3) ~~Automobile service stations including sales, gasoline service stations, and auto repair garages; provided that no filling station, public garage or gasoline distributing station~~

¹³⁴ BILL SPOONER COMMENT: On Page 278 under the permitted uses at (I), we have residences when included as an integral part of the principle building to be occupied by the owner or his employee, and I question whether it is realistic to limit the use to the owner, relative or an employee, or even rationally related to any governmental purpose to restrict it in that way, I don't know that it makes sense to do it. SFox—I've made no text change associated with this comment and await specific directive from the city.

Handwritten notes and markings:

- Keep* (next to item 9)
- Residence + add* (next to item 9)
- single* (next to item 9)
- convenience store* (next to item 4)
- live stock slaughtering in a relation to a meat market* (next to item 4)
- fitness center* (next to item 6)
- therapeutic massage, and vocal technicians* (next to item 6)
- Add entitled General Requirements* (next to item 1)
- Do we* (at the bottom right)
- 185* (at the bottom right)

OK

SECTION 11.18 C-2 HIGHWAY COMMERCIAL DISTRICT

Subdivision 1. Purpose. The C-2, Highway Commercial District, is designed and intended to provide for automobile oriented commercial developments. It is also designed to provide for a broad range of retail developments that are adjacent to residential areas. The district will also accommodate office and institutional uses.

Subdivision 2. Permitted uses. Except as specifically limited herein, the following uses are permitted in C-2, Highway Commercial District:

- 2.1 All permitted uses as allowed in the C-1 District.
- 2.2 ~~Automobile sales and service.~~ covered under C-1 permitted
- 2.3 Recreational orientated sales and services.
- 2.4 Farm implement sales and services.
- 2.5 Tourist oriented retail stores.
- 2.6 ~~Residence when occupied in connection with the commercial use.~~ Retail when encumbered within same structure as permitted commercial use

Subdivision 3. Permitted Accessory Uses.

- 3.1 Off-street parking and loading facilities including semi-trailers.

Subdivision 4. Conditional Uses. Except as specifically limited herein, the following uses may be allowed in the C-2, Highway Commercial District by Conditional Use Permit as provided in Section 11.7:

- 4.1 All Conditional Uses allowed in C-1 District.
- 4.2 Clubs and lodges.
- 4.3 Convenience Stores.
- 4.4 ~~Light Manufacturing and assembly.~~ already in C-1
- 4.5 Other commercial and residential uses determined by the City Council to be of the same general character as the permitted and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

#4 page 266

Subdivision 5. Lot, Yard, Area and Height Requirements. All Building Regulations change title to be consistent.

- 5.1 Height Regulations: No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

shall be located within 200 feet of a school, church, hospital, or meeting place having a seating capacity of more than 50 persons.

- (4) Drive-in restaurants, drive-in banks and other drive-in services.
- (5) Multiple-family dwellings provided that the use is either adjacent to or provided off-street parking and there is no conflict with adjacent commercial activities.
- (6) Single- and two-family dwellings provided they are compatible with adjacent uses and meet all requirements of section 36-5.
- (e) *7.) Apartments of more than one unit or otherwise not an integral part of principal building.*
~~Lot, yard, area, height, and parking requirements.~~
- (1) For uses allowed in the "C-1" district, there will be no requirements for lot areas, frontage, lot coverage, yard sizes, parking or loading requirements.
- (2) Building height. Buildings hereafter erected shall not exceed 45 feet in height.

(Code 1992, § 11.40)

Sec. 36-47. "C-2" Highway Commercial District.

(a) *Intent.* It is the intent of this district to provide for and limit the establishment of automobile oriented or dependent commercial and service activities.

(b) *Permitted uses.* ~~Permitted uses in the "C-1" district are as follows:~~

- (1) All permitted uses as allowed in the "C-1" district.
- (2) ~~Automobile sales, service.~~
- (3) ~~Commercial recreational services.~~
- (4) ~~Farm implement sales and services.~~
- (5) ~~Funeral homes and mortuaries.~~
- (6) ~~Tourist oriented retail stores.~~
- (7) Residence when occupied in connection with the commercial use.

(c) *Permitted accessory uses.*

- (1) All permitted accessory uses in the "C-1" district.
- (2) ~~Off-street parking and loading facilities including semitrailers.~~

(d) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth herein:

- (1) All conditional uses allowed in the "C-1" district.
- (2) Open air display areas for the sale of manufactured products such as garden furniture, hardware items, nursery stock, or rental of manufactured products or equipment including mobile home sales lots.
- (3) Recreational camping areas provided:
 - a. Land area is adequate for the proposed use.
 - b. The site is serviced by an adequately paved arterial street.
 - c. Utilities are provided to each site and approved by the city engineer.
- (e) *Lot, yard, area and height requirements.*

- (1) *Yard setbacks. Lot, yard and area requirements*

Add 4.5 from other document page 64

*under condition site. Add B) Storage buildings or distributing station
9.) Hotel and motels
10.) Any use that exceeds ten thousand (10,000) square feet of gross floor area.*

*Add Permitted Uses
Landscape Nurseries
Greenhouses
Storage buildings
Lumber yards*

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Lot

<u>Lot Area</u>	<u>Lot</u>	<u>Yard Setbacks</u>		
<u>Sq. Feet</u>	<u>Width</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
As necessary	80'	25'	10'	20'

(2) *Adjacent structures.* Where adjacent structures within the same block have front yard setbacks different from those required, the front yard minimum setback shall be the average of the adjacent structures. If there is only one adjacent structure, the setback shall be the average of the required setback and the setback of the adjacent structure. In no case shall the front yard setback requirement exceed 25 feet.

Delete

~~(3) *Corner lots.* On corner lots the side yard on the street side shall be the same as the front yard on the reverse interior lots on that street, provided this does not reduce the buildable width to less than 30 feet.~~

(4) *Building height.* Commercial structures hereafter erected shall not exceed two and one-half stories or 35 feet in height.

(5) *Maximum coverage.* Lot coverage shall not exceed 50 percent.

(f) *Temporary uses.* The following uses may be permitted under a temporary use permit on the procedures set forth and regulated herein:

(1) Any use that may be permitted by a conditional use permit, but which the planning commission and/or council determine should first be tried on a temporary basis.

(2) Temporary living quarters for seasonal and/or other types of workers engaged in a project of a limited duration.

(Code 1992, § 11.41; Ord. No. 02-1978, 8-11-1978; Ord. No. 142(2nd Series), § 1, 4-14-2010)

Sec. 36-48. "I-1" Light Industrial District.

(a) *Intent.* It is the intent of this district to provide for and allow a wide range of industrial, warehousing and bulk commercial activities.

(b) *Permitted uses.* Permitted uses in the "I-1" district are as follows:

(1) Any branch of trade or industry employing labor and capital, activities not allowed in commercial districts and activities which do not require steam, diesel or gasoline engines as a prime mover excepting that no industry or use noxious by reason of odor, dust, smoke, noise or gas shall be included which interferes with other permitted uses.

(2) Building materials, storage yards, lumber yards.

(3) Contractors equipment and storage yards.

(4) Wholesale business and warehousing.

(5) Machine shops, public and private garages.

(6) Public utility and service buildings and gas regulator stations.

~~(7) Residences when on the same parcel as the principal use and occupied by an individual employed by the principal use.~~

(8) Adult use establishments, so long as no two adult use establishments are located on contiguous lots and so long as no such adult use establishment is constructed within 200 feet of any residential area, school, child care facility, church or public park.

(c) *Permitted accessory uses.* Permitted accessory uses in the "I-1" district are as follows:

9.) Add: Transformer station with storage yards.
10.) Add: storage buildings

Start here

G-2
Lumber yards

I-1

SECTION 11.18 LIGHT INDUSTRIAL DISTRICT

I-1

Subdivision 1. Purpose. The ~~I-1~~ Light Industrial District, is intended to provide sites for light manufacturing and light industrial uses under controls that minimize any adverse effects on property in neighboring residential, business or commercial districts.

Subdivision 2. Permitted Uses. Except as specifically limited herein, the following uses are permitted in the ~~I-1~~ Light Industrial District:

WU.
77
J
look at subdivisions or other sections and follow

- 2.1 - ~~look at definition~~ *light manufacturing consisting of assembly, manufacturing of products.*
- 2.1** Automobile, airplane, and farm implement assembly. *Added*
- ~~2.2~~ Building materials and contractors' yards. *2d sales, service, rental of equipment*
- 2.3** Cleaning and dyeing plants. *Added*
- 2.4** Concrete mixing and concrete products manufacturing. *Added*
- ~~2.5~~ ~~Essential service utility structures.~~
- 2.6** Light manufacturing industries consisting of the processing, treatment, and packaging of goods and foodstuffs, except alcohol or alcoholic beverages. *Added assembly*
- 2.7** Recyclable material collection (temporary or permanent). *Added*
- 2.8** Storage elevators or buildings. *Added grain and feed + seed sales. Add to separate line*
- ~~2.9~~ Wholesale business and warehousing / storage.
- ~~2.10~~ Machine shops, public + private garages

~~Use of...~~

Subdivision 3. Conditional Uses. Except as specifically limited herein, the following uses may be allowed in the ~~I-1~~ Light Industrial District by Conditional Use Permit as provided in Section 11.7:

- 3.1** Electricity generating facilities, when not determined to be objectionable due to noise, odor, or vibration. *Added*
- 3.2** Junk or auto reduction yards. *Added*
- 3.3** Transportation or freight terminal. *Added*
- ~~3.4~~ Other wholesale, light manufacturing, construction or service uses similar in character to those listed above.
- 3.5** Other Light Industrial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and the general public health, safety, and welfare. *Specifically excludes: items in subd. 5 199*

Added comment to I under Conditional

- 2.7 ~~Light manufacturing industries consisting of the processing, treatment, and packaging of goods and foodstuffs, except alcohol or alcoholic beverages. Recyclable material collection (temporary or permanent).~~
- 2.8 ~~Storage elevators~~
- 2.9 ~~Wholesale business and warehousing.~~

I-2

Subdivision 3. Conditional Uses. Except as specifically limited herein, the following uses may be allowed in the H-I, Heavy Industrial District by Conditional Use Permit as provided in Section 11.7:

- 3.1 ~~Automobile service stations.~~
- 3.2 ~~Cement, lime, gypsum or plaster of paris manufacturer.~~
- Add* 3.3 Compost facility.
- Add* 3.4 ~~Distilling of bones, coal, tar, petroleum, refuse, grain, or wood.~~
- 3.5 Drilling or excavation for, or removal of, oil, gas, or other hydrocarbons minerals.
- 3.6 ~~Dumps, landfills, compost sites, burning sites, junkyard, scrapping or salvage operations.~~
- 3.7 Explosive manufacturing or storage.
- 3.8 Fat rendering.
- 3.9 Fertilizer manufacturing.
- 3.10 ~~Garbage, offal, dead animal or fish reduction, dumping or incineration.~~
- 3.11 Gas illuminating or heating, manufacturing.
- 3.12 Glue manufacturing.
- Add* 3.13 Gravel pits, gravel and sand washing and grading, rock crushing, washing and grading, quarrying and related uses.
- 3.14 Junk or auto reduction yards.
- 3.15 ~~Petroleum refining.~~
- 3.16 ~~Smelting of ores.~~

- (1) Off-street parking and loading.
- (2) Open and outdoor storage.
- (3) Offices accessory to a principal use.
- (d) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth herein:

- (1) ~~Any use of a manufacturing type~~ which does not have heavy odors, smoke or other obnoxious or distasteful smells or appearances or excessive noise. *ADD*
- (2) Industrial planned unit developments regulated by section 36-51. *entitled Planned Unit developments*
- (e) ~~Lot, yard, area and height requirements.~~ *or don't change*
- (1) ~~Yard setbacks.~~ *Lot, yard and area requirements.*

LOT

<i>Lot Area</i>	<i>Lot</i>	<i>Yard Setbacks</i>		
<i>Sq. Feet</i>	<i>Width</i>	<i>Front</i>	<i>Side (each)</i>	<i>Rear</i>
As necessary	100'	25'	10'	20'

- (2) *Abutting railroad siding.* Where a property abuts a railroad siding no side or rear yard shall be required when a railroad loading facility is to be installed.
- (3) *Building height.* No structure hereafter erected shall exceed 45 feet in height.
- (4) *Maximum coverage.* Lot coverage shall not exceed 50 percent.

(Code 1992, § 11.50; Ord. No. 02-1978, 8-11-1978; Ord. No. 3(2nd Series), § 4, 3-16-1994)

Sec. 36-49. "I-2" Heavy Industrial District.

(a) *Intent.* It is the intent of this district to provide for the establishment of heavy industrial and manufacturing development and uses, which because of the nature of the product, isolation from residential and/or commercial uses is desirable.

(b) *Permitted uses.* Permitted uses in the "I-2" district are as follows:

- (1) All uses permitted in the "I-1" Light Industrial District.
- (2) ~~Any branch of industry employing labor and capital not permitted in other districts established by this article, subject to the general development provisions and other applicable requirements of this article.~~
- (3) Manufacturing of cement, concrete, lime gypsum or plaster.
- (4) ~~Distillation of bone, coal, tar, petroleum, refuse, grain or wood.~~
- (5) ~~Explosive manufacturing or storage.~~
- (6) ~~Fertilizer manufacturing, compost or storage.~~
- (7) ~~Garbage, offal, dead animals, refuse, rancid fats, incineration, glue manufacturing, size or gelatine manufacturing where the processes include the refining or recovery of products from animal refuse or offal.~~
- (8) ~~Livestock feeding yards, slaughtering of animals or stock yards.~~
- (9) ~~Petroleum or asphalt refining, manufacturing or storage.~~
- (10) ~~Smelting or refining of metals from ores.~~

Move to Conditional Uses:

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- Move to Conditional Uses*
- (11) ~~Steam and board hammers and forging presses.~~
 - (12) ~~Storing, curing, and tanning of raw, green or salted hides or skins.~~
 - (13) ~~Corrosive acid manufacturing or bulk storage thereof.~~
 - (14) ~~Junk yards.~~
 - (15) Industrial planned unit development regulated herein.
 - (c) *Lot, yard, area and height requirements.*
 - (1) ~~Yard setbacks.~~ *Lot, yard and area requirements*

	<i>Lot Area</i>	<i>Lot</i>	<i>Yard Setbacks</i>		
	<i>Sq. Feet</i>	<i>Width</i>	<i>Front</i>	<i>Side (each)</i>	<i>Rear</i>
	As necessary	100'	25'	10'	25'

Lot
Yard Setback
Yard Setback

- (2) *Abutting railroad siding.* Where a property abuts a railroad siding no side or rear yard shall be required when a railroad loading facility is to be installed.
- (3) *Building height.* No structure hereafter erected shall exceed 45 feet in height.
- (4) *Maximum coverage.* Lot coverage shall not exceed 53 percent.

(d) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth herein:

- (1) ~~Grain elevators; and~~
 - (2) ~~Storage facilities.~~
- Add: Compost facility*

(Code 1992, § 11.51; Ord. No. 02-1978, 8-11-1978; Ord. No. 35(2nd Series), § 1, 5-22-2002)

Sec. 36-50. Shoreland Overlay District.

(a) *Intent.* The uncontrolled use of shorelands in the city affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise development of shorelands and floodplain areas. The city has authority under state law to regulate the subdivision, use and development of the shorelands and floodplains and thus preserve and enhance the quality of surface waters, preserve the economic and natural values of shorelands and provide for the wise utilization of waters and related land resources.

(b) *Shoreland management classification.* In order to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values and the general health, safety and welfare, all public waters in the city have been given a shoreland management classification. The public waters of the city have been classified by the commissioner of natural resources as follows:

General Development Lakes and Streams: North Fork Crow River.

(c) *Shoreland Overlay District.* The shorelands of the city are designated as a Shoreland Overlay District. The purpose of the Shoreland Overlay District is to provide for the wise utilization of shoreland areas in order to preserve the quality and natural character of the public waters of the city.

- (1) *Permitted uses.* All permitted uses allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city.
- (2) *Conditional uses.* All conditional uses and applicable attached conditions allowed and regulated by the applicable zoning district underlying this Shoreland Overlay District as indicated on the official zoning map of the city. Notice of all requests for conditional uses and variances shall be forwarded to the department of natural resources at least ten days prior to any hearing.
- (3) *General provisions.* The following standards shall apply to all shorelands of all public waters within the city. Where the requirements of the underlying zoning district as shown on the official zoning map are more restrictive than those set forth herein, then the more restrictive standards shall apply.
 - a. *Unsewered areas:*

<i>General Development Waters</i>	
Lot area (ft.)	20,000
Water frontage and lot width at building line (ft.)	100
Building setback from ordinary high-water mark (ft.)	75
Building setback from roads and highways (ft.)	50 state or county 20 city or private
Placement of roads and parking lots from ordinary high-water mark (ft.)	50
Elevation of lowest floor above highest known water level (ft.)	3
Building height limitation (ft.)	35 (2-1/2 stories)
Total lot area covered by impervious surface (%)	30
Sewage system setback from ordinary High-water mark (ft.)	50
Sewage system elevation above highest groundwater level or bedrock (ft.)	4

In unsewered areas the design and installation of sewage disposal systems shall be in conformance with the state department of health code.

- b. *Sewered areas.* All provisions for unsewered areas shall apply to sewerred areas except for the following, which shall supersede the provisions applied to unsewered areas:

<i>General Development Waters</i>	
Lot area (ft.)	

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Waterfront lots	15,000
Other lots	10,000
Water frontage and lot width at building line (ft.)	75
Building setback from ordinary high-water mark (ft.)	50

(4) *Substandard and nonconforming sewage disposal.*

a. *Substandard sewage disposal systems.*

1. A substandard sewage disposal system is a system that has been properly constructed, is large enough to adequately treat the effluent, is not endangering a water supply and has sufficient elevation above the groundwater table, but does not meet the minimum setback distance from the shoreline, lot line, or the dwelling and well.
2. A substandard sewage disposal system may be used until it has failed or when in need of major repair.
3. A substandard system that has failed or is in need of major repairs must be relocated to conform to the required setback as established in this article.

b. *Nonconforming sewage disposal systems.*

1. A nonconforming sewage disposal system is a system that:
 - (i) Does not conform to proper size, construction, use or maintenance.
 - (ii) Is creating a nuisance, endangering a domestic water supply, polluting a lake, stream or river, or contaminating an underground water table.
 - (iii) Is located in any of the following areas:
 - A. Low lying areas, areas where standing water is prevalent, or areas subject to flooding;
 - B. Where the bottom of the soil absorption unit is closer than four feet to the groundwater table or bedrock; and
 - C. On a steep slope where soil conditions may cause effluent seepage to the ground surface.
2. Nonconforming sewage disposal systems must be brought into conformity with this subsection upon notice issued by the city or discontinued within five years of the effective date of the ordinance from which this article is derived.

(d) *Lots of record.* Lots of record in the office of the county recorder, on the effective date of the ordinance from which this article is derived, shall be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands and sanitary and dimensional requirements of this article are complied with insofar as practicable.

(e) *Shoreland alterations.*

- (1) The removal of natural vegetation shall be restricted to prevent erosion into public waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Removal of natural vegetation in the Shoreland Overlay District shall be subject to the following provisions:

- a. Selective removal of natural vegetation shall be allowed, provided that sufficient vegetative cover remains to screen cars, dwellings, and other structures when viewed from the water.
 - b. Clear cutting of natural vegetation shall be prohibited.
 - c. Natural vegetation shall be restored insofar as feasible after any construction project is completed in order to retard surface runoff and soil erosion.
 - d. The provisions of this section shall not apply to permitted uses which normally require the removal of natural vegetation.
- (2) Grading and filling in shoreland areas or any alterations of the natural topography where the slope of the land is toward public water or a watercourse leading to public water must be authorized by a conditional use permit. The permit may be granted subject to the conditions that:
- a. The smallest amount of bare ground is exposed for as short a time as feasible;
 - b. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted;
 - c. Methods to prevent erosion and trap sediment are employed; and
 - d. Fill is stabilized to accepted engineering standards.
- (3) Excavations on shorelands where the intended purpose is connection to public water shall require a permit from the city clerk-administrator before construction is begun. Such permit may be obtained only after the commissioner of natural resources has issued a permit for work in the beds of public waters.
- (f) *Floodplain provisions.*
- (1) *Statutory authority.* The city has authority under state law to adopt regulations designed to minimize flood losses. This article is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR parts 59--78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
 - (2) *Statement of purpose.* The development of the flood hazard areas of the city could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community, and since these lands are suitable for open space uses that do not require structures, fill, obstructions, or any other form of development as defined in subsection (f)(7) of this section, ~~section G of this ordinance,~~ the city council does ordain as follows in this subsection (f).
 - (3) *Designation of the Flood Plain District.* The Flood Insurance Study, Stearns County, Minnesota and Incorporated Areas and Flood Insurance Rate Map Panels therein numbered 27145C0750E, 27145C0763E, 27145C0764E, 27145C0910E, and 27145C0930E, all dated February 16, 2012, and prepared by the Federal Emergency Management Agency, are adopted by reference and declared to be part of this article. These maps shall be on file in the office of the city clerk. The Flood Plain District for the city shall include those 100-year flood areas designated as Zone AE and Zone A on the aforementioned maps.
 - (4) *Permitted uses in the Flood Plain District.* The following uses have low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Flood Plain District without a permit to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, obstructions, excavations,

drilling operations, storage of materials or equipment or any other form of development as defined in subsection (f)(7) of this section.

- a. Agricultural uses such as general farming, pasture, grazing, forestry, sod farming and wild crop harvesting.
- b. Industrial-commercial uses such as parking areas and airport landing strips.
- c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas and single or multiple purpose recreational trails.
- d. Residential uses such as lawns, gardens, parking areas and play areas.
- e. Notwithstanding the provisions of subsection (f)(10) of this section for nonconformities, all other uses and all uses that require structures, fill, obstructions, excavations, drilling operations, storage of material or equipment or any other form of development as defined in subsection (f)(7) of this section shall be prohibited.

(5) *Administration.*

- a. *Development approvals.* Notwithstanding the provisions of subsection (f)(10) of this section for nonconformities, no person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure. No mining, dredging, filling, grading, paving, excavation, obstruction, drilling operation or other form of development as defined in subsection (f)(7) of this section shall be allowed. These activities are currently not allowed within the Flood Plain District and would only be allowed if this section is amended to allow such activities in the future with appropriate specified flood protection performance standards and the issuance of development permits.
- b. *Interpretation of district boundaries.* Where interpretation is needed as to the exact location of the boundaries of the Flood Plain District as shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section, as for example where there is a conflict between a mapped boundary and actual field conditions, the planning commission shall make the necessary interpretation based on the 100-year flood elevation, if available, or by using other available technical data.
- c. *Variances.* The board of adjustment shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten days of such action. No variance shall have the effect of allowing any use prohibited in the Flood Plain District, permit a lower degree of protection than the regulatory flood protection elevation or permit standards lower than those required by state law. The city shall notify the applicant for a variance that:
 1. The issuance of a variance to construct a structure below the 100-year flood elevation will result in increased insurance premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 2. Such construction below the 100-year flood elevation increases risk to life and property. The community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the administrator of the National Flood

Insurance Program. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (i) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (ii) Variances shall only be issued by a community upon:
 - A. Showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
 - (iii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- d. *Amendments.* All amendments to the ordinance from which this section is derived must be submitted to and approved by the commissioner of natural resources prior to adoption.
 - e. *Annexations.* The flood insurance rate map panels adopted by reference in subsection (f)(3) of this section include floodplain areas that lie outside of the corporate boundaries of the city on the date of adoption of this section. If any of these floodplain land areas are annexed into the city after the date of adoption of the ordinance from which this section is derived, the newly annexed floodplain lands shall be subject to the provisions of this section immediately upon the date of annexation in the city.
- (6) *Warning of disclaimer of liability.* This section does not imply that areas outside the Flood Plain Districts or land uses permitted within such districts will be free from flooding or damages. This section shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.
 - (7) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Basement means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Development means any manmade change to improved or unimproved real estate including, but not limited to, buildings, manufactured homes and other structures, recreational vehicles, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of materials or equipment.

Flood fringe means the portion of the floodplain located outside of the floodway. The flood fringe shall comprise those Zone AE areas shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section that are located outside of the floodway. Flood fringe boundaries and the regulatory flood protection elevation for Zone A areas shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section

shall be determined on a case-by-case basis by the community in accordance with the criteria spelled out in Minn. Adm. Code, parts 6120.5000--6120.6200 and 44 CFR 65.

Floodplain means the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Floodway means the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge. Floodway areas for Zone AE are shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section. Floodway boundaries and the regulatory flood protection for Zone A areas shown on the flood insurance rate map panels adopted in subsection (f)(3) of this section shall be determined on a case-by-case basis by the community in accordance with the criteria spelled out in Minn. Adm. Code 6120.5000--6120.6200 and 44 CFR 65.

Lowest floor means the lowest floor of the lowest enclosed area (including basement).

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Obstruction means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Recreational vehicle means a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this section, the term "recreational vehicle" shall be synonymous with the term "travel trailer/travel vehicle."

Regional flood means a flood which is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the flood insurance study.

Regulatory flood protection elevation. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Structure means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

Substantial damage means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the

Duplicate
no page

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market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions.
 - b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. For the purpose of this article, the term "historic structure" shall be as defined in 44 CFR 59.1.
- (8) *Enforcement.* Violation of the provisions of this section or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor and shall be punishable as defined by law. Each additional day that lapses shall constitute an additional violation of this section and shall be prosecuted accordingly.
- ~~(9) *Severability.* If any subsection, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.~~
- (9) *Nonconformities.* A structure or the use of a structure or premises which was lawful before the passage or amendment of this section, but which is not in conformity with the provisions of this section, may be continued subject to the following conditions:
- a. No use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity. There shall be no expansion to the outside dimension of a nonconforming structure in the floodplain.
 - b. Any structural alteration to a nonconforming structure or nonconforming use in the floodplain which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the state building code, except as further restricted in subsection (f)(9)d of this section
 - c. If any nonconforming use or structure is substantially damaged, as defined in subsection (f)(7) of this section, it shall not be reconstructed unless it is located in the flood fringe portion of the floodplain and it is reconstructed in accordance with the standards found in subsection (f)(9)e of this section.
 - d. If a substantial improvement occurs, as defined in subsection (f)(7) of this section, from any rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming structure, then the existing nonconforming structure must be located in the flood fringe portion of the floodplain and meet the requirements of subsection (f)(9)e of this section. A nonconforming structure shall not be substantially improved if the structure is located in the floodway.
 - e. The following standards and procedures apply to nonconforming structures that have been substantially damaged or substantially improved in the flood fringe portion of the floodplain:
 1. All structures, including manufactured homes, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood

protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.

2. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method.
3. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the flood insurance rate map panels adopted in subsection (f)(3) of this section.
4. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
5. On-site sewage treatment and water supply systems, where public utilities are not provided.
 - (i) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - (ii) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.
6. A permit issued by the planning commission in conformity with the provisions of this section shall be secured prior to the commencement of construction.
7. Application for a permit shall be made in duplicate to the city administrator on forms furnished by the city and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
8. Prior to granting a permit, the planning commission shall determine that the applicant has obtained all necessary state and federal permits.
9. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill, building elevations or flood proofing measures were accomplished in compliance with the provisions of this section.
10. Record of first floor elevation. The city shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations to existing structures in the floodplain. The city shall also maintain a record of the elevation to which structures or alterations to structures are floodproofed.

(Code 1992, § 11.60; Ord. No. 02-1978, 8-11-1978; Ord. No. 6(2nd Series), § 1, 9-8-1994; Ord. No. 140(2nd Series), § 1, 1-11-2012)

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Sec. 36-51. ¹³⁵Planned unit developments.

(a) *Intent.* The purpose of this section is to provide for the grouping of land parcels for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal, sporadic and unplanned approach to development. This section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that planned unit developments are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses. These regulations are not intended as subdivision regulations and should not be confused as such.

(b) *Procedures and requirements for establishment of a planned unit development.*

- (1) An application for a conditional use permit shall be filed and processed based upon procedures established by section 36-53. *entitled*
- (2) **Development plan.** The conditional use permit application shall be accompanied by a development plan, drawn to a scale of not more than 50 feet per inch, showing the following:
 - a. The entire outline, overall dimensions and area of the tract described in the application.
 - b. The use, zoning and ownership of all adjacent properties within 100 feet of the tract boundaries including the location of all structures thereon and the right-of-way width and traveled width of all adjacent public roadways.
 - c. The existing and proposed topography of the tract with contour intervals not greater than five feet.
 - d. The location, general exterior dimensions and approximate gross floor areas of all proposed buildings.
 - e. The type of each use proposed to occupy each building and the approximate amount of building floor area devoted to each separate use.
 - f. The proposed location, arrangement and number of automobile parking stalls.
 - g. The proposed location, arrangement and general dimensions of all truck loading facilities.
 - h. The location and dimensions of all vehicular entrances, exits and driveways and their relationship to all existing or proposed public streets.
 - i. The location and dimensions of pedestrian entrances, exits and walks.
 - j. The general drainage system.
 - k. The location and dimensions of all walls, fences and plantings designed to screen the proposed district from adjacent uses.
 - l. The types of all ground covers.

¹³⁵ BILL SPOONER COMMENT: Then on planned unit developments on Page 294, I just wonder whether we should specify that planned unit developments are an overlay over the zoning in which they are proposed and whether a planned unit development should be a conditional use allowed specifically in all districts. SFox—I've made no text change associated with this comment and await specific directive from the city.

Not to be addressed

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- m. Standards for exterior finish, exterior lighting, location and type of exterior signs, architectural style and any other variables which will be controlled in the design of buildings in the development area.
 - n. Development schedule. The applicant shall submit a proposed schedule of construction. If the construction of the proposed planned unit development is to be in stages, then the components contained in each stage must be clearly delineated. The development schedule shall indicate the starting date and the completion date of the complete development plan.
- (c) *Property control.*
- (1) In order that the purposes of this section may be achieved, the property shall be in single ownership or under the management and supervision of a central authority or otherwise subject to such supervisory lease or ownership control as may be necessary to carry out the provisions of this article.
 - (2) Prior to the use or occupancy or sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment or common area, a declaration of covenants, conditions and restrictions or an equivalent document and a set of floor plans shall be filed with the city; the filing with the city to be made prior to the filings of the declaration or document or floor plans with the recording officers of the county.
 - (3) Approval of the city shall be secured as to the documents described in subsection (b)(2) of this section.
 - (4) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
 - (5) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation shall be formed and that all owners shall be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners' proportionate shares of joint or common costs. The declaration shall be subject to the review and approval of the attorney. The intent of this requirement is to protect the property values of the individual owner.
 - (6) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the city, or fails to pay taxes or assessments on properties as they become due, and in the event the city incurs any expenses in enforcing its rules and regulations, which the expenses are not immediately reimbursed by the association or corporation, then the city shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which each such assessment is made and, in addition, each such assessment, together with such interest thereon and such costs of collection thereof, shall also be a personal obligation of the person who was the owner of such property at the time when the assessment became payable.
 - (7) It is the intent of this article to require subdivision of property simultaneous with application for conditional use. The subdivision and/or platting of land as planned unit

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development shall be subject to the requirements for approval and recording with the county recorder as have been established by the city.

(d) ¹³⁶*General development provisions.*

(1) *Yards.*

- a. The front and side yard restrictions at the periphery of the planned unit development side at a minimum shall be the same as imposed in the respective districts.
- b. No building shall be located less than 15 feet from the back of the curb line along those roadways which are part of the internal street system.

(2) *Roadways.*

- a. Private roadways within the project shall have an improved surface to 20 feet or more in width and shall be so designed as to permit the city fire trucks to provide protection to each building.
- b. No portion of the required 20-foot road system may be used in calculating required off-street parking space.

(3) *Utility connection.*

- a. *Water connections.* Where more than one property is served from the same service line, a shut off valve must be located in such a way that each unit's service may be shut off by the city, in addition to the normally supplied shutoff at the street.
- b. *Sewer connections.* Where more than one unit is served by a sanitary sewer lateral which exceeds 300 feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners' association or owner.

(4) *Building types.* In addition to the conventional type of construction and arrangements of building, structure uses and property as allowed by this article, it shall be permissible to cluster, adjoin, and attach structures in a row house, townhouse, patio home or similar style of development within the planned unit development. The number of units or structures by density bonus provisions shall not exceed the number of units or structures allowable under the standard development requirements of the district classification which applies to the property.

(5) *Subdivision and ownership.* It shall be permissible within a planned unit development to subdivide properties into lesser size parcels for individual ownership and create common open space areas in undivided proportions under joint ownership. Such ownership arrangements are commonly defined as condominium and/or cooperative developments. The joint area of the project must, however, conform to the minimum area requirements established for the respective district classification which jointly applies to the property.

(6) *Minimum project size.*

¹³⁶ BILL SPOONER COMMENT: On Page 296, Subd. 4, I think what that means is that the front and side yard restrictions on the outside edges of a planned unit development are the same as the front and side yard restrictions in the district in which the planned unit development is an overlay, but it seems a little unclear to me from the wording what that means. SFox— I've made no text change associated with this comment and await specific directive from the city.

Not to be addressed

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SECTION 1011 – PLANNED UNIT DEVELOPMENTS (PUD)

SECTION

- 1011.01: Purpose
- 1011.02: Benefit
- 1011.03: PUD General Requirements
- 1011.04: Density Bonus
- 1011.05: PUD Design Standards
- 1011.06: Residential PUD Special Requirements
- 1011.07: Shoreland Management Residential PUD Requirements
- 1011.08: Neighborhood Design Requirements
- 1011.09: Concept PUD Plan
- 1011.10: Development Stage PUD Plan
- 1011.11: Final Plan PUD
- 1011.12: Withdrawal of an Application
- 1011.13: PUD Evaluation
- 1011.14: Records

1011.01: PURPOSE: The purpose of this Section is to provide for the grouping of lots or buildings for development as an integrated, coordinated unit as opposed to traditional parcel by parcel, piecemeal or sporadic approach to development. This Section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of lots, buildings and activities, which promote the goals outlined in the Comprehensive Plan or serve another public purpose. It is further intended that Planned Unit Developments are to be characterized by central management, integrated planning and architecture, joint or common use and maintenance of parking, open space and other similar facilities, and harmonious selection and efficient distribution of uses. The PUD process, by allowing flexibility from the strict provisions of this Ordinance related to setbacks, heights, lot area, width and depth, yards, etc., by either Conditional Use Permit or rezoning to a PUD District, is intended to:

Subd. 1. Provide a development pattern in harmony with the objectives of the Comprehensive Plan. (The PUD process is not intended only as a means to vary applicable planning and zoning principles).

Subd. 2. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this Ordinance.

Subd. 3. Preserve and enhance desirable site characteristics such as natural topography, wetlands, woodlands, scenic views, natural habitat, and geologic features and prevent soil erosion.

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1011.03: PUD GENERAL REQUIREMENTS:

Subd. 1 Application. All permitted, accessory, conditional or interim uses and uses by administrative permit contained in Sections 1043 (“A” District) through 1061 (I-2 District) of this Ordinance which are consistent with the Comprehensive Plan shall be treated as potentially allowable uses within a PUD District.

Subd. 2. Comprehensive Plan Consistency. The proposed PUD shall be consistent with the Comprehensive Plan.

Subd. 3. Common Open Space. Common open space at least sufficient to meet the minimum requirements established by this Ordinance and such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the PUD shall be provided within the area of the PUD.

1. **Operating and Maintenance Requirements for PUD Common Open Space/Facilities.** Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard. Common open space and service facilities within a PUD may be placed under the ownership of one or more of the following:
 - a. **Landlord-Tenant.** Landlord control, where only use by tenants is anticipated.
 - b. **Owners.** Property Owners Association, provided all of the following conditions are met.
 - (1) **Declaration of Covenants and Conditions.** Prior to the use or occupancy or sale of an individual building unit, parcel, tracts, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document or a document specified by the Minnesota Common Interest Ownership Act set out in Minnesota Statutes, Chapter 515B as amended, and a set of floor plans, specified by Minnesota Statutes, Chapter 515B as amended shall be filed with the City of Big Lake, said filing with the City to be made prior to the filings of said declaration or document or floor plans with Sherburne County.
 - (2) **Owner’s Association.** The declaration of covenants, conditions and restrictions shall provide that an owner’s association or corporation shall be formed and that all owners shall be members of said association or corporation which shall maintain all

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off-site improvements conditional to the PUD rezoning or CUP approval. The agreement shall provide for the installation within one (1) year of the off-site and on-site improvements as approved by the City Council, secured by a cash escrow or surety bond in an amount and with surety and conditions satisfactory to the City, to insure the City that such improvements will be actually constructed and installed according to specifications and plans approved by the City as expressed in such agreement. The amount of the bond shall be one and one-half (1-1/2) times the estimated cost of the improvements as determined by the City Engineer or City Building Official. Such agreement may take the form of:

1. A development contract; and/or
2. Site improvement performance agreement; and/or
3. Another form of legally binding instrument as may be required by the City.

Subd. 7. Platting of a PUD. A PUD shall be platted under the platting procedures of the Big Lake Subdivision Ordinance and the related requirements of Sherburne County. The preliminary plat shall be processed in conjunction with the development stage plan. A separate action on the final plat shall be processed before the Planning Commission and City Council prior to or in conjunction with the final stage of the PUD.

Subd. 8. Land Use/Housing Type. A PUD which involves only one (1) land use or housing type may be allowed, provided that it is otherwise consistent with the stated purposes and objectives of this Ordinance and the Comprehensive Plan.

Subd. 9. Landscaping. In any PUD, landscaping and screening shall conform to the applicable provision of Section 1027 (Landscape, Screening and Tree Preservation) of this Ordinance and shall be provided according to a plan approved by the City Council, which shall include a detailed planting list with sizes and species indicated as part of the Final Plan. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

Subd. 10. Modifications. Modifications of the underlying zoning district regulations may be approved by the City Council as part of the overall approval of the PUD if the following conditions are satisfied:

1. The modifications bear a demonstrable relationship to, and are consistent with, the goals and policies of the Comprehensive Plan.
2. The modifications result in eliminating the adverse impact and effect of such uses by utilizing screening, landscaping, superior site and building design and other features related to planning, design, and construction.
3. Any modification of Ordinance requirements approved as part of a PUD shall be approved only upon a showing that the modification does not adversely affect the

2. Sewer Connections. Where more than one unit is served by a sanitary sewer lateral which exceeds three (300) feet in length, provision must be made for a manhole to allow adequate cleaning and maintenance of the lateral. All maintenance and cleaning shall be the responsibility of the property owners association or owner.

Add.
1011.04: DENSITY BONUS: As a consequence of a PUD's planned and integrated character, the number of dwelling units allowed within the respective base zoning district may be increased based upon a finding by the City Council that such an increase is consistent with the goals of the Comprehensive Plan and that the PUD provides for the stated objectives of this Section. The building, parking and similar requires for these extra units shall be observed in compliance with this Ordinance.

1011.05: PUD DESIGN STANDARDS: Before a PUD plan may be approved, the City Council shall find the quality of building and site design proposed by the PUD will enhance the aesthetics of the site and implement relevant goals and policies of the Comprehensive Plan. In addition the following criteria shall be satisfied.

Subd. 1. Buildings should address the street with varied and articulated facades, frequent entries and windows. Porches and balconies should be encouraged, and facades consisting of long blank walls or series of garage doors are prohibited.

Subd. 2. A range of densities, housing types and building configurations is encouraged while large housing projects that consist of a single building type are discouraged.

Subd. 3. Design the front and back facades with appropriate levels of formality. The front, as the more public side of the house, should receive the more formal treatment, with trash/recycling areas enclosed within principal structures and play equipment or other outdoor facilities located in the back. The main entry should face the street.

Subd. 4. Locate outdoor spaces to allow for such surveillance from inside homes. Define all outdoor spaces, distinguishing between those reserved for residents and those open to the public via gateways, plant materials, signs, fences or other means. Enclose the shared outdoor space with buildings, low fences or hedges, and paths. Clearly define the boundaries and transitions between shared and private outdoor space.

Subd. 5. Provide a clear path system that connects each housing unit to designations within the site and the surrounding neighborhood. Paths should be logical and predictable in their routes and should be linked to the public sidewalk system. Keep public paths at the edge of the site, distinguish between public paths and private outdoor space, and make paths visible from shared and private spaces.

- a. Within residential districts, a planned unit development shall not be applied to a parcel of land containing less than one acre.
- b. Within a commercial or industrial district, a planned unit development shall not be applied to a parcel of land containing less than one acre.
- (7) ~~Density bonus. As a consequence of all planned unit development's planned and integrated character, the number of dwelling units allowed within the respective zoning district may be increased by five percent. The building, parking and similar requirements for these extra units shall be observed in compliance with this article.~~
- (8) *Public service.* The proposed project shall be served by the city water and water system and fire hydrants shall be installed at such locations as necessary to provide fire protection.
- (e) *Review and evaluation.* The review and evaluation of a proposed planned unit development and supportive materials and plans shall include, but not be limited to, the following criteria:
 - (1) Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
 - (2) The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project residents and general public.
 - (3) A sufficient amount of usable open space is provided.
 - (4) The arrangement of buildings, structures and accessory uses does not unreasonably disturb the privacy or property values of the surrounding uses.
 - (5) The architectural design of the projects is compatible with the surrounding area.
 - (6) The drainage and utility system plans are submitted to the city engineer and are subject to his approval.
 - (7) The development schedule ensures a logical development of the site which will protect the public interest and conserve land.
 - (8) Principal and accessory uses and requirements are in compliance with the district provisions in which the development is intended.

(Code 1992, § 11.70; Ord. No. 02-1978, 8-11-1978; Ord. No. 5(2nd Series), § 1, 6-29-1994)

Sec. 36-52. Temporary uses.

(a) *Purpose.* The purpose of this section is to provide the city with a method of permitting temporary uses of land until a particular date, until the occurrence of a particular event or until the use is no longer permitted in the zoning district.

(b) *Application.* Application for a temporary use permit shall be made to the city administrator, together with payment of the required fee. The application must be submitted by the owner of the permanent use and must provide the city administrator with a site plan for approval and a description of the proposed temporary use. The site plan must denote the layout of all structures and equipment for the temporary use and any additional written or graphic data reasonably required by the city administrator or the planning commission in advance of the public hearing. Approval of the application is valid for one calendar year unless otherwise specified in the temporary use permit. A temporary use permit may be issued where the property owner has applied for a conditional use permit and the planning commission or the council determines that

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the conditions for a conditional use permit are not met, but that the standards for a temporary use permit are met, and the owner agrees to the conditions set in the temporary use permit.

(c) *Procedure.*

- (1) The city administrator shall forward the application to the planning commission for consideration at its next regular meeting.
- (2) The planning commission shall set a date for public hearing. Notice of such hearing shall be published in accordance with state law and notice shall be published at least once in the official newspaper of the city and mailed, e-mailed or otherwise delivered to individual properties within 350 feet of the parcel included in the request not less than ten days, nor more than 30 days prior to the date of the hearing. Failure of a property owner to receive the notice shall not invalidate any such proceedings.
- (3) The planning commission shall consider possible adverse affects of the proposed temporary use and what additional requirements may be necessary to reduce the adverse affects, and shall make recommendations to the council.
- (4) Upon receiving the report and recommendation from the planning commission, the council shall have the option to hold an additional public hearing, if necessary, and may impose any conditions deemed appropriate as a condition of its permission for the temporary use. Approval of the temporary use shall require passage by a majority vote of the full council.

(d) *Standards.* No temporary use shall be recommended by the planning commission or approved by the council unless:

- (1) Temporary uses are allowed within the zoning district in which the property in question is located;
- (2) The use conforms to the zoning regulations;
- (3) The date or event that will terminate the use can be identified with certainty or the permit is limited to one calendar year;
- (4) Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- (5) The user agrees to any conditions that the government body deems appropriate for permission of the use.

Approval of all temporary uses is contingent upon the applicant's signing of the temporary use permit, thereby agreeing to all conditions and the limitations on the permit.

(e) *Termination.* Any temporary use may be terminated by:

- (1) A change in zoning regulations;
- (2) The expiration of the term set in the temporary permit;
- (3) The expiration of one calendar year from the issuance of the temporary permit if no other time limit is set in the permit; or
- (4) A violation by the permit holder of the conditions set on the temporary permit.

(f) *Fees.* To defray administrative costs of processing requests for temporary use permits, a nonrefundable fee shall be paid by the applicant at the time of the application. The amount of the fee shall be set by the council, adopted by resolution, and uniformly enforced. This fee may, from time to time, be amended by the council by resolution. The city shall also be reimbursed for any additional costs associated with review of the proposal as established by resolution of the council.

(g) *Compliance.* Any temporary use permitted under the terms of this section shall be conducted in strict conformity with the conditions placed upon the permit, and failure to do so is grounds for withdrawal of the temporary use permit.

(h) *Lapse of temporary use permit.* Whenever within four months after granting of a temporary use permit the use so permitted has not been started, then such permit shall become null and void, unless a petition for extension of time for the commencement of the use has been approved by the council.

(Ord. No. 122(2nd Series), § 11.79, 4-14-2010)

Sec. 36-53. Conditional use permits.

(a) *Purpose.* The purpose of this section is to provide the city with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare and public safety.

(b) *Application.* Applications for conditional use permits shall be made to the city clerk-administrator together with required fees. The application shall be accompanied by a site plan showing such information as is necessary to show compliance with this article, including, but not limited to:

- (1) Description of site (legal description).
- (2) Site plan drawn at scale showing parcel and building dimensions.
- (3) Location of all buildings and their square footages.
- (4) Curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks.
- (5) Landscaping and screening plans.
- (6) Drainage plan.
- (7) Sanitary sewer and water plan with estimated use per day.
- (8) Soil type.
- (9) Any additional written or graphic data reasonably required by the city clerk-administrator or the planning commission.

(c) *Procedure.*

- (1) The city clerk-administrator shall forward the application to the planning commission for consideration at its next regular meeting.
- (2) The planning commission shall set a date for the official public hearing. Notice of such hearing shall be published in accordance with state law and notice shall be published at least once in the official newspaper of the city and mailed, e-mailed or otherwise delivered to individual properties within 350 feet of the parcel included in the request not less than ten days nor more than 30 days prior to the date of the hearing. Failure of a property owner to receive the notice shall not invalidate any such proceedings.
- (3) The planning commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the council within 60 days after the first regular meeting at which the request was initially considered.
- (4) Upon receiving the report and recommendation for the planning commission, the council shall have the option of holding a public hearing, if necessary, and may impose any conditions deemed necessary. Approval of a conditional use shall require passage by a majority vote of the full council.

(d) *Standards.* No conditional use shall be recommended by the planning commission unless the commission shall find:

- (1) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- (2) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
- (3) That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
- (4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- (5) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- (6) That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use.
- (7) The demonstrated need for the proposed use.
- (8) The proposed use is in compliance with any land use plan adopted by the city.

(e) *Fees.* To defray administrative costs of processing requests for conditional use permits, a nonrefundable fee shall be paid by the applicant at the time the application is requested. The amount of this fee shall be set by the council, adopted by resolution, and uniformly enforced. This fee may, from time to time, be amended by the council by resolution. The city shall also be reimbursed for any additional costs associated with the review of a proposal as established by resolution of the council.

(f) *Compliance.* Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permits and of any conditions designated in connection therewith.

(g) *Lapse of conditional use permit by non-use.* Whenever within one year after granting the conditional use the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been approved by the council.

(Code 1992, § 11.80; Ord. No. 02-1978, 8-11-1978; Ord. No. 05-1991, 5-1-1991)

Sec. 36-54. Amendments; rezoning.

(a) *Initiation.* The council or the planning commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this article. Any person, persons, firm or corporation, or his expressed agent owning real estate within the city, may initiate a request to amend the district boundaries and/or text of this article so as to affect the real estate.

(b) *Procedure.*

- (1) A request together with copies of detailed written and graphic materials fully explaining the proposal for an amendment to this article shall be filed with the city clerk-administrator and shall be accompanied by a nonrefundable fee to be set by the council, adopted by resolution and uniformly enforced. This fee may, from time to time, be amended by the council by resolution.

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- (2) The city clerk-administrator shall refer the amendment request along with all related information to the planning commission for consideration and a report and recommendation to the council.
- (3) The planning commission shall consider the amendment request as soon as is practical. The city clerk-administrator shall refer such amendment proposal along with all related information to the planning commission.
- (4) The planning commission shall set a date for the official public hearing. Notice of such hearing shall be published in conformance with the state law and individual notices. If it is a district change request, it shall be mailed, e-mailed or otherwise delivered not less than ten days nor more than 30 days prior to the hearing to all owners of property, according to the assessment records, within 350 feet of the parcel included in the request. Such notice shall also be published in the official newspaper within the above time periods. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this article.
- (5) After reaching a decision the planning commission shall make its report and recommendation to the city council.
- (6) In the event that the city council receives no report from the planning commission in a timely fashion, the council may take action without a report from the planning commission.
- (7) Upon receiving the reports and recommendations of the planning commission, the council shall place the amendment request on its agenda as soon as is practical and make a final decision on the request. Reports and recommendations of the planning commission shall be entered into and made part of the permanent written record of the city council meeting.
- (8) The council shall have the option to set and hold a public hearing if deemed necessary for reaching a decision.
- (9) Amendment of this chapter shall be by a majority vote of the full council.
- (10) The city clerk-administrator shall notify the originator of the amendment request of the council's decision in writing.
- (11) The city clerk-administrator shall record its resolution granting or denying the request for rezoning.

(Code 1992, § 11.81; Ord. No. 02-1978, 8-11-1978; Ord. No. 05-1991, 5-1-1991; Ord. No. 38(2nd Series), § 1, 5-22-2002)

Sec. 36-55. Variance; appeals.

(a) *Board of adjustment.* The board of adjustment shall be the city council and the full council acting as a board of adjustment shall act on all questions as they may arise in the administration of this article, including the interpretation of zoning maps, and it shall decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing this article. Such appeal may be taken by any person owning the property under appeal or by an officer, department, board or commission.

- (1) The board of adjustment shall have the exclusive power to order the issuance of a variance from the requirements of any official control under this article, including restrictions placed on nonconformities. It is intended that this power to issue variances from the strict application of the requirements of this article should apply primarily in cases of exceptionally irregular, narrow or shallow lots, or to other exceptional physical conditions whereby the strict application of the official controls of this article would

result in practical difficulties that would deprive the owner of the reasonable use of the land or buildings involved.

- (2) Any appeal of a board of adjustment decision shall be made to the district court. Decisions of the board of adjustment shall be final, except in the event of a timely appeal to the district court.

(b) *Variances.* No variance in the provisions or requirements of this article shall be authorized by the board of adjustment unless it finds evidence that all the facts and conditions exist:

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
- (2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a variance.
- (3) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this article or the public interest.
- (4) That the condition or situation of the specific piece of property, or the intended use of the property, for which the variance is sought, is not of so general or recurrent nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
- (5) In granting a variance, the board of adjustment may impose conditions to ensure compliance and to protect adjacent properties. The board of adjustment may not permit as a variance any use that is not permitted under this article for the property in the district where the affected person's land is located.

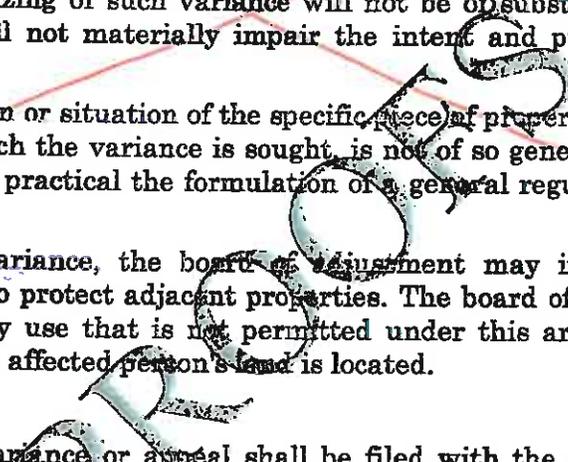
(c) *Procedure.*

- (1) Requests for a variance or appeal shall be filed with the city clerk-administrator and shall be accompanied by a nonrefundable fee in an amount to be set by the council, adopted by resolution and uniformly enforced. This fee may, from time to time, be amended by the council by resolution.
- (2) The planning commission shall consider the request as soon as is practical and shall make recommendation to the board of adjustments.
- (3) Upon receiving the recommendation of the planning commission, the board of adjustments shall set and hold a public hearing on the request. Notice of such hearing shall be held not less than ten days in advance of not more than 30 days prior to the public hearing and shall be set to the owners of property within 350 feet of the affected parcel as determined by the city clerk-administrator. Such notice shall be published in the official newspaper within the above time period. Failure of a property owner to receive the notice shall not invalidate any such proceedings.
- (4) A variance of this chapter shall be by majority vote of the full board of adjustment.
- (5) Within a reasonable time after the hearing, the board of adjustment shall make its order deciding the matter and serve a copy of such order upon the appellant or the petitioner by mail.
- (6) The city clerk-administrator shall record the council's written decision granting or denying the variance request.

with replace 102. 102. 102.

and duplicate in 102-102

Duplicate to section 7 30-222 Page 102-103



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(d) *Lapse of variance.* If, within one year after granting a variance, the work permitted is not started, such a variance shall become null and void unless a petition for an extension has been approved by the council.

(Code 1992, § 11.82; Ord. No. 02-1978, 8-11-1978; Ord. No. 05-1991, 5-1-1991; Ord. No. 37(2nd Series), § 1, 5-22-2002; Ord. No. 135(2nd Series), § 1, 7-27-2011)

Sec. 36-56. Environmental documents.

(a) *Intent.* It is the intent of this section to implement the environmental review procedures to follow the provisions of M.S.A. ch. 116D, relating to the environmental review program and any rules adopted thereunder by the state environmental quality board. All terms used in this section shall have the same meaning as the terms used in said chapter 116D. The provisions of the rules for the environmental review program, Minnesota State Rule 6 MCAR 3.021 to 3.047 are adopted and are on file in the office of the city clerk-administrator.

(b) *Cost of preparation and review.*

- permitted Conditional Use Permit
- (1) The applicant for a permit for any action for which environmental documents are required either by state law or rules or by the council shall supply in the manner prescribed by section 36-53 all unprivileged data or information reasonably requested by the city that the applicant has in his possession or to which he has reasonable access.
 - (2) The applicant for a permit for any action for which an Environmental Assessment Worksheet (EAW) is required either by state law or rules or by the council shall pay all costs of preparation and review of the EAW, and upon the request of and in the manner prescribed by the city clerk-administrator, shall prepare a draft EAW and supply all information necessary to complete that document.
 - (3) The city and the applicant for a permit for any action for which an Environmental Impact Statement (EIS) is required shall comply with the provisions of the rules governing assessment of costs for environmental impact statements, one copy of which is on file in the office of the city clerk-administrator, unless the applicant and the council provide otherwise by a written agreement.
 - (4) No permit for an action for which an EAW is required shall be issued until all costs of preparation and review which are to be paid by the applicant are paid, and all information required is supplied, and until the environmental review process has been completed as provided in this article and the rules adopted by reference by this article, and pursuant to any written agreement entered into by the applicant for the permit or permits and the council.
 - (5) The applicant for a permit for any action for which an EAW or EIS is required and the council may, in writing, agree as to a different division of the costs of preparation and review of any EAW or EIS as provided in Minnesota State Rule 6 MCAR 3.042.

(c) *Administration.*

- (1) The city clerk-administrator shall be the person responsible for the administration of the environmental review program, this article, and rules adopted by reference by this article.
- (2) The city clerk-administrator shall be responsible for determining whether an action for which a permit is required is an action for which an EAW is mandatory under Minnesota State Rule 6 MCAR 3.024. The city clerk-administrator shall also determine those proposed actions for which an optional EAW may be required under the provisions of this article and shall notify the planning commission and the council of these proposed actions.

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- (3) All EAWs and EISs shall be prepared under the supervision of the city clerk-administrator, reviewed by the planning commission and reviewed and approved by the council.
- (4) When reviewing an EAW or EIS, the city clerk-administrator and the planning commission may suggest design alteration which would lessen the environmental impact of the action. The council may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the action.
- (5) After an EAW is prepared, the planning commission shall review the EAW and recommend to the council whether or not it should require the preparation of an EIS. The council shall require an EIS when it finds under Minnesota State Rule 6 MCAR 3.025 that an action is major and has potential for significant environmental effects.

(d) *Optional EAW.* The council may, upon recommendation by the city clerk-administrator, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects. The following guidelines shall also be considered in determining whether an optional EAW shall be required:

- (1) Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
- (2) Is the action likely to have disruptive effects such as generating traffic and noise?
- (3) Are there public questions or controversy concerning the environmental effects of the proposed actions?

(e) *Enforcement.*

- (1) No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this article are completed.
- (2) No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established by this article are fully complied with.

(Code 1992, § 11.83)

Sec. 36-57. Enforcement.

This article shall be administered and enforced by the city clerk-administrator, or his authorized representative. The city clerk-administrator may institute appropriate action for any violations of this article at the direction of the council and through the attorney as deemed necessary.

(Code 1992, § 11.84; Ord. No. 02-1978, 8-11-1978)

~~Sec. 36-58. Violation a misdemeanor.~~

~~Every person violates an article, division, section, subsection or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.~~

~~(Code 1992, § 11.90; Ord. No. 02-1978, 8-11-1978)~~

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C-2

L-I Zone - use
Include Adult use
entertainment is
a permitted use
see pg 146-11-old
ordinance

CHAPTER XI ZONING ORDINANCE

AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY OF PAYNESVILLE BY LESSENING CONGESTION IN THE STREETS; SECURING SAFETY FROM FIRE, PANIC AND OTHER DANGERS; PROVIDING ADEQUATE LIGHTING AND AIR; PREVENTING OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; FACILITATING THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, SCHOOLS, PARKS AND OTHER PUBLIC REQUIREMENTS; CONSERVING THE VALUE OF PROPERTIES, AND ENCOURAGING THE MOST APPROPRIATE USE OF LAND, AND REPEALING CHAPTER 11 OF THE CODE OF ORDINANCES FOR THE CITY OF PAYNESVILLE REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS, AND THE LOCATION OF BUILDINGS ON LOTS.

The City Council of the City of Paynesville Hereby Ordains:

Section 11.01 through 11.99 Chapter 11 of the Code of Ordinances for the City of Paynesville are hereby deleted and in lieu thereof, the following shall be inserted.

SECTION 11.1 PURPOSE AND INTENT

This Ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare of the inhabitants of the City of Paynesville by lessening congestion in the public right-of-ways, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population, facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; conserving the value of properties, and encouraging the most appropriate use of land.

SECTION 11.2 TITLE

This Ordinance shall be known and may be cited and referred to as the "City of Paynesville Zoning Ordinance."; when referred to herein, it shall be known as "this Ordinance" or "this Chapter".

SECTION 11.3 SCOPE AND INTERPRETATION

Subdivision 1. Scope. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered and with respect to height and area, added to, or relocated, altered and every use within a building or use accessory thereto, in the City of Paynesville shall be in conformity with the provisions of this Ordinance. No lot shall be so reduced that the area of the lot or dimensions of the open spaces shall be smaller than herein prescribed. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as a nonconforming use, but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming properties or uses.

Definition of
structure -
include signs
and boxes
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Subdivision 2. Interpretation. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promoting of the public health, safety, comfort, convenience, and general welfare. When the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling. When the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

Subdivision 3. Provisions Are Cumulative. The provisions of this Ordinance shall be interpreted to be cumulative of, and to impose limitations in addition to all other codes, laws, ordinances, and regulations in existence or which may be passed governing any subject matter of this Ordinance. Several provisions of this Ordinance also shall be interpreted to be cumulative of each other. To the greatest extent possible, the provisions of this Ordinance shall be construed to be consistent with, and no conflict with, the provisions of such other codes, laws, ordinances, and regulations, and with each other, to the end that all such provisions may be given their fullest application.

at the end
Subdivision 4. Provisions Are Not a Consent, License, or Permit. The provisions of this Ordinance shall not be interpreted to be or to grant unlawful use or structure existing upon the effective date of the Ordinance. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with provisions of this Ordinance.

Zoning ordinance does not mean building permit

Subdivision 5. Unlawful Uses and Structures Are Not Validated. This Ordinance shall not be interpreted to validate or make lawful any unlawful use or structure existing upon the effective date of the Ordinance. Any such unlawful use or structure shall remain unlawful to the extent that said use or structure is in conflict with the provisions of this Ordinance.

Subdivision 6. Lots of Record. All lots which are part of a subdivision legally recorded with the County Recorder, and lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to the effective date of this Ordinance, shall be considered to be lots of record and shall thereby be considered a legally buildable lots even though such lot or lots may not conform to the minimum requirements of this Ordinance. *and provided that any building to be placed shall meet all zoning requirements.*

SECTION 11.4 RULES AND DEFINITIONS

Subdivision 1. Rules.

- 1.1 For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural and the plural the singular.
- 1.2 The word "person" shall include a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 1.3 The word "shall" is mandatory and not discretionary.

- 1.4 The word "may" is permissive.
- 1.5 The word "lot" shall include the word "plot", "piece", and "parcel."
- 1.6 The words "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- 1.7 The word "building" shall include the word "structure".

Subdivision 2. Definitions. For purpose of this Ordinance, certain terms and words are defined as follows:

- 2/1 Accessory Building – A structure detached from, but located on the same lot as the principal structure or principal use, the use of which is incidental and accessory to that of the principal structure or principal use.
- 2.2 Administrator – The duly appointed person charged with enforcement of this Ordinance.
- 2/3 Adult Arcade - An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines for viewing by five (5) or fewer persons are each used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or sexual anatomical areas.
- 2/4 Adult Bookstore - An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- 2/6 Adult Cabaret - A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Need definition for Accessory Use

2.6 ✓ Adult Motion Picture Theater - An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

2/7 Adult Theater - A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

2.8 ✓ Adult Use Establishment - Adult use establishments include, but are not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or sexual encounter establishment.

2.9 ✓ Agriculture Use - The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm.

2/10 ✓ Alley - A public right-of-way which affords a secondary means of access to abutting property. For the purpose of this Ordinance, alleys shall not be considered streets.

2.11 ✓ Antenna - Any structure or device used to collect or transmit electrical magnetic waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.

2.12 ✓ Apartment - A dwelling unit within a house or building containing ^{one (1)} two (2) or more similar units. Each apartment is intended to be occupied by a single housekeeping unit. (see definition of Family).

2.13 ✓ Apartment Building - A building containing ^{four (4)} three (3) or more apartments.

2.14 ✓ Automobile Repair Garage - Any building or premises primarily used for the repair or mechanical maintenance of motor vehicles or trailers.

2.15 ✓ Automobile Service Station - Any building or premises primarily used for dispensing of gasoline or diesel fuel.

2.16 ✓ Automobile Wrecking and Junk Yard - Land or buildings where discarded or salvaged materials from wrecked motor vehicles or other vehicles or machinery are bought, sold, stored, exchanged, packed, assembled, disassembled, or handled; including, but not limited to, scrap metal, rags, paper, plastics, tires, and rubber products.

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✓ 2.17 **Basement** – A portion of a building located partly underground, but having less than half of its floor-to-ceiling height below the average grade of the adjoining grounds.

2.18 **Bed and Breakfast Residence** – An owner-occupied, single family residence ~~situated either in a unique locale or in a historically or architecturally significant structure~~ and provides lodging and meals to registered guests.

Board of Adjustment
2.19 **Board of Adjustment** – The Paynesville City Council ~~sitting as a governing board~~ ^{that} exercising the authority to grant zoning amendments, conditional use permits and variances from the numeric requirements of the Paynesville Zoning Ordinance, and to hear and decide appeals from an administrative decision or enforcement order of the Zoning Administrator. ^{shall be the}

2.20 **Boarding House** – Any dwelling other than a hotel or motel where meals or lodgings and meals for compensation are provided for five or more persons, pursuant to previous arrangements and not to anyone who may apply.

2.21 **Boundary Line** - Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the Zoning Map.

2.22 **Buffer Area** – A landscaped area intended to separate and/or partially obstruct the view of adjacent land uses or properties from one another.

2.23 **Building** – Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind, and when separated by party walls without openings, each portion of such buildings so separated shall be deemed a separate building. A fence shall not be considered a building for setback purposes.

2.24 **Building Height** – The vertical measurement of a structure measured from the average elevation of the finished ground grade within ten (10) feet of the building to the highest point of the roof surface of a flat roof, to the deck line of mansard roofs, and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs.

2.25 **Building Line** – A line ~~parallel to or concentric with the street right-of-way line or any other property line, at the foundation level of a building~~ and representing the distance which the building is set back from the street right-of-way line or other property line. ^{must be}

2.26 **Building Setback** – The minimum horizontal distance between the building and the lot line and/or right-of-way line.

- 2.27 **Business** – Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.
- 2.28 **Campground** – An area or tract of land used or occupied by campers using tents or other portable shelters or vehicles designed specifically as their temporary housekeeping accommodations.
- 2.29 **Camping Trailers** - Shall mean any of the following:
- A. **Camping Trailer:** A folded structure mounted on wheels and designed for travel, recreation, and vacation uses
 - B. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed on an integral part of a self-propelled vehicle.
 - C. **Pickup Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
 - D. **Travel Trailer:** a vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel, recreation and vacation.
- 2.30 **Canopy and Awning** – Any projecting structure, moveable or stationary, that is attached to and supported by a building. Does not include canopies covering fuel-dispensing islands at automobile service stations.
- 2.30 **Carwash** – A building that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Also referred to as automobile wash.
- 2.31 **Cellar** – That portion of the building having more than half of the floor-to-ceiling height below the average grade of adjoining ground.
- 2.32 **Cemetery** – Land used for the burial of the dead, ~~including crematories and~~ mausoleums when operated in conjunction with such cemetery.
- 2.33 **Church or Place of Religious Worship** – An institution, together with its accessory buildings and uses, where people regularly assemble to participate in or hold religious services, meetings, and other related activities, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Add: **Crematorium** means a place where a dead body is reduced to ashes by fire, especially as a funeral rite.

- 2.34 Clinic – A place used for the diagnosis and treatment of sick, ailing, infirm, injured persons, and those persons who are in need of medical attention. Overnight care facilities are not provided at the clinic.
- 2.35 Club or Lodge – Land, buildings, or premises owned or operated by a corporation, association, or group of individuals for a social, educational, recreational, charitable, political, or patriotic purpose and such land, buildings, or premises are not available for unrestricted public access and use.
- 2.36 Commercial Use – An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
- 2.37 Community Water and Sewer System – Utilities systems serving a group of buildings, lots, or an area of the City, with the design and construction of such utilities systems as approved by the City's Engineer.
- 2.38 Comprehensive Plan – A compilation of goals, policy statements, standards, programs, and maps for guiding the physical, social, and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- 2.39 Conditional Use – A use classified as conditional generally may be appropriate or desirable in a specified zone district but requires special City Council approval and is subject to conditions approved by the Council.
- 2.40 Condominium – The legal arrangement in ^{by separate units in a} ~~which a dwelling unit in an apartment building or residential development is~~ individually owned but in which the common areas are owned, controlled and maintained through an organization consisting of all the individual owners.
- 2.41 Corner Lot – A lot situated at the junction of and fronting on two or more streets.
- 2.42 cul-de-sac – A local street, one end of which is closed and consists of a circular turn around.
- 2.43 Curb Level – The curb level is the level of the established curb in front of the building measured at the center of such front where no curb level has been established, the City's Engineer shall establish such curb level or its equivalent for the purpose of this Ordinance.
- 2.44 Deck, Attached – A structure ~~within six (6) feet of the main building~~ that may or may not have railings or access to the ground, but does not contain walls or a roof. May also be referred to as a balcony.

- 2.45 Deck, Unattached – A structure ~~six (6) feet or more from the main building~~ that may or may not have railings or access to the ground, but does not contain walls or a roof.
- 2.46 Density – The number of dwellings or principal buildings or uses permitted per net acre of land. Net acre of land shall not include land required for public streets.
- 2.47 Development – All structures and other human modifications of the natural landscape.
- 2.48 District – A section of the City for which the regulations governing the height, area, use of buildings and premises are the same.
- 2.49 Drive-In Facility - Any portion of a building from which business is translated, or is capable of being transacted, directly with customers located in motor vehicle, ~~also referred to as a drive-thru.~~ *Thru/In*
- 2.50 Driveway – A private way used by vehicles to gain access to an individual lot or parcel of land. ~~For one- and two-family dwellings, the driveway shall be defined as the length and width of a driving surface that is used to gain access to a private garage.~~ *appropriate garage*
- 2.51 Dwelling, Multi-Family – A residential building used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units, but not including group, row, or townhouses.
- 2.52 Dwelling, Single-Family, Attached (Group, Row, or Townhouse) – One or more residential dwellings is joined to other dwellings by a common wall without openings and with individual entrances to each dwelling from the exterior. Each dwelling unit shall have principal access onto the ground floor and shall be occupied by not more than one family.
- 2.53 Dwelling, Single-Family Detached - A residential building containing not more than one(1) dwelling unit and entirely surrounded by open space and yards located on the same lot.
- 2.54 Dwelling, Two-Family - A residential building containing not more than two (2) dwelling units. Does not including group, row, or townhouses. May also be referred to as a duplex or twin home.
- 2.55 Dwelling Unit - One (1) or more rooms physically arranged so as to create an independent housekeeping unit for occupancy by one (1) family. A dwelling unit contains separate toilet, cooking, and sleeping accommodations. Dwelling units may be rented or owner-occupied. May also be called a residence or rooming house dwelling unit.

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- 2.56 Dwelling Unit, Rooming House - A one- or two-family dwelling that is leased or rented, in whole or in part, to one or more unrelated individuals. For the purposes of this Chapter, state licensed residential facilities and dwelling units used for state licensed foster care shall not be considered a rooming house dwelling unit.
- 2.57 Easement - A grant by a property owner for the use of a defined piece of land by the public or any person for any specific purpose or purposes.
- 2.58 Emergency Shelter - A non-profit, charitable, or religious organization providing boarding and/or lodging and ancillary services on the premises to primarily indigent, needy, homeless, or transient persons. *or persons in transition in need of shelter.*
- 2.59 Essential Service Utility Structure and Facility - Includes the erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems by public utilities, municipalities, or other governmental agencies.
- ~~2.60~~ ^{*Outside Part*} Exterior Storage (Includes Open Storage) - The storage of goods, materials, equipment, manufactured products or similar items outside any enclosed building.
- 2.61 Family - An individual or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than five (5) unrelated persons, living together as a single housekeeping unit, within a dwelling unit, as distinguished from individuals or a group occupying a hotel, motel, club, lodge, sorority, fraternity, or dormitory.
- 2.62 Fence - Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- 2.63 Flood Areas - Land that is subject to either permanent or temporary flooding from any causes whatsoever. This includes lands that are flooded by overflowing streams, rivers, or lakes or by heavy rainfalls or seasonal runoff.
- 2.64 Flood Fringe - That portion of the flood plan outside of the floodway.
- 2.65 Flood Plain - Those areas adjoining a water course that has been or hereafter may be covered by the regional flood.
- 2.66 Flood Proofing - A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

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- 2.67 Floodway - The channel of the watercourse and those portions of the adjoining flood plains that are reasonably required to carry and discharge the regional flood.
- 2.68 Floor Area, Livable or Usable - The sum of the gross horizontal area of all floors of a building as measured from the interior faces of the interior walls, excluding the areas of unoccupied cellars, accessory garages, porches, attics, basements, stairways, bathrooms, and utility and heating rooms.
- 2.69 Frontage - The length of any one (1) property line of a lot that abuts a public street. All sides of a lot adjacent to public streets shall be considered frontage and yards shall be provided as indicated in this Ordinance.
- 2.70 Funeral Home - A building or part thereof used for human funeral services. Such building may contain space and facilities for:
- A. Embalming and the performance of other services used in the preparation of the dead for burial.
 - B. The performance of autopsies and other surgical procedures on the dead.
 - C. The storage of caskets, funeral urns, and other related funeral supplies.
 - D. The storage of funeral vehicles.
- E. Funeral Chapel*
 A funeral home shall not include facilities for cremation, unless allowed by a conditional use permit. ~~A funeral chapel shall be considered an accessory use to a funeral home.~~ ?
- 2.71 Garage, Private - An accessory use situated on the same lot of the principal building or use, and designed for the private storage of motor vehicles owned by the occupant of a principal building or use. No facilities for mechanical service or repair of a commercial or public nature are provided in the private garage. Such garage may be attached to the principal building or detached from the principal building. When a private garage is attached to a principal building, it shall be considered part of the principal building for setback and yard purposes.
- 2.72 Garage, Public - A building designed and used for the storage of automobile vehicles and operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles. Parking ramps shall be included within this definition.

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- 2.73 Governing Body - Paynesville City Council.
- 2.74 Group Home - Means a state licensed residential facility as defined by Minnesota State Statute.
- 2.75 Home Occupation - A home occupation is an accessory use of the dwelling unit, conducted entirely within the dwelling unit, carried on by one (1) or more persons, all of whom reside within the dwelling unit, and no persons are employed at the dwelling unit other than the residents living therein.

The home occupation shall be clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely effect the uses permitted in the residential zoning district.

- 2.76 Hospital - An institution providing health services for human in-patients and medical or surgical care for the sick or injured. Includes related facilities such as laboratories, outpatient departments, training facilities, central service facilities, staff offices, and overnight accommodations for patients.
- 2.77 Hotel ^{motel} - A facility offering transient lodging accommodations on a daily or weekly rate to the general public and may provide additional services such as restaurants, meeting rooms, and recreational facilities. ~~May also be referred to as a motel.~~
- 2.78 Impervious Surface - Impervious surface means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include, but are not limited to, rooftops, sidewalks, patios, storage areas, roads, streets, driveways, and parking lots constructed of concrete, asphalt, or compacted aggregate.
- 2.79 Industrial Park - A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.
- 2.80 Industrial Heavy - A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing process using flammable, or explosive materials, or a storage or manufacturing process that potentially involves hazardous or commonly recognized offensive conditions.

- 2.81 **Industrial Light** - A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, storage, sales, and distribution of such products.
- 2.82 **Junkyard** - Land or buildings at which waste material, refuse material, inoperative motor vehicles, inoperative machinery, and inoperative appliances, are collected, stored, salvaged, or sold.
- 2.83 **Kennel** - An establishment licensed to operate a facility housing dogs, cats or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business or commercial use.
- 2.84 **Laundry, Self-Service** - A business that provides home-type washing and drying machines to be used by customers on the premises.
- 2.85 **Lot** - A piece of land occupied or intended to be occupied by a principal use and its accessory uses together with such open space and yards as is required by this Chapter, and having at least the minimum area, frontage, and width as required by this Chapter. Also referred to as a parcel, tract, property, or piece.
- 2.86 **Lot Area** - The total horizontal area within the lot lines of the lot
- 2.87 **Lot, Conforming** - A lot that conforms to the minimum width, area, and frontage requirements of this Chapter.
- 2.88 **Lot, Corner** - A lot abutting, and at the intersection, of two (2) or more streets. A corner lot shall be considered as having primary frontage abutting the required front yard and secondary frontage abutting a corner side yard.
- 2.89 **Lot, Coverage** - The area of the lot covered by buildings or roofed areas, excluding permitted projecting gutters.
- 2.90 **Lot, Depth** - The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.
- 2.91 **Lot, Interior** - An interior lot is a lot other than a corner lot or through lot.
- 2.92 **Lot, Nonconforming** - A lot or parcel of land that has less than the required minimum area, width, and frontage as required by this Chapter. Also referred to as a substandard lot.
- 2.93 **Lot, Through** - A lot having front and rear lot lines abutting a public street.

- 2.94 Lot, Width - The horizontal distance between the side lot lines measured at the ~~required front yard setback line~~. *front right-of-way line*
- 2.95 Manufactured Home - A dwelling unit designed to be transportable and suitable for year-round occupancy, and containing the same water supply, waste disposal, mechanical, electrical conveniences and other provisions as required for a site erected home, whether mounted on wheels, frames, jacks, or permanent foundations.
- 2.96 Mobile Home Stand - The part of an individual mobile home lot which has been reserved for placement of the mobile home, appurtenant structures, or additions.
- 2.97 Modular Home - A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site. A modular home shall be synonymous to a one family dwelling.
- 2.98 Nonconforming Building - Any building that does not meet zoning district regulations of this Chapter.
- 2.99 Nonconforming Use - ~~A use lawfully in existence on the effective date of this Ordinance and does not comply with the use regulations of this Chapter.~~ *A use that*
- 2.100 Nursing Home - A place, residence, or home used for the boarding and care of the elderly or ~~infirm~~ *or persons* who are dependent upon the services of others.
- 2.101 Official Map - A map established by the governing body, in accordance with state statutes, showing streets, highways, parks, and drainage, ~~both existing and proposed.~~ *existing zoning districts*
- 2.102 Off-Street Loading Space - A space accessible from a street, alley, or driveway for use by trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.
- 2.103 Open Space, Common - Open space within or related to a development designed and intended for the common use or enjoyment of the occupants of the development. Parking or driveways shall not be considered permitted open space.
- 2.104 Outside Storage - The keeping in an unroofed area of any goods, bulk material, other materials, merchandise, or products for more than twenty-four (24) hours. Also referred to as unenclosed storage.
- 2.105 Park - Any public or private land available for recreational, educational, cultural, or aesthetic use.

- 2.106 Parking Lot - An ^{off street area} unenclosed or enclosed area used for the temporary parking of four (4) or more motor vehicles.
- 2.107 Parking Space or Stall - An obstructed space or area, of such dimension and construction in conformance with this Chapter, that is permanently reserved and maintained for the parking of one (1) motor vehicle.
- Add* 2.108 Patio - An attached or unattached structure at ground level that does not contain walls or a roof, and is not used for parking purposes.
- 2.109 Performance Standards - A set of minimum and maximum design and performance requirements applied to permitted and conditional uses.
- 2.110 Planning Commission - The Planning Commission of the City of Paynesville.
- 2.111 Premises - A lot or plot with the required front, side and rear yards.
- 2.112 Principle Structure or Use - The permitted or conditional use of a property or structure. Also may be defined as the main and predominate use of land or structures as distinguished from a secondary or accessory use.
- Add* 2.113 Property Line - Same as lot line. *no definition for lot line*
- Add* 2.114 Public Land - Land owned or operated by the City, School District, County, State, or other governmental unit.
- Add* 2.115 Ramp - A structure ^{or unattached} attached to a principal or accessory building which constructed at a slope that meets the Uniform Building Code requirements for the purposes of providing access to a building.
- 2.116 Recreation, Public - Includes all uses (such as tennis courts, ball fields, picnic areas, beaches, and such that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- 2.117 Recreation, Commercial - Includes ^{but not limited to} all uses (such as bowling alleys, driving ranges, and movie theaters) that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
- 2.118 Reclamation, Land - The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered a land reclamation project.

2.119 Restaurant - A business establishment that sells unpackaged food to the customer in a ready-to-consume state, in individual servings, and where the customer consumes these foods in a building, picks up food from the building to consume elsewhere, or the food is delivered to the customer by employees of the restaurant. This definition includes, but is not limited to; fast food restaurants, sit down restaurants, pick-up or carry-out restaurants, delivery restaurants, drive-in restaurants, drive-through restaurants, cafes, tea rooms, delis, and any combination thereof. May also be referred to as an eating establishment.

2.120 School - A public or private facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary, junior high schools, and high schools.

Add 2.121 Screen - The utilization of a fence, wall, vegetation, or other device or means, in order to conceal from view.

Add 2.122 Self-Service Storage Facility - A commercial building or group of buildings that contain varying sizes of individual compartmentalized and controlled stalls or lockers for the storage of customers' goods or wares.

2.123 Setback - The required minimum horizontal distance between a building line and the related front, side, or rear property lines.

No 2.124 Shopping Mall - Two (2) or more commercial or business uses joined to each other by a common wall without opening and each with individual entrances. Each use shall have principal access to the outside (strip mall) or to a common enclosed area (enclosed mall).

No 2.125 Sign - Any name, identification, description, display, illustration, structure, emblem, or device which is affixed to, painted, or represented directly or indirectly upon a building, bench, or other outdoor structure, vehicle, or piece of land, which is intended to direct attention to an object, product, place, activity, person, organization, or business. The structure supporting or intended to support a sign shall be considered part of the sign.

No 2.126 Street - A public or private thoroughfare used, or intended to be used, for travel by motor vehicles. Streets are further classified by the function they perform as local collectors and arterials. For the purpose of this Chapter, public alleys shall not be considered streets.

No 2.127 Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

2.128 Townhouse - One of a group of one-family attached dwellings all fronting on a public right-of-way or private driveway, and occupying either individual lots or a common lot when developed in Grouped Housing Projects.

- No 2.129 Use - The purpose for which land or premises or a building is designated, arranged or intended, or for which it is or may be occupied or maintained.
- No 2.130 Use (Accessory) - A use incidental or accessory to the principal use of a lot or a building and located on the same lot as the principle use.
- No 2.131 Used for - the term *used for* shall include the phrases arranged for, designed for, intended for, and occupied for.
- No 2.132 Unrelated Individuals - Two (2) or more individuals who are not related by blood, marriage, or adoption. For the purposes of this Chapter, "related by blood" shall mean whole or half relation between a common ancestor or descendant, brother or sister, uncle or aunt, niece or nephew, or first cousin.
- No 2.133 Variance - The adjustment by the City Council of the literal provisions of this Chapter in cases where the literal provisions would cause undue hardship because of physical circumstances unique to an individual property. Variances shall be limited to height, bulk, density, and yard requirements.
- No 2.134 Water Retention Device or Area - Any constructed control device, ponding area or storm water pond, or a natural depression or wetland installed or planned for under a state approved surface water management plan which provides for the temporary storage of storm water runoff, with the purpose of replicated pre-development hydrologic conditions and retaining sediment and/or nutrients.
- No 2.135 Yard - Any open space on the same zoning lot with a building that is occupied by that building or any other structure, and excluding loading and parking areas, except as otherwise permitted in this Chapter.
- No 2.136 Yard, Front - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line and the building line of the main building, including any enclosed or covered porches, as measured from the existing or future right-of-way on which the lot has primary frontage. The front yard depth shall be measured at right angles to the front property line.
- No 2.137 Yard, Rear - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear lot line and building line of the main building, or a depth equal to the shortest distance between the most distant point on any other lot line and the building line of the main building in instances where there is no rear lot line. The rear yard depth shall be measured at right angles to the main building.

NO

2.138 Yard, Side - A yard between the side lot line and the building line of the main building, which extends from the front yard to the rear yard and has a width equal to the shortest distance between the side lot line and the building line of the main building. The required side yard width shall be calculated at the front building line and the side yard width shall be measured at right angles to the side lot lines.

NO

2.139 Yard, Corner Side - A yard extending across the full depth of a corner lot and having a width equal to the shortest distance between the right-of-way line along the lot's secondary frontage and the building line of the main building.

NO

2.140 Zoning Amendment - A change authorized by the City Council of the allowed uses within a district, in the boundaries of a district, or the procedures or requirements of this Ordinance.

ADD

2.141 Zoning Administrator - The ~~City~~ ^{Person} Administrator is assigned the administrative responsibilities under this Ordinance.

to perform the administrative

by the City Council

NO

2.142 Zoning Map, Official - The map or maps incorporated into this Ordinance.

SECTION 11.5 ADMINISTRATION

Subdivision 1. Enforcing Officer. The City Administrator shall enforce this Ordinance and shall perform the following duties:

- 1.1 Administer this Ordinance and maintain permanent and current records of all associated maps, amendments, conditional uses, variances, and appeals.
- 1.2 Maintain a record of all conditional use and variance applications, all nonconforming uses, and all notices of violation, discontinuance, or removal in order to insure compliance with the provisions of this Ordinance, and on request, provide such information for public inspection.
- 1.3 Forward any application for appeal of any administrative order or final decision made in the administration of this Ordinance, to the City Council.
- 1.4 Receive and process any application for an amendment, conditional use, variance, ~~and~~ ^{planned development} and forward such application to the Planning Commission for review and its recommendation to the City Council.
- 1.5 Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for in this Ordinance.
- 1.6 Render interpretations of the provisions of this Ordinance.

zoning amendments

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- 3.9 Light manufacturing and assembly.
- 3.10 Mobile home, manufactured home, and trailer sales.
- 3.11 Restaurants, including drive-thru and carry out.
- 3.12 Shipping and outside storage of equipment and materials.
- 3.13 Shopping malls. — ~~definitions~~ definitions — check
- 3.14 Surface parking lots and parking structures or garages, when not accessory to a permitted use.
- 3.15 Other commercial uses determined by the City Council to be of the same general character as the permitted and conditional uses listed above and found not to be detrimental to existing uses and to the general public, health, safety, and welfare. — add similar under permit

Subdivision 4. All Buildings. Height, Yard, and Area Regulations.

4.1 Height Regulations: No building hereafter erected or altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. *currently 45*

4.2 Front Yard Regulations: There shall be a front yard having a depth of not less than ten (10) feet to an impervious parking or storage surface and/or any portion of a building or in line with any existing buildings located on abutting properties.

4.3 Rear Yard Regulations: There shall be a three (3) foot rear yard setback to an impervious parking or storage surface and six (6) feet to any portion of a building.

4.4 Lot Area Regulations: Each lot in the district shall contain an area of not less than five thousand (5,000) square feet.

4.5 Transitional Yard: A transitional yard shall be provided anywhere a C-1, Central Business District abuts a Residential District. The yard shall conform to the following requirements:

1. The dimensions of the required transitional yard on the property located in the C-1 District shall be equal to the dimensions of the required yard on the residentially zoned property which is located in closest proximity.
2. The transitional yard shall extend the entire length of the abutting Residential District boundary.

Take out

Take out

Sub. 5 - pg 177 - add in current ordinance

3. The transitional yard shall not be less than a yard required in the C-1 District.
4. The transitional yard shall not be required to be more than twenty (20) feet in depth.
5. The transitional yard shall be landscaped.

Subdivision 5. Maximum Ground Coverage. ~~The sum total of lot area that may be covered by all structures located on a zoning lot in the C-1, Central Business District, shall not exceed seventy-five percent (75%) of the lot area.~~

Subdivision 6. Minimum Structural Requirements. The following shall be minimum structural requirements in the C-1, Central Business District:

- 6.1 Exterior Wall Finish: All exterior wall finishes on any building or structures shall be of the following materials or combination thereof:
 - 6.1a Face brick.
 - 6.1b Factory fabricated and finished metal framed panel construction, glass, prefinished metal (except for unpainted galvanized iron), or plastic. *steel*
 - 6.1c Natural stone.
 - 6.1d Precast concrete panels or units if the surfaces have been integrally treated with an applied decorative material or texture.
 - 6.1e Other materials as approved by the City Council.

6.2 Additions and Accessory Buildings: All subsequent additions to a principal building and all accessory buildings and structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building.

?
Add subdivision for Accessory Uses

Before all Buildings - Include a subdivision for parking for cars have off-street parking currently but not a requirement.

- 5.2 Front Yard Regulations: Each lot in the district shall have a front yard having a depth of not less than twenty (20) feet from the street right-of-way. For existing buildings and additions to them the front yard depth shall be twenty (20) feet from the street right-of-way or in a straight line with any existing buildings on abutting properties. ← *add last sentence*
- 5.3 Side Yard Setback: Each lot in the district shall have two (2) side yards on each side of the building. Each side yard shall have a width of not less than ten (10) feet. ~~There shall be provided a three (3) foot side yard setback to an impervious parking or storage surface.~~
- 5.4 Rear Yard Regulations: There shall be a minimum rear yard depth of twenty (20) feet.
- ~~5.4~~ Lot Area Regulations: Each lot in the district shall contain an area of not less than ten thousand (10,000) square feet.
- ~~5.5~~ Corner Lots: All corner lots shall have a minimum twenty (20) foot front yard setback and a minimum twenty (20) foot setback on the side yard as measured from the street right-of-way. For purposes of this Ordinance, the direction the principal building faces shall be considered the front yard.
- 5.6 Lot Width: The minimum lot width shall be eighty (80) feet.

Subdivision 6. Maximum Ground Coverage. The sum total of lot area that may be covered by all structures located on a zoning lot in the C-2, Highway Commercial District, shall not exceed fifty percent (50%) of the lot area. *planning - should we change to 75%? X*

Subdivision 7. Minimum Structural Requirements. The following shall be minimum structural requirements in the C-2, Highway Commercial District:

- 7.1 Exterior Wall Finish: All exterior wall finishes on any building or structures shall be of the following materials or combination there of:
 - 7.1a Face brick.
 - 7.1b Factory fabricated and finished metal framed panel construction, glass, prefinished metal (except for unpainted galvanized iron), or plastic.
 - 7.1c Natural stone.
 - 7.1d Precast concrete panels or units if the surfaces have been integrally treated with an applied decorative material or texture.
 - 7.1e Other materials as approved by the City Council.

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7.2

Additions and Accessory Buildings: All subsequent additions to a principal building and all accessory buildings and structures shall be constructed of the same materials as the principal building and shall be of the same architectural design and general appearance as the principal building.

Look at St. Joe and include their language

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: Old Business

Originating Department: Administration

Item Number: VII – A

ITEM DESCRIPTION: 2016 Street Project

Prepared by: Staff

COMMENTS:

Chuck DeWolf will give a verbal report on the project. The latest project newsletter is attached for your information. Please review the attached Payment Estimate No. 2 in the amount of \$189,923.32; payable to Voss Plumbing & Heating, Inc. for work completed through July 27, 2016.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to approve Payment Estimate No. 2 in the amount of \$189,923.32; payable to Voss Plumbing & Heating, Inc.

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City of Paynesville

2016 Improvement Project Newsletter

Construction Includes:

- *New sanitary sewer mains and services*
- *New water mains and services*
- *New storm sewer mains and catch basins*
- *Street and curb construction*
- *Driveway and turf restoration*

Contractor:

- *Voss Plumbing & Heating of Paynesville, Inc.*



Bolton & Menk, Inc.
Phone 320-231-3956

Chuck DeWolf, P.E.
Paynesville City Engineer
Cell 320-212-2846

Mark Klama, P.E.
Project Engineer
Cell 320-905-6154

James Mickelson
Construction Representative
(onsite full time)
Cell Phone 320-212-0078

PROJECT LOCATION

As you are aware, the City of Paynesville is completing improvements along various streets in the community this construction season. The contractor for the project is Voss Plumbing & Heating of Paynesville, Inc. The following are the streets included in the project:

Reconstruction Areas:

- Minnie Street: from Washburne Avenue to Industrial Loop West
- Lake Avenue: from Minnie Street to the Crow River Bridge

Mill & Overlay Areas:

- Mill Street: Business 23 to Lake Avenue
- First Street: Alldon Park Drive to Lake Avenue
- Stearns Avenue: First Street to Business 23
- Main Street: Business 23 to Hwy 55

PROJECT UPDATE

The Contractor's anticipated schedule for the project is as follows:

1. The Contractor is working on the construction of the street improvements (excavating the roadway and placing gravel base) along Lake Avenue and is planning to install the curb and gutter the week of August 8th.
2. The Contractor is also completing the construction of the underground utility improvements along Minnie Street and anticipates the utilities being completed by August 12th. The construction of the street improvements will follow.
3. The improvements in the Mill and Overlay Areas are planned for mid August. Property owners will be notified of the exact date as the time nears.

The general order of work in the Reconstruction Areas will typically be as follows:

1. Temporary water service will be connected to your house
2. The bituminous street surface will be milled off, driveway pavement, and curb and gutter will be removed
3. Sanitary sewer, watermain, new sewer and water services and storm sewer will be installed
4. The roadway will be excavated and reconstructed to a gravel surface
5. Concrete curb and gutter and driveways will be constructed
6. The base layer of bituminous pavement will be placed (the top layer will be placed the following year)
7. Topsoil and seed will be installed

As work proceeds, you will experience temporary water shut-offs. You will be notified in advance when this is necessary.

In the interest of safety, the streets in the Reconstruction Areas will be closed to non-local traffic during construction. As construction continues there will be periods of time where access to your driveway will be limited. At the end of the day, the street will be restored and graded so that residents can access their driveway.

We want to thank you in advance for your patience and cooperation during the upcoming project. If you have any questions or concerns at any time, feel free to contact any of the people in the box to the left.

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BOLTON & MENK, INC.

Consulting Engineers & Surveyors

2040 Hwy 12 East • Willmar, MN 56201-5818

Phone (320) 231-3956 • Fax (320) 231-9710

www.bolton-menk.com

August 1, 2016

Mr. Ron Mergen
Public Works Director
City of Paynesville
221 Washburne Avenue
Paynesville, MN 56362

RE: 2016 Improvement Project
City of Paynesville, Minnesota
BMI Project No. W14.107598

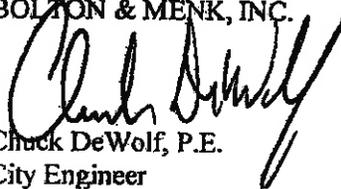
Dear Ron:

Enclosed please find three signed copies of Payment Estimate No. 2 for the above referenced project. The estimate reflects all work completed through July 27, 2016. We have reviewed the estimate and have approved it as submitted. Please review the estimate and, if acceptable, sign and date all copies of the estimate and forward one copy to Voss Plumbing & Heating of Paynesville, Inc. with payment, one copy to myself and keep one copy for your records.

Thank you for taking the time to review this estimate. Please feel free to call me if you have any questions or would like to discuss the estimate.

Sincerely,

BOLTON & MENK, INC.


Chuck DeWolf, P.E.
City Engineer

CWD/kg

Enclosures

CONTRACTOR'S PAY REQUEST

2016 IMPROVEMENT PROJECT
 CITY OF PAYNESVILLE, MN
 BMI PROJECT NO. W14.107598

DISTRIBUTION:
CONTRACTOR (1)
OWNER (1)
ENGINEER (1)

TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS	\$1,223,822.37
TOTAL, COMPLETED WORK TO DATE	\$372,334.78
TOTAL, STORED MATERIALS TO DATE	\$0.00
DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED	\$0.00
TOTAL, COMPLETED WORK & STORED MATERIALS	\$372,334.78
RETAINED PERCENTAGE (5%)	\$18,616.74
TOTAL AMOUNT OF OTHER PAYMENTS OR (DEDUCTIONS)	\$0.00
NET AMOUNT DUE TO CONTRACTOR TO DATE	\$353,718.04
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$163,794.72
PAY CONTRACTOR AS ESTIMATE NO. 2	\$189,923.32

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: Voss Plumbing & Heating of Paynesville, Inc.
 316 Business 23 E, PO Box 77
 Paynesville, MN 56362

By *Robert M. Brown* Name *Secretary* Title

Date 8-1-16

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: BOLTON & MENK, INC., ENGINEERS, 2040 E HWY 12, WILLMAR, MN 56201.

By *Charles D. Kelly* CITY ENGINEER

Date 8-1-16

APPROVED FOR PAYMENT:

OWNER: CITY OF PAYNESVILLE

By _____ Name Title Date

And _____ Name Title Date

Partial Pay Estimate No.:

2016 IMPROVEMENT PROJECT
CITY OF PAYNESVILLE, MN
BMI PROJECT NO. W14.107598

WORK COMPLETED THROUGH JULY 27, 2018

ITEM NO.	ITEM	UNIT PRICE	AS BID		COMPLETED TO DATE	
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
1	MOBILIZATION					
2	CLEARING & GRUBBING	\$28,000.00	1 LUMP SUM	\$28,000.00	0.50 LUMP SUM	\$14,000.00
3	REMOVE SEWER PIPE (STORM)	\$150.00	8 EACH	\$1,200.00	54 EACH	\$8,100.00
4	REMOVE 18" PVC SANITARY SEWER PIPE	\$7.00	396 LIN FT	\$2,785.00	426 LIN FT	\$2,975.00
5	REMOVE WATERMAIN	\$50.00	190 LIN FT	\$9,500.00		
6	REMOVE CONCRETE CURB & GUTTER	\$0.01	2147 LIN FT	\$21.47	428 LIN FT	\$4.28
7	REMOVE CONCRETE DRIVEWAY PAVEMENT	\$2.00	2998 LIN FT	\$5,996.00	2,086 LIN FT	\$4,172.00
8	REMOVE CONCRETE WALK	\$5.00	137 SQ YD	\$685.00	46 SQ YD	\$230.00
9	REMOVE BITUMINOUS PAVEMENT	\$0.50	718 SQ FT	\$359.00	419 SQ FT	\$209.50
10	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	\$1.66	8885 SQ YD	\$14,678.75	2,000 SQ YD	\$3,300.00
11	REMOVE HYDRANT	\$3.00	2040 SQ YD	\$6,120.00	1,126 SQ YD	\$3,378.00
12	REMOVE STORM STRUCTURE	\$100.00	5 EACH	\$500.00	2 EACH	\$200.00
13	REMOVE MANHOLE (SANITARY)	\$260.00	8 EACH	\$2,080.00	7 EACH	\$1,760.00
14	REMOVE & RELOCATED SKIMMER STRUCTURE	\$350.00	3 EACH	\$1,050.00	2 EACH	\$700.00
15	SALVAGE RANDOM RIP RAP	\$2,000.00	1 EACH	\$2,000.00	1 EACH	\$2,000.00
16	COMMON EXCAVATION (P)	\$20.00	20 CU YD	\$400.00	20 CU YD	\$400.00
17	INSTALL SALVAGED RIP RAP	\$5.00	7439 CU YD	\$37,195.00		
18	POND EXCAVATION (P)	\$20.00	20 CU YD	\$400.00	20 CU YD	\$400.00
19	GEOTEXTILE FABRIC TYPE IV	\$6.00	12004 CU YD	\$72,024.00	12,004 CU YD	\$72,024.00
20	GRAVEL DRIVEWAY RESTORATION	\$5.00	90 SQ YD	\$450.00	80 SQ YD	\$400.00
21	AGGREGATE BASE, CLASS 5 (CV)	\$15.00	117 CY YD	\$1,755.00		
22	BITUMINOUS PATCH - DRIVEWAY RESTORATION	\$18.00	4047 CU YD	\$72,846.00		
23	MILL BITUMINOUS SURFACE (1.5")	\$16.05	276 SQ YD	\$4,429.80		
24	EDGE MILL BITUMINOUS SURFACE (6' WIDTH)	\$1.35	6497 SQ YD	\$8,770.95		
25	TYPE SP 12.5 NON WEARING COURSE MIXTURE (2,B)	\$1.35	10101 SQ YD	\$13,636.35		
26	TYPE SP 12.5 WEARING COURSE MIXTURE (2,B)	\$52.00	1316 TON	\$68,432.00		
27	12" STORM SEWER	\$54.00	3898 TON	\$210,492.00		
28	24" STORM SEWER	\$16.00	37 LIN FT	\$592.00	40 LIN FT	\$640.00
29	12" RC PIPE SEWER CLASS V	\$27.00	876 LIN FT	\$23,652.00	82 LIN FT	\$2,214.00
30	18" RC PIPE SEWER CLASS V	\$22.00	553 LIN FT	\$12,166.00	429 LIN FT	\$9,438.00
31	18" RC PIPE SEWER CLASS III	\$22.00	1208 LIN FT	\$26,576.00	204 LIN FT	\$4,488.00
32	21" RC PIPE SEWER CLASS III	\$23.50	247 LIN FT	\$5,804.50		
33	24" RC PIPE SEWER CLASS III	\$26.00	520 LIN FT	\$13,520.00		
34	15" STORM PLUG	\$28.00	46 LIN FT	\$1,288.00		
35	12" PIPE APRON	\$100.00	1 EACH	\$100.00		
36	24" PIPE APRON	\$260.00	2 EACH	\$520.00	2 EACH	\$500.00
37	6" CONCRETE HEADWALL WITH RODENT SCREEN	\$850.00	1 EACH	\$850.00	1 EACH	\$850.00
38	6" PERF PVC PIPE DRAIN	\$175.00	1 EACH	\$175.00	1 EACH	\$175.00
39	6" PVC PIPE DRAIN CLEANOUT	\$8.00	590 LIN FT	\$4,720.00	590 LIN FT	\$4,720.00
40	8" PVC PIPE SEWER	\$150.00	6 EACH	\$900.00	6 EACH	\$900.00
41	18" PVC PIPE SEWER (IN EXISTING CASING)	\$15.00	1024 LIN FT	\$15,360.00	717 LIN FT	\$10,755.00
42	CONNECT TO EXISTING STORM SEWER	\$75.00	186 LIN FT	\$14,100.00		
43	6"x6" PVC WYE, SDR 26	\$750.00	1 EACH	\$750.00	1 EACH	\$750.00
44	18"x8" PVC SDR 26 SADDLE WYE	\$175.00	14 EACH	\$2,450.00	7 EACH	\$1,225.00
45	6" PVC PIPE SEWER, SDR 26 SANITARY SERVICE PIPE	\$750.00	4 EACH	\$3,000.00	5 EACH	\$3,750.00
46	SANITARY SEWER BYPASS PUMPING AND CORRECTIVE MEASU	\$18.00	682 LIN FT	\$11,916.00	271 LIN FT	\$4,878.00
47	HYDRANT 8.5' BURY	\$14,000.00	1 LUMP SUM	\$14,000.00	0.50 LUMP SUM	\$7,000.00
48	1" CORPORATION STOP & SADDLE	\$3,600.00	6 EACH	\$21,600.00	3 EACH	\$10,500.00
49	1" CURB STOP & BOX	\$275.00	18 EACH	\$4,950.00	8 EACH	\$1,660.00
50	6" GATE VALVE AND BOX	\$275.00	18 EACH	\$4,950.00	7 EACH	\$1,925.00
51	8" GATE VALVE AND BOX	\$1,275.00	4 EACH	\$5,100.00	2 EACH	\$2,550.00
52	10" GATE VALVE AND BOX	\$1,760.00	2 EACH	\$3,520.00	1 EACH	\$1,760.00
53	12" GATE VALVE AND BOX	\$2,350.00	1 EACH	\$2,350.00	2 EACH	\$4,700.00
54	ADJUST VALVE BOX	\$2,825.00	3 EACH	\$8,475.00	2 EACH	\$5,650.00
55	CONNECT TO EXISTING WATERMAIN	\$175.00	13 EACH	\$2,275.00		
56	1" WATER SERVICE PIPE	\$500.00	2 EACH	\$1,000.00	2 EACH	\$1,000.00
57	6" PVC WATERMAIN C-900 DR 18	\$15.00	520 LIN FT	\$7,800.00	307 LIN FT	\$4,605.00
58	6" PVC WATERMAIN C-900 DR 18	\$15.50	236 LIN FT	\$3,658.00	55 LIN FT	\$852.50
59	12" PVC WATERMAIN C-900 DR 18	\$17.50	137 LIN FT	\$2,397.50	37 LIN FT	\$647.50
60	12" WATERMAIN (TRENCHLESS)	\$23.50	2167 LIN FT	\$50,924.50	808 LIN FT	\$11,891.00
61	WATERMAIN FITTINGS (COMPACT)	\$125.00	326 LIN FT	\$40,750.00	380 LIN FT	\$47,500.00
62	CONSTRUCT DES H STRUCTURE	\$7.50	1783 POUND	\$13,372.50	1,323 POUND	\$9,922.50
63	CONSTRUCT DRAINAGE STRUCTURE, R-1 (2'X3')	\$176.00	12.2 LIN FT	\$2,155.20		
64	CONSTRUCT DRAINAGE STRUCTURE, DES 48-4020	\$226.00	62.7 LIN FT	\$14,107.50	22 LIN FT	\$4,972.00
65	CONSTRUCT DRAINAGE STRUCTURE, DES 54-4020	\$285.00	74.4 LIN FT	\$21,204.00	23 LIN FT	\$6,540.00
66	CASTING ASSEMBLY (SANITARY)	\$375.00	5.1 LIN FT	\$1,912.50		
67	CASTING ASSEMBLY NEENAH R-1733	\$475.00	4 EACH	\$1,900.00		
68	CASTING ASSEMBLY NEENAH R-3067-V	\$475.00	12 EACH	\$5,700.00		
69	CASTING ASSEMBLY NEENAH R-4342 STOOL GRATE	\$500.00	16 EACH	\$8,000.00		
70	CASTING ASSEMBLY NEENAH R-2505	\$450.00	5 EACH	\$2,250.00		
71	ADJUST FRAME AND RING CASTING (SANITARY)	\$500.00	1 EACH	\$500.00		
72	ADJUST FRAME AND RING CASTING (STORM)	\$200.00	10 EACH	\$2,000.00		
73	ADJUST FRAME AND RING CASTING (SPECIAL)	\$200.00	12 EACH	\$2,400.00		
74	CONSTRUCT SANITARY MANHOLE, DES 4007	\$200.00	1 EACH	\$200.00		
75	8" OUTSIDE DROP	\$225.00	41.3 LIN FT	\$9,292.50	25 LIN FT	\$5,625.00
76	RANDOM RIPRAP CLASS IV	\$600.00	6 LIN FT	\$3,600.00	6 LIN FT	\$3,600.00
77	4" CONCRETE SIDEWALK	\$50.00	10 CU YD	\$500.00	31.50 CU YD	\$1,575.00
78	BITUMINOUS TRAIL	\$5.50	790 SQ FT	\$4,345.00		
79	CONCRETE CURB & GUTTER DESIGN B618	\$22.50	630 LIN FT	\$14,175.00		
80	6" CONCRETE DRIVEWAY PAVEMENT	\$11.50	5201 LIN FT	\$59,811.50		
81	8" CONCRETE DRIVEWAY PAVEMENT	\$44.00	238 SQ YD	\$10,472.00		
82	TRUNCATED DOMES	\$58.50	524 SQ YD	\$28,668.00		
83	TRAFFIC CONTROL	\$42.00	60 SQ FT	\$2,520.00		
85		\$4,600.00	1 LUMP SUM	\$4,600.00	0.50 LUMP SUM	\$2,250.00

241

Partial Pay Estimate No.:

2

**2016 IMPROVEMENT PROJECT
CITY OF PAYNESVILLE, MN
BMI PROJECT NO. W14.107698**

WORK COMPLETED THROUGH JULY 27, 2016

ITEM NO.	ITEM	UNIT PRICE	AS BID		COMPLETED TO DATE		
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	
84	SILT FENCE, MACHINE SLICED	\$1.50	742	LIN FT \$1,118.00	925	LIN FT \$1,387.50	
85	STORM DRAIN INLET PROTECTION	\$100.00	27	EACH \$2,700.00		EACH	
86	STABILIZED CONSTRUCTION EXIT	\$500.00	3	EACH \$1,500.00	1	EACH \$500.00	
87	AMENDED SOIL-POND INFILTRATION MEDIA	\$20.00	3153	CU YD \$63,060.00	3,153	CU YD \$63,060.00	
88	COMMON TOPSOIL BORROW (LV)	\$8.50	3391	CU YD \$28,823.50		CU YD	
89	EROSION CONTROL BLANKET, CATEGORY 3	\$1.25	4190	SQ YD \$5,237.50	336	SQ YD \$420.00	
90	SEED 22-141, BONDED FIBER MATRIX, FERTILIZER	\$4,200.00	1.1	ACRE \$4,620.00		ACRE	
91	SEED 25-151, BONDED FIBER MATRIX, FERTILIZER	\$4,200.00	1.8	ACRE \$7,560.00		ACRE	
92	SEED 35-241 / 22-111, TYPE 1 MULCH, FERTILIZER	\$6,000.00	1.8	ACRE \$10,800.00	1.8	ACRE \$10,800.00	
93	EROSION & SEDIMENT CONTROL	\$1,000.00	1	LUMP SUM \$1,000.00	0.50	LUMP SUM \$500.00	
94	4" SOLID LINE WHITE - EPOXY	\$1.80	1100	LIN FT \$1,980.00		LIN FT	
95	24" SOLID LINE WHITE-EPOXY	\$7.50	24	LIN FT \$180.00		LIN FT	
96	PAVEMENT MESSAGE (RR CROSSING) EPOXY	\$760.00	1	EACH \$760.00		EACH	
97	PAVEMENT MESSAGE (HANDICAP SYMBOL) EPOXY	\$125.00	3	EACH \$375.00		EACH	
98	CROSSWALK MARKING - EPOXY	\$4.85	1857	SQ FT \$8,635.05		SQ FT	
TOTAL AMOUNT:					\$1,223,822.37		\$372,334.78

242

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: Old Business

Originating Department: Administration

Item Number: VII – B

ITEM DESCRIPTION: Heatherwood Plat Three Lots – Bill Lieser Request

Prepared by: Staff

COMMENTS:

Bill Lieser was in attendance at the July 11, 2016 Council meeting regarding the Special Assessments on the lots in Heatherwood Plat Three in the amount of \$1,216.48 (annual interest that was due, but not paid per the development agreement) and to have them waived. At that time the Council wanted to confirm who the owner of the lots were.

On Wednesday, July 20, 2016 Jennifer Welling confirmed with Sarah in the Auditor's Office that Rutwald Properties owns both parcels in question 70.39118.0524 and 70.39118.0523.

This was tabled at the July 25, 2016 Council meeting to allow for Bill Lieser to return to a Council meeting and discuss his request now knowing the lot ownership.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to _____.

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: Old Business

Originating Department: Administration

Item Number: VII – C

ITEM DESCRIPTION: VOC – Water Treatment Plant

Prepared by: Staff

COMMENTS:

Variance – The City of Paynesville received a three-part Variance Application from the City of Paynesville, 221 Washburne Ave. Paynesville, MN. The property in question is at 271 Ampe Drive, Paynesville, MN. The Variance request is for an additional structure at the Water Treatment Plant for the volatile organic compounds (VOC) project. Due to the irregular shape of the lot, the new building is proposed to be:

- 5.14 feet from the rear property line, this lot is double fronted; therefore it needs to meet the 25 foot front setback requirement off of Business 23 also – needing a 19.86 foot variance
- 6.84 feet from the side property line – can't meet the 10 foot setback requirement – needing a 3.16 foot variance
- 37 feet in height - can't meet the 35 foot height regulation – needing a 2 foot variance

The structure will meet all other zoning regulations.

The Planning Commission has reviewed this and recommends approval.

Purchase of County Right of Way – Ron Mergen and/or Chuck DeWolf will give a verbal report. Discuss purchasing 50 feet of Business 23 right of way from Stearns County.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

Motion to set the City of Paynesville Variance Public Hearing for Monday, September 12, 2016 at 6:30 p.m.

Motion to _____.

244

CITY OF PAYNESVILLE ~ VARIANCE APPLICATION

221 Washburne Ave. ~ Paynesville, MN 56362
Phone: 320-243-3714 ~ Fax: 320-243-3713

List All Property Owners: City of Paynesville

Contact Person: Ron Mergen Email Address: ron@paynesvillemn.com

Mailing Address: 221 Washburne Avenue, Paynesville, MN 56362

Telephone No.: (320) 243-3714 Parcel No.: 70.39242.0045

Property Address: 271 Ampe Drive

Legal Description: Lot: 6 Block: 4 Addition: Pay-Del-Co

ZONE: C2

EXISTING USE OF PROPERTY:
Water Treatment Facility

Application Fee: \$250.00
(non-refundable) These are the fees incurred per document: Advertising \$48.00 (average), Recording \$46.00 (actual), Postage \$33.00 (average), Legal \$123.00 (average), totaling \$250.00.

IS THE VARIANCE NEEDED TO REPLACE AN EXISTING STRUCTURE OR ADD AN ADDITIONAL STRUCTURE? Add an additional structure

IF REPLACING, IS THE EXISTING STRUCTURE NON-CONFORMING? _____

DESCRIPTION OF REQUEST: (use separate sheet if needed)
See attached sheet.

DRAWING OF PROPOSED VARIANCE: (use separate sheet)

Application Must Include:

- A site plan showing existing lot lines and dimensions as well as lot area, all easements, all public streets, and private right of ways bordering and adjacent to the site, the use and location of all adjacent property.
- The specific feature or features of the proposed use, construction, or development that requires a variance.
- Specific provisions of Ordinance from which a variance is sought and the precise variance there from being sought.
- Statement of characteristics of the property that prevent compliance with the provisions of the Ordinance.
- Legal description from abstract.
- Any written or graphic data required by the City Administrator.

Jeff Thompson
All Property Owners Must Sign This Application

7/19/16
Date

For office use only:
Application Fee: \$250.00 (non-refundable)
For office use only: Cash _____

Check No. 093061 Date Paid 7.28.16

Present To Planning Commission Date: 8.1.16
Board of Adjustment Public Hearing Date: 9.12.16

Board of Adjustment Set Public Hearing Date: 8.8.16
Board of Adjustment Makes Determination Date: 9.12.16

PLANNING COMMISSION ACTION:
Recommended to Board of Adjustment _____ Approved
BOARD OF ADJUSTMENT ACTION: _____ Approved

Denied _____
Date: _____
Date: _____

Date Received in Office:
(Stamp) JUL 27 2016
245

The City of Paynesville is adding a process to their water treatment facility to remove volatile organic compounds. Due to the irregular shape of the lot, the new building is proposed to be located 5.14-feet from the rear property line, which doesn't meet the 20-foot setback requirement, and also 6.84-feet from the side property line, which doesn't meet the 10-foot setback requirement. In addition, the treatment process includes a tower which will extend 37-feet above the existing ground elevation, which is higher than the 35-foot maximum height allowed. The lot coverage is less than the 50% maximum requirement.

24

CITY OF PAYNESVILLE

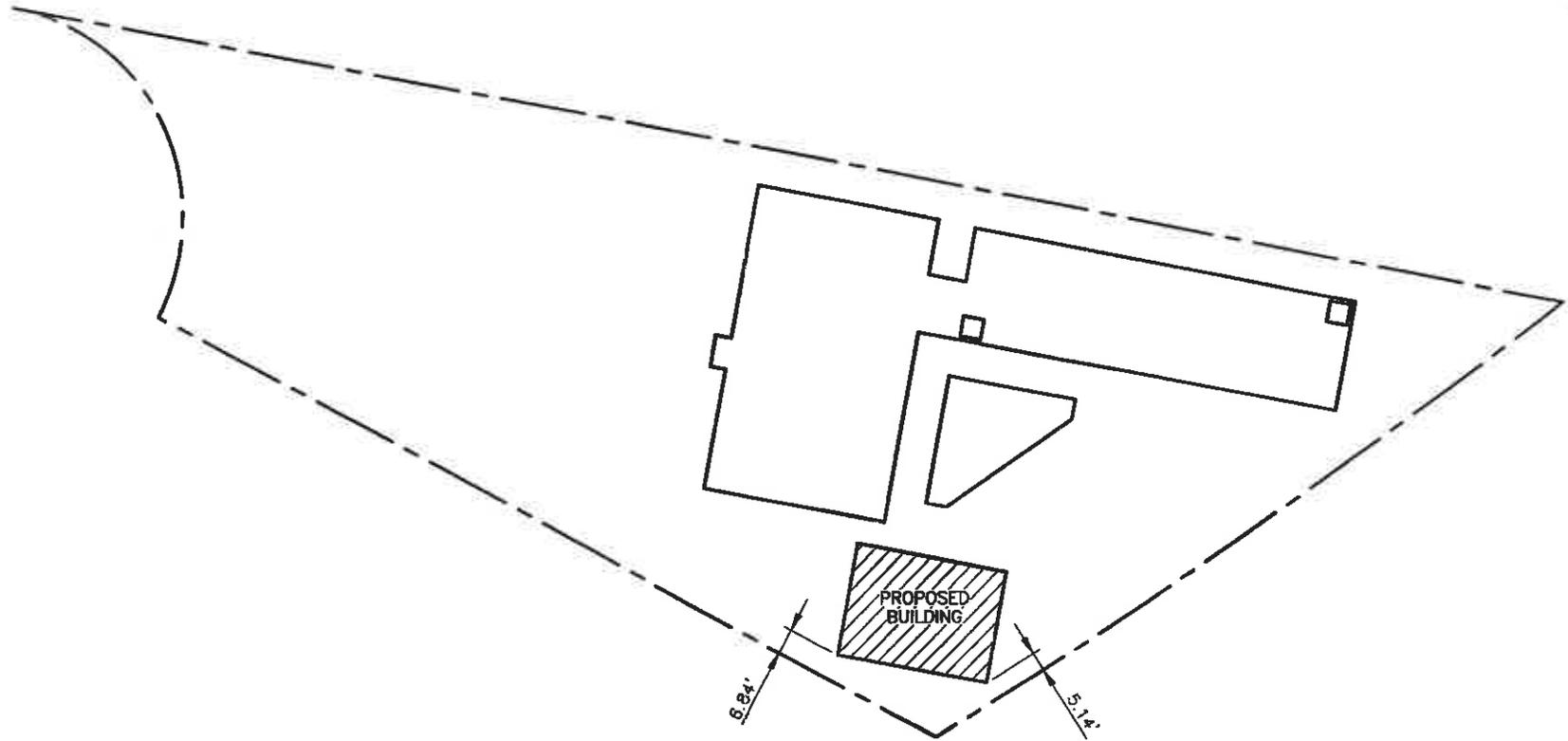
REC#: 00046805 7/28/2016 9:26 AM
OPER: FRONT TERM: 001
REF#: 093061

TRAN: 10.0100 VARIANCE FEE
water plant voc variance
VARIANCE FEES 250.00CR

TENDERED: 2,326.21 CHECK
APPLIED: 2,326.21-

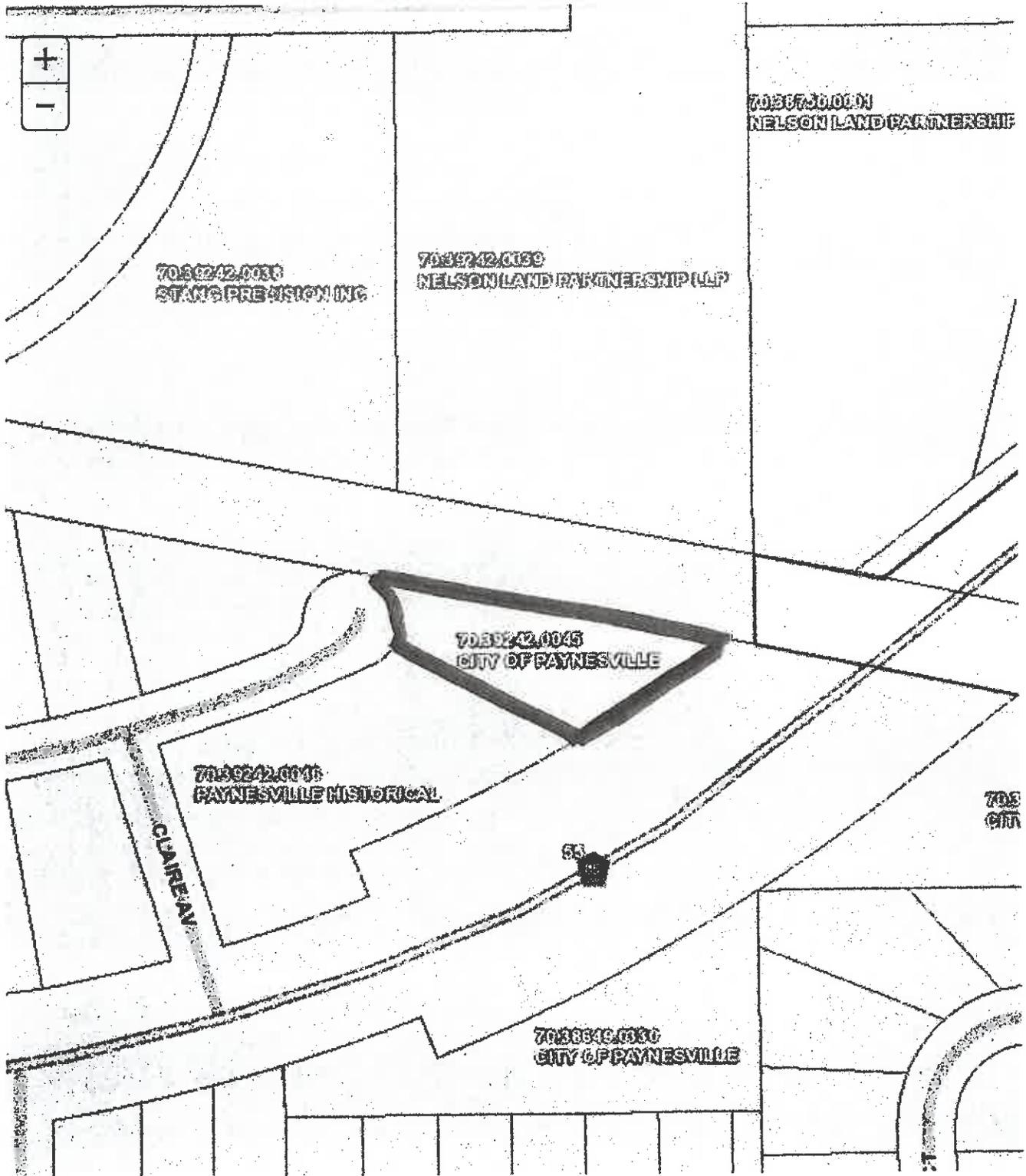
CHANGE: 0.00

247



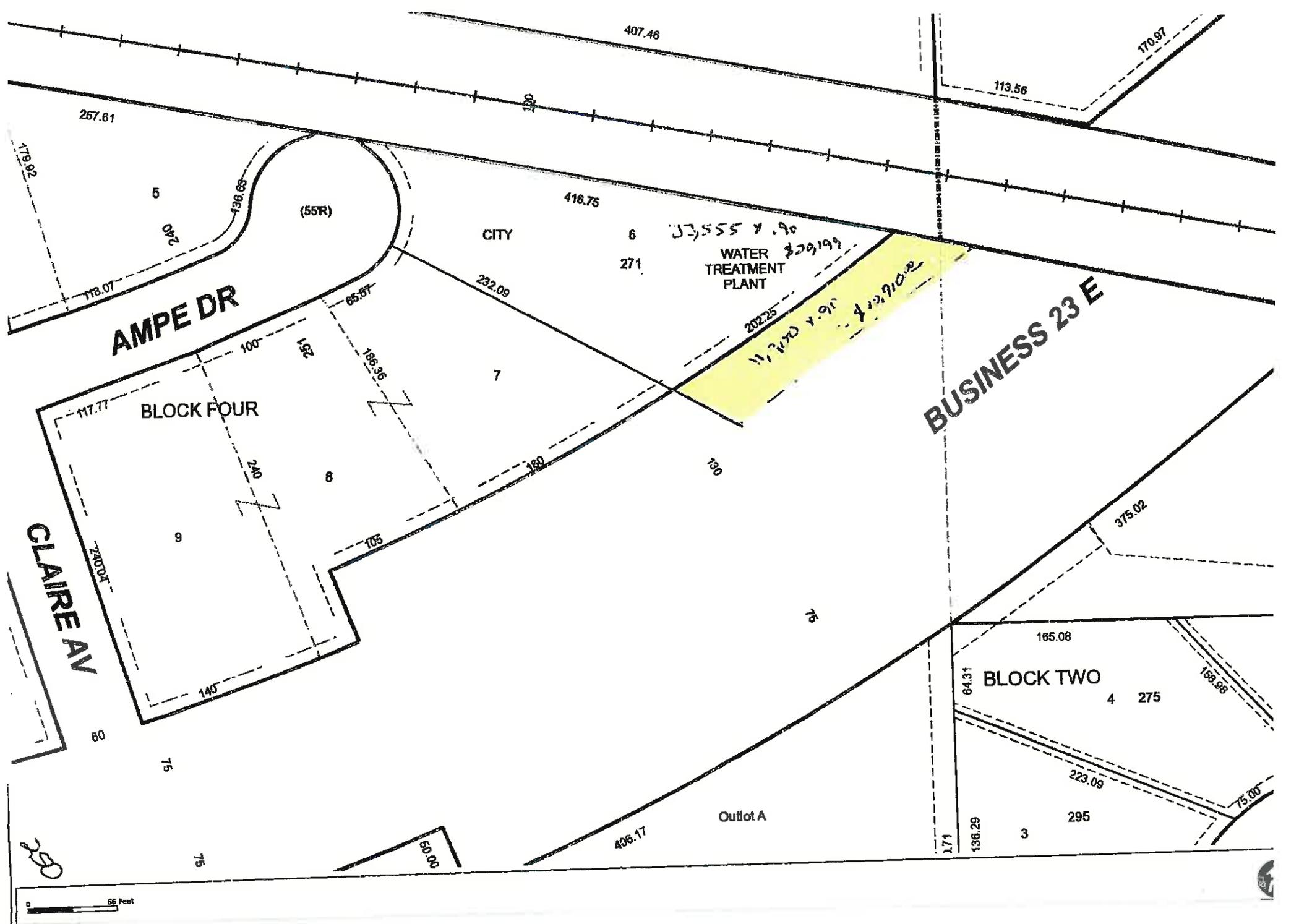
PAYNESVILLE, MINNESOTA
WATER TREATMENT FACILITY IMPROVEMENTS

Shf



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- [Legend](#)

249



407.46

170.97

113.56

257.61

179.92

5

240

136.68

(55R)

416.75

CITY

6

53,555 x .90

WATER TREATMENT PLANT

2,291,99

117,170 x .91
4,129,710.00

65.57

232.09

AMPE DR

100

152

166.56

7

BLOCK FOUR

240

8

180

130

CLAIRE AV

117.77

9

240

105

140

75

375.02

165.08

BLOCK TWO

4 275

168.96

64.31

3

223.09

75.00

Outlot A

406.17

2.71

136.29

295

75

50.00

66 Feet

REQUEST FOR COMMITTEE/COUNCIL ACTION

COMMITTEE/COUNCIL NAME: City Council

Committee/Council Meeting Date: August 8, 2016

Agenda Section: Old Business

Originating Department: Administration

Item Number: VII – D

ITEM DESCRIPTION: Golf Carts

Prepared by: Staff

COMMENTS:

Doris Wendlandt has requested to be on the City Council agenda to address the Golf Cart Ordinance.

ADMINISTRATOR COMMENTS:

COMMITTEE/COUNCIL ACTION:

INFORMATIONAL

Consolidated Z Report

For batches closed between 7/1/2016 and 8/1/2016

Number of Registers 3
Number of Batches 80

All Regs Closed? FALSE
EDC Closed? TRUE

Entire month July 2016

Cash In

Opening Total	\$41,600.00
Sales	\$179,320.53
Neg. Transactions	(\$892.11)
Tax	\$15,616.97
Shipping	\$0.00
Debit Surcharge	\$0.00
Cash Back Fee	\$0.00
Paid on Layaway	\$0.00
Paid to Account	\$0.00
Deposit Made	\$0.00
Total	\$235,645.39

Misc.

Total Sales	\$178,428.42	
Total Tendered	\$223,705.57	
Total Change	(\$29,660.18)	
Over / Short	(\$25.25)	(0.0141%)
Cost of Goods	\$138,531.30	77.49 %
Profit	\$39,897.13	22.51 %
Commission	\$0.00	
Discounts	\$5,385.28	2.93 %
Discount Quantity	2412	13.99 %
Product Count	17237	
Not Scanned	0	0.00 %
Transaction Count	7443	
Avg. Transaction	\$24.02	
Largest Transaction	\$419.88	
No Sales	281	3.78 %
Cancel Transaction	49	0.66 %
Item Corrections	150	0.87 %
Returns (19)	\$501.82	0.28 %
Post Voids (17)	\$439.00	0.25 %
Neg. Dollar Items	(\$448.00)	0.25 %
Manual Inventory Adjustments	\$124.49	
Unique Customers	0	
Trans w/ Customer	0	0.00 %

Department Sales

Department Name	Cost	Sales	% of Sales
Beer	\$76,651.43	\$96,902.00	54.31 %
Club	\$0.00	\$214.00	0.12 %
Deposits	\$81.43	\$80.00	0.04 %
Energy Drinks	\$94.74	\$153.04	0.09 %
Gift Card Sales	\$0.00	\$35.00	0.02 %
Ice and Water	\$1,661.17	\$3,213.43	1.80 %
Liquor	\$35,971.85	\$46,767.95	26.21 %
Lott Scr Payout	\$0.00	(\$408.00)	-0.23 %
Lottery Scratch Tickets	\$1,373.09	\$1,453.00	0.81 %
Misc	\$3,022.37	\$4,082.14	2.29 %
Online Lotto	\$993.20	\$1,052.00	0.59 %
Online Lotto Payout	(\$38.00)	(\$40.00)	-0.02 %
Pop	\$599.01	\$767.64	0.43 %
Tobacco	\$7,087.23	\$8,096.41	4.54 %
Wine	\$11,033.77	\$16,059.81	9.00 %

Cash Out

Paid Out	\$0.00
Dropped	\$0.00
Layaway Closed	\$0.00
Paid on Account	\$0.00
Deposit Redeemed	\$0.00
Closing Total	\$235,620.14
Total	\$235,620.14

Tender Information

Tender Type	Open	Shift	Close	Over/Short
Cash	\$41,600.00	\$63,928.54	\$105,551.42	\$22.88
Check	\$0.00	\$5,822.39	\$5,774.26	(\$48.13)
Credit Cards	\$0.00	\$123,759.59	\$123,759.59	\$0.00
Gift Cards	\$0.00	\$105.00	\$105.00	\$0.00
Offline Credit Card	\$0.00	\$429.87	\$429.87	\$0.00
Totals	\$41,600.00	\$194,045.39	\$235,620.14	(\$25.25)

Credit Card Detail

Card Name	Count	Amount
Total		

252

Discounts By Reason Code

<u>Reason code</u>	<u>Qty</u>	<u>Total</u>	<u>% Sales</u>
15% Coupon	16	\$141.98	0.08 %
15% Discount Craft Beer	9	\$15.82	0.01 %
20% Discount off All	5	\$6.00	0.00 %
2-6 pk for 12 pk Price	6	\$10.96	0.01 %
Coded Beer	28	\$162.95	0.09 %
Daily's 4 pk Disc	234	\$55.96	0.03 %
Discontinued Item	45	\$316.50	0.18 %
Quantity Discount	494	\$774.14	0.43 %
Quantity Discounts	43	\$77.47	0.04 %
Rex Goliath Discount	15	\$33.87	0.02 %
Sale Price	1154	\$3,281.00	1.83 %
Senior Wednesday Discount	125	\$170.97	0.10 %
Wine Bags 4 Bottles	53	\$58.22	0.03 %
Wine Club	16	\$19.05	0.01 %
Wine sale	43	\$105.89	0.06 %
Wine Tuesday Discount	126	\$154.50	0.09 %
Total	2412	\$5,385.28	

Tax Collected

<u>Tax Name</u>	<u>Amount</u>
MN Liquor Tax	\$15,016.18
MN Sales Tax	\$600.79
Total	\$15,616.97

Payout & Drop Detail

<u>Cashier</u>	<u>Payment To</u>	<u>Comment</u>	<u>Amount</u>	<u>Date/Time</u>
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Taxable Sales

<u>Description</u>	<u>Amount</u>
MN Liquor Tax	\$160,176.10
MN Sales Tax	\$8,735.72
Non Taxable	\$9,494.62
Tax Exempt	\$21.98

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Return Detail

<u>Cashier</u>	<u>Product description</u>	<u>Qty</u>	<u>Sold price</u>	<u>T #</u>	<u>Reg #</u>	<u>Date/Time</u>
April Mathies	Leroux Apricot Brandy Ltr	(1)	(\$12.99)	417545	1	07/01/2016 1:32:11 PM
April Mathies	Leroux Polish Blk/Bry Ltr	(1)	(\$12.99)	417545	1	07/01/2016 1:32:11 PM
April Mathies	Andre Extra Dry 750 ml	(1)	(\$5.99)	417545	1	07/01/2016 1:32:11 PM
April Mathies	Andre Extra Dry 750 ml	(1)	(\$5.99)	417545	1	07/01/2016 1:32:11 PM
April Mathies	Ice 5 lbs Bag	(1)	(\$1.79)	418308	1	07/02/2016 1:54:34 PM
April Mathies	Keg Deposit	(1)	(\$30.00)	418838	2	07/04/2016 10:26:52 AM
April Mathies	Tapper Deposit	(1)	(\$50.00)	418838	2	07/04/2016 10:26:52 AM
April Mathies	Online Lotto Sale	(2)	(\$2.00)	420501	2	07/12/2016 12:28:50 PM
April Mathies	Mikes Lemonade Light 6pk btl	(1)	(\$8.49)	424594	2	07/30/2016 2:32:01 PM
Ethan Brown	Captain Morgan Long Island Tea	(1)	(\$17.99)	419724	1	07/08/2016 4:19:44 PM
Ethan Brown	Keg Deposit	(1)	(\$30.00)	420917	2	07/14/2016 4:21:56 PM
Ethan Brown	Keg Deposit	(1)	(\$30.00)	423459	2	07/25/2016 7:24:48 PM
Ethan Brown	Tapper Deposit	(1)	(\$50.00)	423459	2	07/25/2016 7:24:48 PM
Ethan Brown	Tapper Deposit	(1)	(\$50.00)	423459	2	07/25/2016 7:24:48 PM
Jean Nichols	Ice 5 lbs Bag	(1)	(\$1.79)	421276	2	07/15/2016 6:22:46 PM
Trevor Thompson	Golden Harvest King Blue Tubes	(1)	(\$2.19)	421570	2	07/16/2016 3:09:11 PM
Whitney Muetzel	Black Box Chardonnay 3 Ltr	(1)	(\$23.99)	418493	1	07/02/2016 4:22:30 PM
William Ludwig	Keg Deposit	(1)	(\$30.00)	419560	2	07/08/2016 10:23:04 AM
William Ludwig	Bud Light 16oz 24 pk	(1)	(\$21.99)	419731	2	07/08/2016 4:25:26 PM
William Ludwig	Busch 16oz 18pk	(1)	(\$15.99)	419745	2	07/08/2016 4:42:02 PM
William Ludwig	Grizzly Fine Cut Natural Red	(1)	(\$6.69)	420872	2	07/14/2016 1:08:57 PM
William Ludwig	Keg Deposit	(1)	(\$30.00)	421426	1	07/16/2016 11:34:35 AM
William Ludwig	Gambler Gold 100's Tubes	(1)	(\$3.49)	422569	2	07/22/2016 11:01:30 AM
William Ludwig	Stella Artois Cidre 6 pk bt	(1)	(\$9.99)	423337	2	07/25/2016 12:51:38 PM
William Ludwig	Malibu Coconut Rum 1.75Ltr	(1)	(\$22.99)	423337	2	07/25/2016 12:51:38 PM
William Ludwig	Palm Breeze 12pk Variety	(1)	(\$12.99)	423337	2	07/25/2016 12:51:38 PM
William Ludwig	Corona Light 6 pk bt	(1)	(\$9.49)	423337	2	07/25/2016 12:51:38 PM
William Ludwig	Online Lotto Sale	(2)	(\$2.00)	423338	2	07/25/2016 12:52:03 PM
Total		(30)	(\$501.82)			

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Post Voids Detail

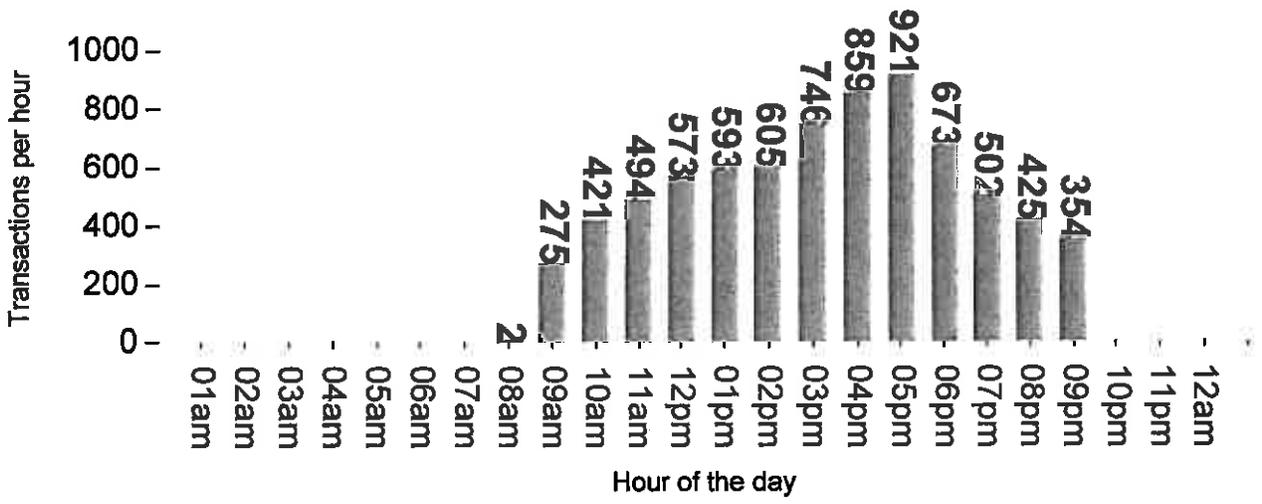
<u>Cashier</u>	<u>Product description</u>	<u>Qty</u>	<u>Sold price</u>	<u>T #</u>	<u>Reg #</u>	<u>Date/Time</u>
April Mathies	Barefoot Bubbly Moscato 750ml	(1)	(\$9.99)	424398	2	07/29/2016 8:41:50 PM
April Mathies	Mikes Black Cherry 12pk can	(1)	(\$14.99)	424398	2	07/29/2016 8:41:50 PM
April Mathies	Mikes Hard Variety 12 Can	(1)	(\$14.99)	424398	2	07/29/2016 8:41:50 PM
April Mathies	Miller Lite 24 pk cn	(1)	(\$16.99)	424398	2	07/29/2016 8:41:50 PM
April Mathies	Roses Grenadine 12 oz	(1)	(\$3.29)	424398	2	07/29/2016 8:41:50 PM
April Mathies	Online Lotto Sale	(4)	(\$4.00)	424398	2	07/29/2016 8:41:50 PM
Jean Nichols	Bud Light 16oz 24 pk	(1)	(\$21.99)	421914	2	07/18/2016 6:50:30 PM
Jean Nichols	Busch Lt 24 pk cn	(1)	(\$15.99)	422323	2	07/20/2016 6:56:58 PM
Kristin Desm	Angry Orchard Crisp Apple 12bt	(1)	(\$14.99)	418428	2	07/02/2016 3:33:48 PM
Kristin Desm	Coors Light 24 pk Bottle	(1)	(\$20.99)	418428	2	07/02/2016 3:33:48 PM
Kristin Desm	Busch Lt 24 pk cn	(1)	(\$15.99)	418701	2	07/02/2016 7:35:29 PM
Kristin Desm	Bud Light 24 pk Can	(1)	(\$16.99)	418701	2	07/02/2016 7:35:29 PM
Trevor Thompson	Mikes Cherry/Lime23.5oz	(1)	(\$2.99)	421649	2	07/16/2016 5:29:45 PM
Trevor Thompson	4 Loka UVA Grape	(1)	(\$2.49)	421649	2	07/16/2016 5:29:45 PM
Trevor Thompson	Ron Diaz 1.75 Ltr	(1)	(\$16.49)	421732	2	07/16/2016 8:10:42 PM
Trevor Thompson	Karkov Vodka 1.75 Ltr	(1)	(\$12.99)	421732	2	07/16/2016 8:10:42 PM
Trevor Thompson	Miller High Life 24 pk btl	(1)	(\$16.99)	421732	2	07/16/2016 8:10:42 PM
Trevor Thompson	Sauza Blanco Tequila	(1)	(\$16.49)	423156	1	07/23/2016 5:44:51 PM
Trevor Thompson	Sauza Margarita Mix 1.75L	(1)	(\$5.99)	423156	1	07/23/2016 5:44:51 PM
Trevor Thompson	Ice 20 lb Bag	(1)	(\$4.99)	423156	1	07/23/2016 5:44:51 PM
Trevor Thompson	Kinky Red Cocktails	(1)	(\$9.99)	423160	1	07/23/2016 5:47:12 PM
Trevor Thompson	Bartels James Pom/Ras Cooler	(1)	(\$4.99)	423160	1	07/23/2016 5:47:12 PM
Trevor Thompson	Coors Light 24 pk cn	(1)	(\$19.99)	423166	1	07/23/2016 5:52:13 PM
Trevor Thompson	Mich Golden Light 16oz 24 pk	(1)	(\$21.99)	424293	1	07/29/2016 6:01:32 PM
Trevor Thompson	Online Lotto Sale	(6)	(\$6.00)	424293	1	07/29/2016 6:01:32 PM
William Ludwig	Bud Light Lime 12 pk btl	(1)	(\$13.49)	420700	2	07/13/2016 1:23:03 PM
William Ludwig	Cuervo Classic Marg 1.75 Ltr	(1)	(\$15.99)	420700	2	07/13/2016 1:23:03 PM
William Ludwig	Coors Light 16oz 24 pk	(1)	(\$21.99)	420733	2	07/13/2016 3:47:55 PM
William Ludwig	Hendrick's Gin 750ml	(1)	(\$28.99)	421115	2	07/15/2016 2:54:32 PM
William Ludwig	Busch Lt 24 pk cn	(1)	(\$15.99)	423503	2	07/26/2016 12:41:05 PM
William Ludwig	Online Lotto Sale	(2)	(\$2.00)	423503	2	07/26/2016 12:41:05 PM
William Ludwig	E&J XO 1.75L	(1)	(\$24.99)	423530	2	07/26/2016 2:01:26 PM
William Ludwig	Steel Reserve Blk Berry	(1)	(\$1.99)	423536	2	07/26/2016 2:26:56 PM
Total		(42)	(\$439.00)			

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Negative Item Detail

<u>Cashier</u>	<u>Product description</u>	<u>Qty</u>	<u>Sold price</u>	<u>T #</u>	<u>Reg #</u>	<u>Date/Time</u>
April Mathies	Scratch Off Payout	3.00	(\$3.00)	424198	2	07/29/2016 3:49:26 PM
April Mathies	Scratch Off Payout	12.00	(\$12.00)	424203	2	07/29/2016 4:05:42 PM
Ethan Brown	Scratch Off Payout	1.00	(\$1.00)	417748	1	07/01/2016 4:49:00 PM
Ethan Brown	Scratch Off Payout	2.00	(\$2.00)	418990	2	07/04/2016 5:24:31 PM
Ethan Brown	Scratch Off Payout	15.00	(\$15.00)	420921	2	07/14/2016 4:29:25 PM
Ethan Brown	Scratch Off Payout	18.00	(\$18.00)	420948	2	07/14/2016 5:10:44 PM
Ethan Brown	Scratch Off Payout	3.00	(\$3.00)	420949	2	07/14/2016 5:11:50 PM
Ethan Brown	Scratch Off Payout	7.00	(\$7.00)	423406	2	07/25/2016 4:34:02 PM
Ethan Brown	Scratch Off Payout	1.00	(\$1.00)	423408	2	07/25/2016 4:37:41 PM
Jean Nichols	Scratch Off Payout	13.00	(\$13.00)	418887	1	07/04/2016 12:06:10 PM
Jean Nichols	Scratch Off Payout	12.00	(\$12.00)	418907	1	07/04/2016 1:26:11 PM
Jean Nichols	Scratch Off Payout	37.00	(\$37.00)	420229	2	07/09/2016 5:40:05 PM
Jean Nichols	Scratch Off Payout	5.00	(\$5.00)	420773	2	07/13/2016 5:31:50 PM
Jean Nichols	Online Lotto Payout	3.00	(\$3.00)	421880	2	07/18/2016 5:25:21 PM
Jean Nichols	Scratch Off Payout	2.00	(\$2.00)	421933	2	07/18/2016 7:56:07 PM
Jean Nichols	Scratch Off Payout	6.00	(\$6.00)	424820	2	07/30/2016 8:57:33 PM
Josh Mergen	Scratch Off Payout	27.00	(\$27.00)	422953	2	07/23/2016 11:40:10 AM
Kristin Desm	Scratch Off Payout	3.00	(\$3.00)	418413	2	07/02/2016 3:25:04 PM
Trevor Thompson	Scratch Off Payout	2.00	(\$2.00)	422719	2	07/22/2016 4:34:57 PM
Trevor Thompson	Scratch Off Payout	6.00	(\$6.00)	423174	1	07/23/2016 6:06:14 PM
Trevor Thompson	Scratch Off Payout	1.00	(\$1.00)	424822	1	07/30/2016 8:59:56 PM
Whitney Muetzel	Scratch Off Payout	10.00	(\$10.00)	419863	1	07/08/2016 6:54:22 PM
Whitney Muetzel	Scratch Off Payout	50.00	(\$50.00)	419932	1	07/08/2016 9:26:32 PM
Whitney Muetzel	Scratch Off Payout	7.00	(\$7.00)	419936	1	07/08/2016 9:33:55 PM
Whitney Muetzel	Scratch Off Payout	50.00	(\$50.00)	419936	1	07/08/2016 9:33:55 PM
Whitney Muetzel	Scratch Off Payout	10.00	(\$10.00)	422942	1	07/23/2016 10:47:23 AM
Whitney Muetzel	Scratch Off Payout	4.00	(\$4.00)	424028	2	07/28/2016 7:20:14 PM
William Ludwig	Scratch Off Payout	2.00	(\$2.00)	417408	2	07/01/2016 9:24:01 AM
William Ludwig	Scratch Off Payout	3.00	(\$3.00)	417410	2	07/01/2016 9:26:01 AM
William Ludwig	Scratch Off Payout	30.00	(\$30.00)	418363	2	07/02/2016 2:43:35 PM
William Ludwig	Scratch Off Payout	10.00	(\$10.00)	419070	2	07/05/2016 1:14:16 PM
William Ludwig	Online Lotto Payout	1.00	(\$1.00)	419269	2	07/06/2016 5:15:47 PM
William Ludwig	Scratch Off Payout	3.00	(\$3.00)	419487	2	07/07/2016 5:34:12 PM
William Ludwig	Online Lotto Payout	8.00	(\$8.00)	419577	2	07/08/2016 11:27:47 AM
William Ludwig	Online Lotto Payout	1.00	(\$1.00)	419621	2	07/08/2016 1:45:55 PM
William Ludwig	Online Lotto Payout	1.00	(\$1.00)	420012	2	07/09/2016 11:17:12 AM
William Ludwig	Scratch Off Payout	14.00	(\$14.00)	421569	1	07/16/2016 3:08:39 PM
William Ludwig	Online Lotto Payout	15.00	(\$15.00)	421963	2	07/19/2016 9:57:51 AM
William Ludwig	Scratch Off Payout	1.00	(\$1.00)	422205	2	07/20/2016 1:32:47 PM
William Ludwig	Scratch Off Payout	10.00	(\$10.00)	422382	2	07/21/2016 12:51:54 PM
William Ludwig	Scratch Off Payout	25.00	(\$25.00)	422466	2	07/21/2016 5:16:02 PM
William Ludwig	Scratch Off Payout	3.00	(\$3.00)	422470	2	07/21/2016 5:22:45 PM
William Ludwig	Online Lotto Payout	1.00	(\$1.00)	423308	2	07/25/2016 10:51:04 AM
William Ludwig	Online Lotto Payout	6.00	(\$6.00)	423523	2	07/26/2016 1:38:41 PM
William Ludwig	Online Lotto Payout	4.00	(\$4.00)	424082	2	07/29/2016 11:10:40 AM
Total		448.00	(\$448.00)			

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Theresa Sunde
Senior Manager, Government Relations

July 29, 2016

Dear Government Official:

The purpose of this letter is to inform you that effective on or about September 1, 2016, Mediacom will be adjusting the monthly rental pricing for our digital transport adapters (DTA) as follows:

Product:	Old Rate:	New Rate:	Net Change:
Standard Definition DTA	\$.99	\$1.99	\$1.00
High Definition DTA	\$1.99	\$2.99	\$1.00

As you may recall, Mediacom introduced DTAs to help our customers with older televisions continue to receive their television channels as we transitioned our Broadcast Basic and Expanded Basic video lineups from analog to digital. Recently, Mediacom enhanced the functionality of the DTAs by introducing a new on-screen guide. This on-screen guide allows customers to easily explore TV programming right from their remote control and get information on the shows they want to watch.

Depending on the terms of their contract, certain customers on promotional rates may not be impacted by these DTA pricing changes until the end of their promotional period.

In addition, Mediacom will be combining its high-speed internet modem and EMTA phone adapter equipment charges into a single data and phone modem charge. The standard monthly rental price for data and phone modems will be \$7.50 beginning September 1, 2016. Customers not wishing to lease a modem from Mediacom always have the option of buying their own compatible modem at retail.

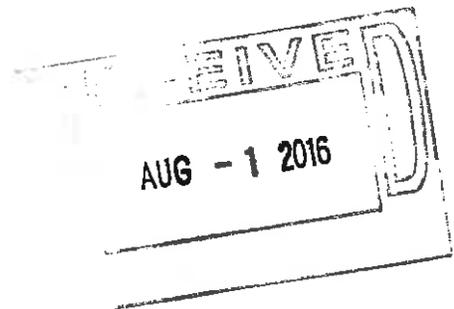
If you have any questions, please contact me directly at tsunde@mediacomcc.com.

Sincerely,

Sincerely,

Theresa Sunde

Theresa Sunde
Senior Manager, Government Relations



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NIGHT to UNITE!

Neighbors Joining Together

WHEN: AUGUST 9TH, 2016

FOOD: 5 - 7 P.M.

WHERE: GAZEBO PARK

FREE FOOD & BEVERAGES

MEET & GREET:
POLICE / FIRE / EMS

ACTIVITIES:

OBSTACLE COURSE

**SPONSORED BY:
MN ARMY NATIONAL GUARD**

4 - 7 PM



Giving Back due to YOUR Community Support!

We Thank You!

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APPRECIATION SUPPER



FOR ALL
City Council Members
City Officials

Township Board Members
ROSE Center Board Members
Area Center Board Members
(Spouses/guests are welcome)

Thursday August 18
6 PM

Paynesville Area Center

Please RSVP to either the
Area Center at 243-4799

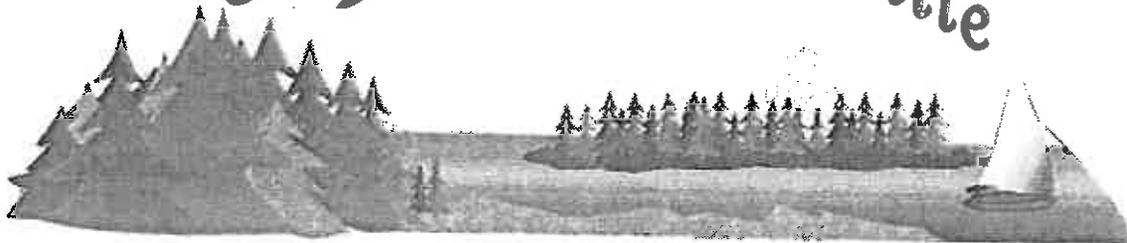
ROSE Center at 243-5144

Or e-mail pareacenter@gmail.com

By August 15

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City of Paynesville



A Lifetime Opportunity

August 2, 2016

Anthony Kreuter
714 Business 23 W.
Paynesville, MN 56362

RE: Administrative Citation #03239 – Barking Dog

Dear Mr. Kreuter:

Please find enclosed the minutes from the Administrative Fine Hear Board that includes the Finding of Facts.

As determined by the Board the \$100.00 Administrative Fine for the barking dogs would be waived if you would rehome the two Rottweiler/Huskie mix dogs to an environment that is more contusive to their nature within 30 days.

As per the City Ordinance the Administrative Fine Hearing Board has the final say; therefore, the Council will not be taking any further action on August 8, 2016.

Sincerely,


Renee Eckerly
City Administrator

RE/jlw
Enclosures
CC: Paul Wegner

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**MINUTES
ADMINISTRATIVE FINE HEARING BOARD**

JULY 29, 2016

The meeting was called to order at 3:00 p.m. Members present were Jean Soine, Kay McDaniel, and Renee Eckerly, City Administrator. Also in attendance were Police Chief Paul Wegner, Police Officer Nathan Johnson, Anthony Kreuter, Rebecca Kreuter, Vonda Christian, Jonah Christian and Pat Christian (via cellphone).

ELECTION OF OFFICERS

Motion was made by McDaniel to appoint Soine as Chairperson, McDaniel as Vice Chair, and Eckerly as Secretary. Seconded by Eckerly and unanimously carried.

ADMINISTRATIVE CITATION APPEAL - \$100.00 BARKING DOG CITATION

Eckerly reviewed for the audience the procedure for the meeting. The Board would hear testimony from all parties, then go into a closed session to deliberate and will make a finding of fact statement for sustaining the citation or for dismissing the citation. This written statement along with a recommendation will be given to the City Council on Monday, August 8, 2016 for final action.

Appealing Administrative Citation #03239 issued on July 19, 2016 for \$100.00 for barking dog. Documentation submitted for review was 70 pages of police reports and citations from Chief Wegner. There were no submissions from the Kreuters.

Paul Wegner, Police Chief gave a summary of the Police Departments responses to approximately 14 – 15 barking dog complaints at 720 Business 23 W, since March 2015. There has been five prior citations issued plus numerous warnings. He introduced Vonda, Jonah and Pat Christian (via cell phone). On July 19, 2016, a little before midnight a barking dog complaint was received by the Paynesville Police Department and Officer Nathan Johnson responded.

Nathan Johnson, Police Officer gave a verbal report that he responded to 720 Business 23 W. This was Officer Johnson's first contact with the residence at 720 Business 23 W. He arrived and sat in the squad car with the windows down to listen for the barking. He heard 5 to 7 continues dog barks coming from behind the residence. He then approached the door and spoke to Anthony Kreuter regarding the barking dogs. He said that Anthony told him he would let the dogs in and then would come back out to the squad car. In the squad car, they discussed options that could be done to keep the dogs from barking. Rebecca Kreuter came to the squad and wanted to know why they were getting a citation. Officer Johnson explained that this has been an ongoing issue and that they would continue to get citations as in the past for the barking dogs.

Pat Christian, neighbor was unable to attend in person so he was speaking on the Chief Wegners' cell phone, which was hard to understand what he was stating at times. He did say that the barking dogs have been going on for 1 ½ years. That he has tried to speak to the Kreuters about the barking, but they don't take any action to stop it. The dogs are locked up in

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a kennel outside all day and then taken in the house at night. The dogs never get to run or play or get any attention from the Kreuters. That is why they bark. He has spoken to the neighbors and they complain about the barking also but no one would come to this meeting.

Anthony Kreuter gave a verbal report that these complaints have been going on for two years. That the complaints are unfounded. He read through Chief Wegners' 70 page packet of police calls and citations and noted that they all state "unfounded". He feels he is being harassed by the Christians through the Police Department. Everyone in that block area has dogs; how do you know it is our dogs barking.

Rebecca Kreuter gave a verbal report that she has spoken to the neighbors and they don't have any issues with their dogs.

The Board asked how many dogs they have at 720 Business 23 W. Rebecca Kreuter reported 4 dogs at the ages of 3, 2, 1 ½ and 12; two are Rottweiler/Huskies mix. The kennel outside is 10 x 10.

Pat Christian stated that they run a business out of their house and with the dogs barking they have to go to the other end of the house to speak on the telephone. The Board asked if they had dogs and Pat responded that they did, but got rid of them. They have been living in their house for three years.

Vonda Christian verbally reported their house is a two store/three bedroom, but can't use one of the bedrooms because of the constant barking dogs. She stated that the Police have done everything that they can, but the Kreuters don't get it. They never let the dogs out of the kennel and now heard tonight that when the dogs go in the house they go into another kennel. This is no life for the dogs. They get no attention so they bark to get attention.

Jonah Christian verbally reported that he has two videos of the dogs barking on his phone that he would like to play for the Board. The first video that he played was from July 19, 2016 at 11:15 p.m. The second video he played was from July 27, 2016 at 10:44 p.m. He hardly ever sees the dogs outside of their cage.

The Board asked why there were no police calls from November 2015 until July 2016. Anthony Kreuter stated the dogs were kept inside during that time.

Chief Wegner stated that the wording "unfounded" in his documents that were submitted was automatically generated by the RMS computer software and not related in any way to the case or what the Officers saw or heard at 720 Business 23 W.

The Board asked if a bark collar had been purchased as suggested in one of the citations. Anthony responded that a collar was purchased, but didn't work and felt it was not humane. Rebecca stated she had purchases another anti-barking device and they worked, but she went through three of them and they were expensive.

Chairperson Soine asked if there was any more testimony or comments before the Board went into closed session to deliberate.

Closed session opened at 3:35 p.m.

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Regular session re-opened at 3:50 p.m.

Finding of Fact:

City ordinance states that there is a limit of two dogs per household and the Kreuters' have four. The Board's knowledge of Huskies is that they are a vocal dog and like a lot of attention and to bark/howl. The Board did not have any knowledge of the behavior of a Rottweiler except that it is a big dog. The Board believes that a 10 x 10 kennel is not big enough for dogs of this size, nor is the city a good environment for the two Rottweiler/Huskies. The Board discussed that you can't change the nature of the dog, so if the nature of the dog is to be vocal and bark then you shouldn't use a device to stop that. The owner should be in an area where the dog can be itself and be vocal. The Board understands this is a difficult process to rehome your pets, but it is in the best interest of the dogs.

Conclusion: The two Rottweiler/Huskies mixed dogs should be rehomed to an environment that is more conducive to their nature. That would put the residence in compliance with the animal ordinance of two and eliminate the barking complaints and continuous \$100.00 citations.

The Board gave credit to the Kreuters for all the options they have tried to quiet the dogs.

Motion was made by McDaniel to waive the \$100.00 Administrative Fine for barking dogs if the Kreuters rehome the two Rottweiler/Huskies mix to an environment that is more conducive to their nature within the next 30 days. Seconded by Eckerly and unanimously carried.

Since everyone was outside the room when the Board came back in session. Chairperson Soine verbally gave a briefing on the Board's decision and that the Fact and Finding would now go to the City Council for final action.

There being no further business the meeting was adjourned at 3:55 p.m.

SEC. 2.50. PROCEDURES FOR ENFORCING ADMINISTRATIVE OFFENSES.

Subd. 1. Purpose and Intent. Purpose: Administrative offense procedures established pursuant to this Section are intended to provide the public and the City of Paynesville with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain City Code provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for thereafter, the individual may withdraw from participation in the procedures, in which event the City may bring criminal charges in accordance to law. Likewise, the City of Paynesville in its discretion may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty, which may be imposed, the City of Paynesville will seek to collect the costs of administrative offense procedures as part of a subsequent criminal sentence, in the event the party is charged and is adjudicated guilty of the criminal violation.

Subd. 2. Administrative Offense Defined. An administrative offense is a violation of a provision of the City Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 9, entitled "Offenses and Penalties", hereinafter.

Subd. 3. Notices. Any officer of the City of Paynesville Police Department or any other person employed by the City, authorized in writing by the Mayor of Paynesville, and having authority to enforce the City Code, shall upon determining that there has been a violation, notify the violator, or in the case of a non-moving vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

Subd. 4. Payment. Once such notice is given, the alleged violator may, within fifteen (15) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or within seven (7) days may request a hearing in writing, as is provided hereinafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

Subd. 5. Hearing. Any person contesting an administrative offense pursuant to this Section may, within seven (7) days of the time of issuance of the notice, request a hearing by the Hearing Board who shall forthwith conduct an informal hearing to determine if a violation has occurred. The Hearing Board shall have the authority to dismiss the violation or reduce or waive the penalty imposed. If the violation is sustained by the Hearing Board, the violator shall pay the penalty imposed within seven (7) days.

Subd. 6. Hearing Board. The Council shall appoint a Hearing Board consisting of three (3) members, two (2) members of the City Council and the City Administrator. The Hearing Board is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section. If, following a hearing the Hearing Board is divided, then the majority of the Hearing Board shall rule. If the majority finds that the violation has occurred, the violation is sustained. If a majority finds that the violation has not occurred, the violation has not been sustained.

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Subd. 7. Failure to Pay. In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the Hearing Board, no such charge may be brought by the City of Paynesville for the same violation.

Subd. 8. Disposition of Penalties. All penalties collected pursuant to this Section shall be paid to the City of Paynesville and deposited in the General Fund.

Subd. 9. Offenses & Penalties. Offenses which may be charged as administrative offenses and the penalties for such offenses, shall be established by resolution of the City Council from time to time. Copies of such resolution shall be maintained in the Office of the City Administrator.

Subd. 10. Subsequent Offenses. In the event a party is charged with a subsequent administrative offense within a twelve (12) month period after paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty.

Subd. 11. This Ordinance shall supersede and repeal all prior inconsistent ordinances. This ordinance shall be effective upon its passage and publication as required by law.

Source: Ordinance No. 57, 2nd Series
Effective Date: 8-21-2003

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